



## *Repertoire of the Practice of the Security Council*

**18th Supplement**

**2012-2013**

Department of Political Affairs - Security Council Affairs Division  
Security Council Practices and Charter Research Branch

### **21. Items relating to the situation in the former Yugoslavia**

#### **A. The situation in Bosnia and Herzegovina**

##### **Overview**

During 2012 and 2013, the Security Council held six meetings on the situation in Bosnia and Herzegovina, adopting two resolutions. The High Representative for Bosnia and Herzegovina briefed the Council four times during the period under review on the evolving political and security situation, as well as the current and future challenges facing the country. During those meetings, the Council discussed the progress achieved and remaining challenges in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement),<sup>1</sup> as well as the activities of the Office of the High Representative and the relationship of Bosnia and Herzegovina with the European Union.

The Council extended the authorization of the European Union Force (EUFOR)-Althea, and the North Atlantic Treaty Organization (NATO) presence, twice for periods of twelve months, including authorization for the participating Member States to take all necessary measures to assist both organizations in carrying out their missions.<sup>2</sup>

The table at the end of the section lists the meetings at which this item was considered, and gives information on, inter alia, invitees, speakers and decisions adopted.

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<sup>1</sup> [S/1995/999](#).

<sup>2</sup> Resolutions [2074 \(2012\)](#) and [2123 \(2013\)](#). For more information on EUFOR Althea, see part VIII, sect. III. with regard to regional peacekeeping operations.

## **Briefings by the High Representative on progress achieved on the implementation of the Dayton Peace Agreement and subsequent setbacks**

On 15 May 2012, the Council was briefed by the High Representative for Bosnia and Herzegovina on recent developments presented also in his latest report.<sup>3</sup> He outlined the progress recently achieved on the implementation of the Dayton Peace Agreement, most notably, the appointment of a Bosnian Croat Prime Minister which followed the principle of rotation of the ethnicity, and the agreement reached by the six main parties on the ownership of defence and State property, two of the issues identified as preconditions for the closure of the Office of the High Representative. As the political process was based on dialogue, 2012 in his view could indeed be a breakthrough year on the path towards full Euro-Atlantic integration. However, several challenges remained, including the continuity of divisive political agendas challenging the Dayton Peace Agreement and the territorial integrity of Bosnia and Herzegovina, as well as the considerable delays in adopting the State budget.<sup>4</sup>

Council members generally welcomed the significant progress achieved by Bosnia and Herzegovina during the reporting period, particularly in forming a national Government, advancing towards Euro-Atlantic integration and accession to the NATO membership action plan, as well as in meeting the criteria of the Peace Implementation Council for closing the Office of the High Representative. Nonetheless, speakers also called on all parties to address the wide range of remaining political and economic challenges to establish a new, multi-ethnic society and shared the concerns raised by the High Representative with regard to the continuing nationalistic rhetoric used by senior officials challenging Bosnian sovereignty and the authority of the High Representative, and attempting to roll back past reforms. Stating that the analysis of the High Representative was still tainted by a biased criticism of the leadership of the Bosnian Serbs, the representative of the Russian Federation affirmed that despite the ongoing differences, inter-Bosnian dialogue was moving forward and underscored his opposition to interference by the international community in the internal Bosnian negotiation process. In that connection, he stated that the Russian Federation was

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<sup>3</sup> [S/2012/307](#).

<sup>4</sup> [S/PV.6771](#), pp. 2-4.

categorically opposed to the arbitrary use by the High Representative of his Bonn powers, emphasizing that the use of emergency measures could be justified only in exceptional circumstances by gross violations of the Dayton Peace Agreement that were likely to destabilize the situation in Bosnia and Herzegovina. At the same time, he welcomed the partition of the post between the High Representative and that of the Special Representative of the European Union in the context of a possible strengthening of the European Union military operation in Bosnia and Herzegovina as a step towards closing down the Office of the High Representative.<sup>5</sup>

On 13 November 2012, the High Representative for Bosnia and Herzegovina presented his latest report to the Council covering developments between April and October of that year.<sup>6</sup> Stating that Bosnia and Herzegovina was irreversibly on track towards integration into the European Union and NATO, the High Representative noted that it had been a full year since the transition and reconfiguration of the international presence in that country, with the completion of the decoupling of the European Union Special Representative from his Office and its incorporation into the stand-alone European Union delegation. He regretted nonetheless that gains made earlier in the year, including the appointment of a central Government and the adoption of the State budget, had seriously deteriorated, bringing the country to a gridlock as the political parties disputed the reconfiguration of the governing coalition, which had diverted attention from pressing challenges. Another issue of concern to him had been the rise of secessionist rhetoric by the Republika Srpska leadership. At the same time he noted the positive developments, including the closing of the Office of the High Representative in the Brcko district on 31 August 2012, with the local authorities taking full responsibility for the local affairs, and the landmark ruling by the Constitutional Court of Bosnia affirming the primacy of the State's ownership of public property, which was the second of the five objectives for the closing of his Office. In addition, the High Representative underscored that the 7 October 2012 municipal elections had passed largely without incident and noted that despite some controversy surrounding the registration and

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<sup>5</sup> Ibid., pp. 15-16.

<sup>6</sup> [S/2012/813](#).

counting in Srebrenica, they had resulted in the election of a Bosniak Mayor and an equal distribution of seats between Serbs and Bosniaks in the Municipal Assembly. He further noted that the still heavily divided city of Mostar had been the only community in the country that did not hold local elections.<sup>7</sup>

Speakers generally welcomed the fact that the overall security situation in the country remained stable and praised the successful local elections organised and conducted solely by Bosnians as a significant political achievement for the country. Many speakers however expressed their general disappointment at the stagnation and setbacks in the past six months, and condemned the intensification of divisive and nationalistic rhetoric that could undermine the sovereignty and territorial integrity of Bosnia and Herzegovina. In that connection, they affirmed that the situation required full attention of the Council. While agreeing that the situation in Bosnia and Herzegovina had deteriorated somewhat over the past six months, the representative of the Russian Federation stated that the main task of the international community in the current phase of the Bosnian settlement process was to transfer responsibility to the Bosnians themselves. In that regard, he reiterated his position in favour of abolishing the Office of the High Representative and welcomed the suspension of the Office of the Brcko Supervisor as a first step in that direction.<sup>8</sup> The representative of Pakistan, on the other hand, stated that due to the lack of progress on the implementation of the “5+2” agenda, the time was not right for considering the closure of the Office of the High Representative and that, in the present circumstances, there were in fact compelling reasons for the continuity of that mission.<sup>9</sup> Finally, stressing that Bosnia and Herzegovina was a State of all its citizens, regardless of ethnicity or faith, several speakers called for the implementation of the verdict of the European Court of Human Rights on the *Sejdić-Finci* case of 22 December 2009.

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<sup>7</sup> [S/PV.6860](#), pp. 2-4.

<sup>8</sup> *Ibid.*, pp. 8-9.

<sup>9</sup> *Ibid.*, p. 7.

## **Extension of the authorization of European Union Force-Althea**

On 14 November 2012, the Council unanimously adopted resolution [2074 \(2012\)](#), by which it, inter alia, welcomed the reconfiguration of the EUFOR-Althea, completed in September 2012, with a reduced number of forces to continue an executive military role to support the efforts of Bosnia and Herzegovina to maintain a safe and secure environment, under a renewed United Nations mandate. Acting under Chapter VII of the Charter, the Council authorised the renewal of EUFOR-Althea in Bosnia and Herzegovina for a further period of twelve months, as well as the continuation of a NATO Headquarters, authorising Member States to take all measures necessary to effect implementation of and to ensure compliance of the Peace Agreement.<sup>10</sup>

## **Briefing by the High Representative on the deterioration of the political and economic situation in Bosnia and Herzegovina**

On 14 May 2013, the High Representative for Bosnia and Herzegovina stated that in the previous six months, the political leaders had continued to fail to reach the compromises necessary to meet requirements of Euro-Atlantic integration and to tackle serious economic and social challenges facing the country. He further noted that recent developments had been dominated by the deepening political and constitutional crisis in the Federation where the newly elected parliamentary majority had not been able to remove the existing Government, culminating with the arrest of the President of the Federation on 26 April. On the other hand, there had been some positive aspects, namely, the smooth reshuffling of the Republika Srpska Government in March, the regular meetings of the Council of Ministers and the adoption of the 2013 budget on time for the first time in two years. In addition, the High Representative highlighted that the presence of the European Union and NATO military missions had continued to assure stable security situation on the ground.<sup>11</sup>

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<sup>10</sup> [S/PV.6861](#).

<sup>11</sup> [S/PV.6966](#), pp. 2-4.

Many speakers regretted the further deterioration of the political and economic situation in Bosnia and Herzegovina with personal and political interests taking priority over the most pressing needs of the country. While welcoming the recent developments outlined by the High Representative, speakers reaffirmed the need for the parties to engage in a constructive dialogue and work together to meet the criteria of the “5+2” agenda, which would pave the way towards European Union and NATO membership as well as the eventual closure of the Office of the High Representative. The representative of the Russian Federation agreed that the situation in Bosnia and Herzegovina continued to worsen, arguing that the exacerbation of antagonism between the two primary Bosnian parties had undermined the effectiveness of the intra-Bosnian dialogue, creating complications for the central Bosnian institutions.<sup>12</sup>

### **Extension of the authorization of European Union Force-Althea and briefing by the High Representative**

On 12 November 2013, the Council unanimously adopted resolution [2123 \(2013\)](#),<sup>13</sup> by which it, acting under Chapter VII of the Charter, reminded the parties that, in accordance with the Dayton Peace Agreement, they had committed themselves to cooperate fully with all entities involved in the implementation of that peace settlement. The Council also authorised the renewal of EUFOR-Althea for a further period of twelve months, as well as the maintenance of a NATO Headquarters, stressing that the parties should continue to be held equally responsible for compliance with the Peace Agreement and should be equally subject to enforcement action by EUFOR-Althea and the NATO presence as necessary.

On the same day at a separate meeting, the High Representative stated that less than a year until the next general elections, the political leaders of Bosnia and Herzegovina had continued to fail to make a serious effort towards progress on Euro-Atlantic integration. In that context, demonstrations had taken place throughout the country by which the public had

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<sup>12</sup> Ibid., pp. 8-9.

<sup>13</sup> [S/PV.7055](#).

expressed its dissatisfaction with the inertia of elected leaders. Although the general trend of the previous six months had been negative, the High Representative affirmed that there had been some exceptions, such as the first successful population census conducted in twenty years and the diminished intensity of political crisis in the Federation.<sup>14</sup>

Reiterating that the security situation in Bosnia had remained stable over the reporting period, speakers welcomed the significant developments described by the High Representative, as well as his work in implementing the Dayton Peace Agreement. Most speakers highlighted their concern regarding the lack of significant and tangible progress to implement the pending prerequisites of the “5+2” agenda. They also reiterated their appeal to the political leadership of Bosnia and Herzegovina to implement the decision of the European Court of Human Rights in the *Sejdić-Finci* judgement to ensure the protection of rights of ethnic minority groups, a pre-requisite for European integration. The representative of the Russian Federation maintained that decisions on key issues of the Bosnian settlement process should be made in agreed-on international forums such as the Security Council and the Peace Implementation Council Steering Board, whose consensus-based work was crucial.<sup>15</sup>

While asserting that the security situation in his country remained calm and stable, and regretting that the obvious improvement in regional cooperation had not been clearly emphasized in the report of the High Representative,<sup>16</sup> the representative of Bosnia and Herzegovina recognized the current standoff in the political process and the necessity to develop a positive atmosphere that would foster constructive political dialogue and lead to a resolution of the outstanding issues.<sup>17</sup>

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<sup>14</sup> [S/PV.7057](#), pp. 2-3.

<sup>15</sup> *Ibid.*, pp. 8-9.

<sup>16</sup> [S/2013/646](#).

<sup>17</sup> [S/PV.7057](#), pp. 18-19.

### Meetings: the situation in Bosnia and Herzegovina

<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
<a href="#">S/PV.6771</a> 15 May 2012	Letter dated 9 May 2012 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2012/307</a> )		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the delegation of the European Union to the United Nations	All Council members, Croatia, Serbia and all invitees under rule 39	
<a href="#">S/PV.6860</a> 13 November 2012	Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2012/813</a> )		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the delegation of the European Union to the United Nations	All Council members, Croatia, Serbia and all invitees under rule 39 <sup>a</sup>	
<a href="#">S/PV.6861</a> 14 November 2012	Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2012/813</a> )	Draft resolution submitted by Azerbaijan, France, Germany, Italy, Portugal, Russian Federation, United Kingdom, United States ( <a href="#">S/2012/830</a> )	Bosnia and Herzegovina, Italy			Resolution <a href="#">2074 (2012)</a> 15-0-0 (adopted under Chapter VII)



<i>Meeting and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
<a href="#">S/PV.6966</a> 14 May 2013	Letter dated 3 May 2013 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2013/263</a> )		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the delegation of the European Union to the United Nations	All Council members and all invitees	
<a href="#">S/PV.7055</a> 12 November 2013	Letter dated 5 November 2013 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2013/646</a> )	Draft resolution submitted by Azerbaijan, France, Germany, Italy, Luxembourg, Russian Federation, United Kingdom, United States ( <a href="#">S/2013/652</a> )	Bosnia and Herzegovina, Germany, Italy			Resolution <a href="#">2123 (2013)</a> 15-0-0 (adopted under Chapter VII)
<a href="#">S/PV.7057</a> 12 November 2013	Letter dated 5 November 2013 from the Secretary-General addressed to the President of the Security Council ( <a href="#">S/2013/646</a> )		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the delegation of the European Union to the United Nations	All Council members and all invitees	

<sup>a</sup> Although the Head of the delegation of the European Union to the United Nations was invited under rule 39, it was the Deputy Head of the delegation of the European Union to the United Nations who made the statement.