



Security Council

Seventy-sixth year

8823rd meeting
Thursday, 22 July 2021, 3 p.m.
New York

Provisional

President: Mrs. Broadhurst Estival (France)

Members:

China	Mr. Geng Shuang
Estonia	Mr. Jürgenson
India	Mr. Raguttahalli
Ireland	Mr. Flynn
Kenya	Mr. Kiboino
Mexico	Mr. Ochoa Martínez
Niger	Mr. Soumana
Norway	Ms. Syed
Russian Federation	Mr. Polyanskiy
Saint Vincent and the Grenadines	Ms. DeShong
Tunisia	Mr. Ben Lagha
United Kingdom of Great Britain and Northern Ireland . .	Ms. Farrey
United States of America	Mr. Mills
Viet Nam	Mr. Dang

Agenda

The situation in Bosnia and Herzegovina

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2021/667, which contains the text of a draft resolution submitted by China and the Russian Federation.

The Council is ready to proceed to the vote on the draft resolution before it.

I shall first give the floor to those members of the Council who wish to make statements.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): The Russian Federation, as a responsible member of the international community and a permanent member of the Security Council, takes very seriously its responsibilities regarding post-conflict solutions and ensuring good-neighbourly intercommunal relations in Bosnia and Herzegovina. Our country is a guarantor of the Dayton Agreement and a participant in the Steering Board of the Peace Implementation Council.

We are convinced that the goal of strengthening peace, stability, security and social development of Bosnia and Herzegovina can be achieved only through compliance with the fundamental principles of the Dayton Agreement: independence, sovereignty and territorial integrity, and equal rights for all three of its constituent peoples the two constituent entities with broad constitutional powers.

It has been more than 25 years since the signing of the Dayton Agreement. During that time, the High Representative, who initially was supposed to play a stabilizing role in the country, has gradually acquired a complex web of powers and competences, including under the Bonn Powers, and has basically become a kind of unilateral czar and is allowed to “render justice” with impunity. In a post-war situation, perhaps his role was justified by the necessity to reconcile the warring parties, but now the situation on the ground is completely different. The country has more than once demonstrated its sustainability, including as a non-permanent member of the Security Council and

the President of the Committee of Ministers of the Council of Europe, and no longer requires this kind of humiliating tutelage.

Nevertheless, the High Representative is clinging to the role of tutelary authority that is inappropriate in all respects and continues to influence the process of the peace settlement, now in a negative way. That explains the lack of consensus among the Bosnian constituent parties regarding the appointment of Christian Schmidt of Germany by certain members of the Steering Board of the Peace Implementation Council.

The consequences of that decision could be unpredictable and quite dangerous. The positive achievements registered during the post-conflict period are now under threat of being destroyed. That kind of scenario, which no one would like to see, could be compounded by attempts to bypass the Security Council in appointing the new High Representative. We believe that the positions of certain representatives on the Steering Board are not sufficient for Mr. Schmidt to be considered as the new High Representative. The Dayton Agreement and the experience of the past 25 years demonstrates that the role of the Security Council in appointing a new High Representative is irreplaceable.

The Security Council continues to be involved in the post-Dayton peace process under Chapter VII and, in fact, in Bosnia and Herzegovina we hear those kinds of similar opinions. Guided by that and in the interests of strengthening peace and stability in Bosnia and Herzegovina and the Balkans in general, Russia and China have decided to put before the Council the draft resolution contained in document S/2021/667, which is aimed at eliminating the aforementioned illegal gaps and problems.

As a gesture of goodwill and in the spirit of compromise, the draft foresees the final extension of the Office of the High Representative for another year while limiting his unjustified and essentially colonial type of powers.

We hope that our colleagues in the Security Council will show the wisdom necessary to support draft resolution S/2021/667, thereby avoiding negative consequences concerning the appointment of the High Representative.

Mr. Geng Shuang (China) (*spoke in Chinese*): As a sponsor of draft resolution S/2021/667, China would

like to elaborate on two major issues before the vote is taken.

First, with regard to the appointment of the High Representative for Bosnia and Herzegovina, the High Representative has an important bearing on the situation in Bosnia and Herzegovina. Whether or not the appointment procedures of the High Representative are just and reasonable puts at stake the legitimacy of the High Representative who is thereby selected, the authority of the Security Council on issues related to Bosnia and Herzegovina and the fundamental interests of the State and the people of Bosnia and Herzegovina. As such, this issue must receive the full attention of the international community, not least the Security Council.

Under the Dayton Peace Agreement, the Security Council plays an undeniable role in the appointment of the High Representative, a long-standing and established practice for which prior appointments have set precedents. To ignore that practice — or worse, to attempt to force through appointments by circumventing the Council — would set a deplorable new precedent and have a negative impact. To do so would be neither reasonable nor advisable.

Secondly, on the issue of the position of the High Representative itself, as China has stressed on many occasions, the High Representative system and the powers emanating from the Bonn Peace Implementation Conference represent a special arrangement for a specific period. More than twenty-five years after the end of the war in Bosnia and Herzegovina, the situation in that country has undergone profound changes. In the new circumstances, a number of parties in Bosnia and Herzegovina have different views regarding the High Representative system.

Maintaining that system and the Bonn powers is no longer in line with the actual needs of the State and the people of Bosnia and Herzegovina, and neither does it help the country exercise its sovereignty or achieve independence and autonomy. The international community should provide assistance to Bosnia and Herzegovina that is commensurate with developments on the ground.

China and Russia jointly submitted draft resolution S/2021/667 in order to maintain the authority and established practices of the Security Council, safeguard the sovereignty and independence of Bosnia and Herzegovina and respond to the concerns and aspirations of the people of Bosnia and Herzegovina.

We call on Council members to vote in favour of the draft resolution.

The President (*spoke in French*): I shall now put to vote the draft resolution contained in document S/2021/667, submitted by China and the Russian Federation.

A vote was taken by a show of hands.

In favour:

China, Russian Federation

Against:

None

Abstaining:

Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): The draft resolution received 2 votes in favour, none against and 13 abstentions. The draft resolution has not been adopted, having failed to obtain the required number of votes.

I shall now give the floor to those members of the Council who wish to make statements after the voting.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): We note with regret that today the Security Council was unable to adopt draft resolution S/2021/667, on the appointment of the High Representative for Bosnia and Herzegovina, and that the candidacy of Mr. Christian Schmidt was not approved by the Security Council. We have warned that any attempts by our colleagues to avoid involving the Security Council in this process are not only illegitimate but also dangerous. Therefore, following the resignation of Mr. Valentin Inzko, the post will remain vacant. There is no legal basis to what transpired.

We call on the Western members of the Council not to exacerbate the situation and to return to normal and coordinated work in the framework of the Steering Board of the Peace Implementation Council. For our part, we have always been and remain open to constructive cooperation with all the parties concerned.

In particular, we should like to advise our colleagues on the Council against taking further destructive steps, especially with regard to supporting illegitimate

candidates for the post of High Representative. Such short-sighted actions are only likely to complicate the internal political situation in Bosnia and Herzegovina, effectively undoing the achievements of the international community over the past 25 years, which would undoubtedly jeopardize the peace agreement on Bosnia and Herzegovina.

Mr. Geng Shuang (China) (*spoke in Chinese*): China regrets that draft resolution S/2021/667, confirming the support of the Security Council for the appropriate extension of the mandate of the High Representative for Bosnia and Herzegovina, was not adopted. That means that the candidate nominated by the relevant parties failed to receive the Council's endorsement and therefore lacks legitimacy.

I would like to stress that China has always respected the sovereignty, independence, national unity and territorial integrity of Bosnia and Herzegovina and believes that its people have the ability and wisdom to resolve their problems. The Office of the High Representative has become an anachronism. The international community must examine the specific approach through which support is provided to Bosnia and Herzegovina in implementing the Dayton Peace Agreement in order to adapt it better to the needs of the people of Bosnia and Herzegovina.

Mr. Flynn (Ireland): I would like to set out Ireland's position on this issue and its decision to abstain in the voting today.

Ireland fully supports the Office of the High Representative for Bosnia and Herzegovina and believes that its role remains vital to the work of building a stable and prosperous future for Bosnia and Herzegovina. We welcome the decision of the Steering Board of the Peace Implementation Council on the appointment of Mr. Christian Schmidt as High Representative and look forward to working with him.

Our clear view is that the expression of support by the Security Council is not legally necessary for the decision of the Steering Board to appoint a new High Representative to take effect. We are open in principle to a draft resolution welcoming and agreeing to the appointment of the new High Representative.

We abstained in the voting on draft resolution S/2021/667, as it would constrain the powers of the High Representative and impose a time frame for the closure of the Office of the High Representative, which

we cannot accept. We recall that the most recent report transmitted by the Secretary-General (see S/2021/409) notes that progress has not been made in implementing the 5+2 agenda, the completion of which is a prerequisite for the closure of the Office.

I would like to conclude by reaffirming once again that it is Ireland's wish to see Bosnia and Herzegovina become a stable and prosperous country. We support the work of all those who can assist the country with that objective.

Mr. Mills (United States of America): The United States welcomes the appointment of Christian Schmidt by the Steering Board of the Peace Implementation Council. However, the United States, together with its partners in the Security Council, will not support a text that undermines the Dayton Peace Agreement and decisions made by the Steering Board of the Peace Implementation Council. Therefore, we abstained in the voting on draft resolution S/2021/667.

Christian Schmidt was appointed by the Steering Board as the new High Representative on 27 May. All Steering Board members, except Russia, agreed to Mr. Schmidt's appointment. Steering Board decisions do not require unanimity. On 3 June, High Representative Inzko informed the Secretary-General of the appointment, and a letter was sent to the President of the Security Council. Mr. Schmidt will assume his position on 1 August. There is no determinative role for the Secretary-General or the Security Council in the appointment process, and no requirement that the Council take action to confirm Mr. Schmidt's designation.

The Security Council and support from the Council have never been required to designate a High Representative. The international community concurs on the long-term objective to close the Office of the High Representative. The conditions for closing the Office were clearly laid out in 2008 in the 5+2 agenda, with the support of the entire Steering Board of the Peace Implementation Council, including Russia. Those conditions have not yet been achieved. As expressed by many Security Council members once again at the meeting on 4 May (see S/2021/436), in support of the 5+2 agenda, urgent reforms for a stable Bosnia and Herzegovina are still needed and nationalistic rhetoric continues to divide the country, prohibiting real progress on reforms.

In contradiction to the 5+2 agenda that it had previously supported for years, Russia has expressed, including in the Council, that the Office should be closed without delay. Although today's draft resolution welcomed Mr. Schmidt's appointment, it also included language calling for the closure of the Office of the High Representative without the 5+2 conditions being achieved. That went against almost more than a decade of international agreement and would have been an unprecedented decision of the Security Council.

The objective and critical role of the High Representative in this process are essential to ongoing efforts for peace and security and stability in Bosnia and Herzegovina and remain so until the conditions of the 5+2 agenda are met. Those conditions have been endorsed by the Security Council numerous times, most recently in November 2020. For those reasons, Mr. Schmidt's appointment merits the support of the international community.

In conclusion, it is in the interest of the Security Council to maintain an open channel with the Office of the High Representative, including through the regular submission of reports and opportunities for the High Representative to brief the Security Council. For all those reasons, the United States abstained in the voting on today's draft resolution.

Mr. Jürgenson (Estonia): Like the majority of Security Council members, Estonia abstained in the voting on the draft resolution (S/2021/667) proposed by Russia and China. The text did not meet our expectations. The draft resolution was put forward to display divisions in the Council, not to resolve any of the issues at stake. The fact that 13 members of the Security Council decided to abstain in the voting on the draft shows that the initiative was not carried out in a spirit of compromise. Instead, the approach can be described as unaccommodating and unconstructive.

Estonia welcomes and agrees to the appointment of Mr. Christian Schmidt as High Representative for Bosnia and Herzegovina. That decision of the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina is fully legitimate. I reiterate Estonia's full support for a robust and effective Office of High Representative in Bosnia and Herzegovina. Its work remains relevant and instrumental in helping to facilitate dialogue, resolve disputes and enhance cooperation between the parties. Estonia strongly supports Bosnia and Herzegovina's sovereignty and

territorial integrity. We are certain that its future is adjoined to the Euro-Atlantic path.

Ms. Syed (Norway): Norway would like to make two points to explain its abstention in the voting on draft resolution S/2021/667. Let me first stress that Norway maintains its full support for the Office of the High Representative in Bosnia and Herzegovina, its ongoing work towards the implementation of the civilian aspects of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the principles of the 5+2 agenda, as the conditions for the closure of the Office of the High Representative. Norway supports the decision of the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina to appoint Mr. Christian Schmidt as High Representative.

It is our support of those principles and belief that the well-established requirements must be met prior to the closure of the Office of the High Representative that necessitated our abstention today, together with most of our colleagues. We call on the authorities of Bosnia and Herzegovina to take the necessary steps to complete the 5+2 agenda.

Secondly, we underline our belief that any Council product should be the result of dialogue and follow standard practice, unless another option is necessary.

In conclusion, we sincerely regret the fact that the draft text does not represent the view of all Council members.

Ms. Farrey (United Kingdom): The United Kingdom abstained in the voting on today's draft resolution S/2021/667 to show its support for the Office of the High Representative in Bosnia and Herzegovina and to reject attempts to limit its powers or end the role of the High Representative prematurely. It remains the case that a resolution or other Security Council product is not and has never been a legal requirement for the appointment of the new High Representative, Mr. Christian Schmidt.

Mr. Schmidt was successfully appointed by the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina on 27 May, and will take up his role on 1 August, regardless of action taken or not taken by the Security Council. Nevertheless, we have made clear that we have no objection to and could support a resolution or letter from the Security Council welcoming the appointment, in accordance with the Council's previous practice. However, we

cannot accept a resolution that seeks the premature closure of the Office of the High Representative and the termination of its executive powers, and that imposes an artificial time limit on Council support for Mr. Schmidt's appointment.

Those proposals go beyond the previous practice of the Security Council and encroach upon matters that are the responsibility of the Peace Implementation Council. They are inconsistent with the 5+2 criteria, set by the Steering Board of the Peace Implementation Council for the closure of the Office of the High Representative, which, to date, unfortunately, have not been met. They are inconsistent with the Security Council's endorsement of the 5+2 criteria, reiterated in recent statements by many Council members and in resolution 2549 (2020), adopted unanimously last year.

The focus of the Security Council should remain on supporting the stability and security of Bosnia and Herzegovina. The Office of the High Representative remains vital in overseeing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina — the Dayton Peace Agreement. For the Council to unilaterally renege on its long-standing commitment to the 5+2 criteria would undermine that agreement and set a dangerous precedent for our work.

Today's draft resolution has failed not because of a lack of support for the Office of the High Representative, but because of the Council's enduring support for the High Representative's role and relevance, until such time that Bosnia and Herzegovina has met the required conditions for closure.

Mr. Dang (Viet Nam): Our vote today takes place against the backdrop of an ongoing complex situation in Bosnia and Herzegovina. Serious concerns remain about the continuation of divisive rhetoric and political discord among the entities and the community. At the same time, the coronavirus disease pandemic has further exacerbated daily hardship and tensions. Those risks compound the long-term root causes of instability and threaten prospects for peace and reconciliation in the country.

To address such challenges, the parties concerned and the international community should strive for stronger commitments and practical measures, aimed at building peace, promoting development and improving the well-being of the people. Dialogue and confidence-building measures remain important in that regard. International partners should support efforts by

the leaders, the community and the people of Bosnia and Herzegovina, in a constructive and meaningful manner, and in accordance with international law and the legitimate aspirations of the country and its people.

In that process, the implementation of the Dayton Peace Agreement and Security Council resolutions and decisions should ensure the sovereignty, independence, unity and territorial integrity of Bosnia and Herzegovina and facilitate dialogue and the peaceful resolution of differences among the parties concerned, in the interest of long-term peace and development in the country, as well as in the Western Balkans.

With that in mind, it is our view that Council members should strive to avoid diverging views on the complex and delicate situation in Bosnia and Herzegovina. We hope that all those concerned will continue to constructively engage in dialogue in order to find common ground and achieve consensus, while taking into account the legitimate interests and aspirations of both sides.

Mr. Ochoa Martínez (Mexico) (*spoke in Spanish*): I would like to explain Mexico's abstention in the voting on today's draft resolution S/2021/667, which the Council just considered.

Mexico welcomes the appointment of Mr. Schmidt as High Representative for Bosnia and Herzegovina by the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina. Although, in the past, Council members expressed their views about the appointment of the High Representative, today's text includes elements, which Mexico believes are not within the purview of the Security Council, in particular those that refer to the Bonn Powers.

We also believe that it is premature to consider the closure of the Office of the High Representative because not enough progress has been achieved with regard to the objectives and conditions of the 5+2 agenda.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

France abstained in the voting on draft resolution S/2021/667, introduced by the Russian Federation and China, because it is not up to the Security Council to set conditions for the appointment of Christian Schmidt or to decide on the closure of the Office of the High Representative in Bosnia and Herzegovina.

As a number of Council members underscored at the meeting on 29 June (see S/PV.8810), Bosnia and Herzegovina has achieved progress in its stabilization over the past 25 years, but the situation remains fragile. There are very disturbing trends and community tensions remain high. Some leaders are even calling for secession, calling the territorial integrity of the country into question, contrary to the Dayton Agreement.

We believe, as the vast majority of Council members do, that the post-conflict institutions, in particular the Office of the High Representative, remain more necessary than ever. We reaffirm our agreement with the 2008 objective that the closure of the Office should take place when the conditions set by the 5+2 agenda have been met. That is not the case today.

As we have already stressed, the conditions for the appointment of Mr. Schmidt have been respected. He will assume his functions on 1 August. We are ready

to work with Council members on a draft resolution welcoming his appointment. Such a draft resolution would be a welcome political statement, but it is not a legal requirement.

France will continue to work with its partners, Bosnia and Herzegovina first and foremost, the signatories and all witnesses to the Dayton Agreement in Paris, the members of the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina and all regional partners in support of the sovereignty and territorial integrity of the country and its economic and social development towards European integration.

I now resume my functions as President of the Council.

There are no more speakers on my list.

The meeting rose at 3.30 p.m.