



# Security Council

Sixty-seventh year

*Provisional*

## 6860<sup>th</sup> meeting

Tuesday, 13 November 2012, 10 a.m.

New York

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*President:* Mr. Hardeep Singh Puri. . . . . (India)

*Members:*

Azerbaijan . . . . .	Mr. Mehdiyev
China . . . . .	Mr. Wang Min
Colombia . . . . .	Mr. Osorio
France . . . . .	Mr. Briens
Germany . . . . .	Mr. Wittig
Guatemala . . . . .	Mr. Briz Gutiérrez
Morocco . . . . .	Mr. Loulichki
Pakistan . . . . .	Mr. Masood Khan
Portugal . . . . .	Mr. Cabral
Russian Federation . . . . .	Mr. Churkin
South Africa . . . . .	Mr. Laher
Togo . . . . .	Mr. M'Beou
United Kingdom of Great Britain and Northern Ireland . . . .	Mr. Tatham
United States of America . . . . .	Mrs. DiCarlo

## Agenda

The situation in Bosnia and Herzegovina

Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/813)

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*The meeting was called to order at 10.10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

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

#### **Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/813)**

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Thomas Mayr-Harting, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/813, which contains a letter dated 6 November 2012 from the Secretary-General, transmitting the forty-second report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

**Mr. Inzko:** At the outset, let me take this opportunity to thank those members of the Security Council whose terms are concluding at the end of this year — Columbia, Germany, India, Portugal and South Africa — for their support. It has been an especially challenging year for the Security Council, and I would like to thank members for their readiness to encourage and support efforts to take Bosnia and Herzegovina forward towards our common objective of lasting peace and stability. Let me also use this opportunity to wish the recently elected incoming members of the Security Council every success during their time on the Council. Those of us working on the ground in Bosnia and Herzegovina know we can continue to rely on the Council's support in the future. We will draw strength from that knowledge in what remains a challenging environment.

Ours is a just and important objective, namely, lasting peace and stability for Bosnia and Herzegovina, irreversibly on track towards integration into the European Union (EU) and NATO. It is an objective to which the international community remains firmly committed over 20 years after Bosnia and Herzegovina's international recognition, in April 1992. That commitment to our common cause with Bosnia and Herzegovina's citizens was yet again made abundantly clear during the course of a series of high-profile visits to Bosnia and Herzegovina during the reporting period. This month, United States Secretary of State Hillary Clinton and the EU High Representative for Foreign Affairs and Security Policy Catherine Ashton visited Sarajevo together, as did United Kingdom Foreign Secretary William Hague a few days earlier.

It has been a full year since we completed the transition and reconfiguration of the international presence in Bosnia and Herzegovina, with the decoupling of the EU Special Representative from the Office of the High Representative and its incorporation into the stand-alone EU delegation. I am pleased to report that the EU delegation and my Office have established a very close working relationship on the ground. Ambassador Peter Sørensen has made an excellent start, and his presence has indeed been a breath of fresh air. We are coordinating our efforts while seeking synergies and win-win situations wherever possible.

However, no matter how good our cooperation within the international community, that alone cannot deliver progress. We are now very deep into a phase where the degree and speed of Bosnia and Herzegovina's progress will be determined by the ability or inability of the authorities in the country to deliver concrete results. Regrettably, on that subject I must turn to less welcome developments, because political leaders are failing to produce what they should 17 years after the Peace Agreement was signed.

When I addressed the Council six months ago (see S/PV.6771), I was cautiously optimistic about the direction in which the country was heading. After 15 months of waiting for political leaders to reach agreement, we had finally witnessed the appointment of State-level executive authorities in February. On 31 May, the State budget was finally adopted. It was logical to expect that, with a Government and a budget in place, the new coalition would immediately make up for lost time and get down to addressing the pressing needs of citizens and delivering the requirements to

open up the next phase of the EU and NATO accession processes.

To the disappointment of many in the international community, that is not what happened. Instead, a protracted effort to reconfigure the governing coalition began in early June — a process that will hopefully be resolved by the end of the year, following some six more months of time lost. That dispute diverted attention from pressing challenges. While other countries in the region move forward, Bosnia and Herzegovina has been left behind. The situation was also reflected in the recent European Commission's progress report. In addition to the administrative and legislative gridlock, at times in the Federation we saw political parties disregard constitutional and legal provisions in their haste to effect changes to governing coalitions.

The question of which parties form the governing coalition is not a matter for the international community to decide. However, when the rule of law is disregarded we should be concerned. While the dispute continues at the Federation entity level, in the last two weeks we have seen signs of a rapprochement on the formation of a new State-level coalition between the two parties from the Republika Srpska and the Federation that secured the most votes in the 2010 general elections. The readiness of the two parties to start talking seriously about substantial issues is a welcome development. Without dialogue and a readiness to work towards healthy compromises there can be no progress.

At the same time, it is critically important that, as the parties proceed with their agenda, they do not take steps to roll back reforms undertaken with great care over many years to further the Peace Agreement. The Peace Implementation Council Steering Board has been consistently firm on that point.

Another issue of even greater concern to me has been the marked rise in challenges to the Peace Agreement, in particular the challenges to Bosnia and Herzegovina's sovereignty and territorial integrity that we saw during the reporting period. I have reported to the Council many times in the past about the anti-State, secessionist rhetoric emanating from the current Republika Srpska leadership. Unfortunately, that rhetoric has intensified and worsened considerably during the past six months. My written report (see S/2012/813) contains many examples of the types of inflammatory statements that have been uttered by very senior officials in the Republika Srpska. How does one respond when a leading politician says that Bosnia

and Herzegovina makes him feel sick and that he hopes to God it will fall apart soon? How would any of us react if someone were to say about our own beloved country, that it makes them sick and should fall apart? I think we would be concerned, shocked and certainly deeply saddened.

It would be a mistake to dismiss those words as empty or election-driven rhetoric. They have been supplemented over the past several years by a comprehensive effort to erode, and in some cases eliminate, the functionality of the State and its institutions. The latest of many State institutions that the Republika Srpska has sought to abolish or emasculate is the Armed Forces of Bosnia and Herzegovina, which is a multinational structure that has earned praise for its contributions to peacekeeping operations around the world, including operations authorized by the Security Council itself.

In the light of the mandate I have been given by the international community, a mandate which has been repeatedly reaffirmed by the Security Council, I regretfully conclude that these challenges are worrisome enough to warrant the particular attention of this body. There is probably no issue more central to the Peace Agreement than the preservation of the unity and territorial integrity of Bosnia and Herzegovina. Continued challenges to the State — including the Republika Srpska's regular advocacy for its dissolution — must be taken seriously, especially considering the history of the conflicts of the 1990s.

The United Kingdom's Foreign Secretary, William Hague, made quite clear during his recent visit to Bosnia and Herzegovina that:

“Bosnia can only be a member of the European Union as a single, sovereign State. Those who think that there is another way for Bosnia are simply wrong, and those who undermine the Bosnian State will not be our partners”.

That is a view we fully share.

In the context of the developments that I have just described, I was perhaps not surprised, but I was disappointed, to see the authorities deliver very little progress on the five objectives and two conditions for the closing of the Office of the High Representative.

Nevertheless, there have been positive developments on the objective related to the Brcko district through actions undertaken by the international community. On

23 May, the Steering Board endorsed my decision to close the Office of the High Representative in Brcko. Accordingly, I closed that Office on 31 August. The Steering Board also supported the decision of the Brcko Supervisor, Rod Moore, to suspend his functions as of the same date.

As a result of those actions by my Office and the Brcko Supervisor, we have entered a new phase in Brcko district where the local authorities have taken full responsibility for day-to-day affairs in the district. Given our responsibilities under the Final Award, both the Supervisor and I will be keeping a close eye on developments in that district.

In addition, a landmark ruling by the Constitutional Court of Bosnia and Herzegovina on the issue of State property has significant implications for the resolution of this issue, which is the second of the five objectives for the closing of the Office of the High Representative. In layman's terms, the Court's decision affirms the primacy of the State's ownership of public property.

After a campaign that rarely touched on local issues, the 7 October local elections passed largely without incident. Once again, Srebrenica was an area of focus for the international community, and rightly so given the genocide that was committed there. One of the high-level visitors was the Secretary-General, Mr. Ban Ki-moon.

Despite some controversy surrounding the registration and counting in Srebrenica, the elections, thankfully, passed without major incident. They resulted in a Bosniak Mayor and an equal distribution of seats between Serbs and Bosniaks in the Municipal Assembly. The parties must now come together to work in a spirit of reconciliation in the interests of all of Srebrenica's residents. A life of dignity and coexistence must be returned to Srebrenica. It should live up once again to the etymology of its name, "the silver city".

In the still heavily scarred and divided city of Mostar, the prospect of delivering change through the ballot box remains on hold. Due to the ongoing failure of the parties to implement the Constitutional Court's ruling on Mostar's electoral system, the town was the only community in the country that did not hold local elections on 7 October. With no agreement in sight close to two years after the Court made its ruling, my Office is currently engaged in a facilitation effort that aims to help the local parties to deliver a domestic solution to implement the Court's ruling without further delay.

The discussions are in a crucial phase, and it is time for all the parties to compromise and to implement the Court's ruling.

I very much hope that by the next time I report to the Council we will have seen elections held in Mostar and that the country as a whole will be catching up with its neighbours in the region.

Allow me to conclude by making the following two points.

First, Bosnia and Herzegovina cannot afford to continue falling further and further behind other countries in the region. The consequences of this would be dire, economically, socially and politically.

Secondly, challenges to the Peace Agreement have become so frequent and direct during the reporting period that they deserve special attention. The questioning of Bosnia and Herzegovina's sovereignty and its future as a State must stop. The international community must not tolerate such challenges, and we must ensure that we are equipped with the will and capacity to manage them. In doing so, we will also be supporting the efforts of those willing to work for the collective good of delivering lasting peace and stability within the Euro-Atlantic framework.

We are in a critical phase, and we must express more clearly than ever what is expected of Bosnia and Herzegovina's political leaders and what will not be tolerated. They must stop their divisive behaviour and finally start leading the way to the country's full reintegration, in the interests of all its citizens. In so doing, they can look to the example of how post-war Europe was built, with tolerance, dialogue and sound compromise. As the Minister for Foreign Affairs of Germany, Guido Westerwelle, put it recently, the word "confrontation" has been replaced in Europe by the word "cooperation".

Allow me to conclude with the inspirational thoughts expressed by the Secretary-General when he concluded his recent visit to Bosnia and Herzegovina:

"In a fast-moving region, no one can afford to be left behind. That will take collective leadership. That will take unity. That will take a commitment to work and move forward together".

**The President:** I thank Mr. Inzko for his briefing.

I shall now give the floor to the members of the Council.

**Mr. Wittig** (Germany): Let me begin by thanking Ambassador Inzko for his comprehensive and informative briefing. Germany aligns itself with the statement to be delivered later by the observer of the European Union (EU).

I should like to focus my remarks on three key points today.

First, and most importantly for the Security Council, the security situation in Bosnia and Herzegovina has remained calm and stable. Since its beginning in 2004, the EU-led force (EUFOR) Operation Althea has not had to intervene a single time to restore peace. Most recently, the fifth local elections since the end of the war were carried out in a calm environment.

Authorities in Bosnia and Herzegovina have thus proved capable of dealing with threats to the safe and secure environment. Based on that assessment, the reconfiguration of Operation Althea was completed by 1 September. With a reduced number of forces based in Bosnia and Herzegovina, Althea is successfully focusing on capacity-building and training.

My second point concerns the current political situation in Bosnia. Ambassador Inzko's briefing and the latest EU progress report provide a relatively grim analysis of the state of reforms in the country. It is true that there is a lack of a shared vision for the overall direction of Bosnia and Herzegovina on the part of the political leadership, and that is worrisome. Yet we have also witnessed important signs of progress, particularly at the beginning of this year, such as the establishment of a new State-level Government, agreement on a national budget, and new laws on State aid and a census.

We have made clear to the political leaders in Bosnia and Herzegovina that they should place the interests of their country as a whole and the well-being of their citizens at the heart of their efforts by moving Bosnia and Herzegovina steadfastly forward on the reform track towards EU accession.

An important step in that regard was the agreement between the political leaders in Bosnia and Herzegovina and the European Union on a road map that identifies key requirements for Bosnia and Herzegovina's path towards Europe.

The most imminent of the challenges ahead remains the long overdue implementation of the Sejdic-Finci ruling by the European Court of Human Rights, on the right of minorities to be elected to the Bosnian

Presidency and the second chamber of Parliament. The EU has both the political will and the necessary instruments to best support Bosnia and Herzegovina in that endeavour. The increased EU presence in the field and the strengthened mandate of the EU Special Representative reaffirm the European Union's commitment towards Bosnia and Herzegovina.

That leads me to my third and last point, namely, the international community's engagement in Bosnia and Herzegovina in the future. Germany wholeheartedly welcomes the contribution to peace and stability made by the High Representative and his Office over the past 17 years. After the war ended in 1995, the close monitoring and executive control of the international community were undoubtedly necessary.

Today, however, such policies serve instead as an impediment to the accountability of political leaders to their electorate and to their ownership of the reform process. Instead of sticking to the institutional set-up of the past, we need to focus on concepts and instruments that can initiate forward-looking developments. With the European Union perspective of Bosnia and Herzegovina finally occupying centre stage, we can afford to relieve the Office of the High Representative of tasks that are better fulfilled by the European Union and its representatives on the ground. We therefore welcome the decision to suspend international supervision in the Brcko District, where the EU has instead opened a new regional office. Further progress in that regard is needed.

Allow me to remind Member States of an issue that is still unresolved — the question of immunity. In order to safeguard the footprint of the Office of the High Representative in stabilizing Bosnia and Herzegovina, a sustainable and comprehensive answer to the question of the immunity of present and former staff of the Office of the High Representative from legal proceedings has to be found. We hope for early progress on that issue and invite members to join us in the necessary discussions.

**Mr. Osorio** (Colombia) (*spoke in Spanish*): I would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing on what is taking place in that country, as well as for the very serious and devoted way in which he is carrying out his responsibilities.

At the outset, Colombia recognizes the fact that reaching a political agreement in any circumstances requires effort and commitment. The situation in

Bosnia and Herzegovina is a special case, in which the international community has helped the parties to overcome obstacles and to reach significant agreements aimed at reaching a lasting and peaceful solution. It is therefore worrisome to note a deterioration in the political situation and a reverse in strengthening the Euro-Atlantic agenda, as reflected in the report of the Secretary-General (see S/2012/813).

Our delegation believes that it is of the greatest importance that the parties renew their commitment to the Dayton Agreement and work in the same spirit that enabled them to reach agreements in the past. It is to be hoped that the entities and their political leaders eschew inflammatory rhetoric, as it jeopardizes the stability of the State of Bosnia and Herzegovina and unnecessarily threatens the progress made on the Euro-Atlantic agenda. Language calling for the break-up of Bosnia and Herzegovina and acts that undermine its rule of law are not an appropriate response to the effort that its own people and the international community have devoted to that process. Instead, the Federation of Bosnia and Herzegovina and the Republika Srpska must work constructively and pay particular attention to major issues, such as the economic and social challenges that they face.

With regard to events such as the Srebrenica genocide, acknowledged by the International Court of Justice and the International Criminal Tribunal for the Former Yugoslavia, we call for reconciliation and for any demonstration regarding such events to seek to heal wounds and to move towards mutual forgiveness.

We note positively the dialogue on justice promoted by the European Union. We trust that the local leaders of both entities will take that opportunity to discuss judicial matters constructively and to thereby help strengthen the rule of law in Bosnia and Herzegovina.

Finally, Colombia once again reiterates its support for the Dayton Agreement on the establishment of Bosnia and Herzegovina and the decisions ensuing from that Agreement. We underscore the importance of the strict implementation of the Agreement within the context of its annex 10.

For Colombia, the United Nations bears the responsibility of cooperating in the process that is under way. However, equally, the parties should cooperate with the High Representative, whose Office must continue its work until the goals and conditions of the 5+2 agenda are met. I wish to underscore the

important role of the multinational stabilization force in strengthening Bosnia and Herzegovina's future. Colombia supports the extension of its mandate.

I do not wish to conclude without welcoming and expressing every good wish to the Ambassador of Bosnia and Herzegovina, who is here with us at this Security Council meeting.

**Mr. Khan** (Pakistan): I thank High Representative Valentin Inzko for his informative briefing today and for the comprehensive report submitted to the Security Council earlier (see S/2012/813). We appreciate the important role that he is playing. Mr. Inzko has given us some good and some bad news.

The good news is that the country's fifth local elections, held on 17 October and administered completely by domestic authorities, were conducted generally in line with democratic standards. We congratulate the people of Bosnia and Herzegovina on the success of those elections. We also welcome the relatively calm and stable environment that prevails in the country.

The bad news is alarming. The High Representative has identified three disappointing developments: first, little progress towards Euro-Atlantic integration; secondly, direct challenges to the Dayton Peace Agreement; and, thirdly, the intensification of divisive and provocative rhetoric that could further vitiate the atmosphere and undermine long-term peaceful coexistence in Bosnia and Herzegovina.

Those developments have led the High Representative to cast off his usual optimism and to warn the Council that progress on the five objectives and two conditions has all but stalled. The most disturbing concern is the Republika Srpska's open defiance of the sovereignty and territorial integrity of Bosnia and Herzegovina, which is an intrinsic principle built into the Dayton Agreement. Pakistan supports the sovereignty and territorial integrity of Bosnia and Herzegovina, as well as the efforts to strengthen the State at the national level, while preserving the rights of all communal entities.

The Dayton Agreement has ensured peace for 17 years. A direct challenge to the Agreement should not be allowed to disrupt the fine and delicate equilibrium that it has worked out. The sovereignty and territorial integrity of Bosnia and Herzegovina should not be diluted. The Security Council must arrest any drift towards dissolution.

Sharp political differences among the political parties, as well as a deliberate effort to impair the federal structure, will weaken the State and will divert attention from the pressing issues of economic growth, social development and efficient fiscal management. We are glad to hear from Mr. Inzko that there are now signs of rapprochement towards a new coalition.

We condemn the statements of senior officials of the Republika Srpska that deny the genocide committed in Srebrenica in 1995, a fact which has been established beyond the shadow of a doubt by the International Court of Justice and the International Tribunal for the Former Yugoslavia. Such statements do serious harm to the reconciliation process inside Bosnia and Herzegovina, as well as within the region.

It is evident that there is a lack of progress on the implementation of the five objectives and two conditions. The time therefore is not right for considering the closure of the Office of the High Representative. In fact, in the present circumstances, there are compelling reasons for the continuity of that mission.

It is vitally important that all parties recognize the sanctity of the international legal framework for the division of power. Pakistan supports all efforts to ensure a safe and secure environment in Bosnia and Herzegovina. We urge the leaders of the country to resolve their differences through dialogue with a view to exploring common ground.

Today's meeting of the Security Council must send the right signals. We urge the Council to continue to assess the situation and play its role in steering all sides away from growing estrangement towards engagement. That is best for the consolidation and stability of the State of Bosnia and Herzegovina. It is also good for regional peace and security.

**Mr. Briens** (France) (*spoke in French*): I thank Mr. Inzko, High Representative for Bosnia and Herzegovina, for his presentation. I endorse the statement to be made by the observer of the European Union.

I would like to take stock of developments in Bosnia and Herzegovina over the past year.

The security situation on the ground has remained calm and stable, as it has consistently for several years. Furthermore, as stated by the Foreign Ministers of the European Union (EU) and the Force Commander, the

country's authorities have thus far proven capable of confronting any threat to the security climate.

Positive political developments have taken place over the past six months. Important laws on the census and State aid, required by the European Union, have been enacted; the State budget was adopted, as was an agreement on the distribution of defence and State property between the central State and the entities. Municipal elections organized by the Bosnians took place in peaceful conditions, in particular in Srebrenica.

A new phase of political instability began this summer. Nationalist rhetoric continues to stoke tensions and suspicions and to hamper the authorities' efforts to conduct necessary reforms. We regret that development, and condemn those verbal excesses. Yet we do not share the fears expressed in the report of the High Representative (see S/2012/813), which to us seem excessive, especially as political tensions have at no point jeopardized the security climate.

We all know that the political challenges remain numerous. More than ever, the response to those challenges lies in giving substance to the European perspective offered to the country. The European Union has reaffirmed, including during the recent visit of High Representative Cathy Ashton, its support for the prospect of seeing the country join the European Union as a united, sovereign country that enjoys full territorial integrity.

That perspective is also reflected by the significant and dynamic political, human and financial engagement of the European Union on the ground. The Office of the European Union Special Representative has been substantially strengthened, including in its regional presence and with respect to the rule of law. Mr. Peter Sørensen, the European Union Special Representative and Head of the European Union Delegation, has our full support.

We would like the current Government to resume the course of reforms and, in particular, to truly strive to bring the Constitution into line with the European Convention on Human Rights.

We will be renewing the mandate of the European Union Force-Operation Althea (EUFOR ALTHEA). The reconfiguration of the mission has allowed us to scale down the forces deployed and to refocus them on capacity-building and training. EUFOR ALTHEA retains a residual executive mandate to support the

capacities of the country's authorities to maintain the security environment if the situation requires it, which thus far has never been the case.

The reconfiguration of the international presence in Bosnia and Herzegovina is under way, as evidenced by the end of the international supervision over the district of Brcko and the completion of the European Union Police Mission, of which some key residual tasks have been assumed by the EU Special Representative. An analysis of the reconfiguration of the Office of the High Representative, requested by the European Union Foreign Ministers, has also been launched. That has led to initial steps taken in parallel with increased engagement of the European Union. Those efforts must continue because the reconfiguration is aimed at achieving greater effectiveness based on the key role of the European Union. We must continue to refocus the action of the Office of the High Representative, ensuring its complementarity with the action of the European Union and continuing to identify and eliminate any duplication with the European Union Office.

High Representative Inzko, the guarantor of the peace accords on behalf of the international community, has our support. But the current Governmental crisis reminds us that it is high time for the Bosnian political class to assume its responsibilities and restore its unity with a view to the main priority, namely, the European perspective offered to the country. Therefore, the functions of High Representative must evolve substantially.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): We listened with interest to the High Representative for Bosnia and Herzegovina, Mr. Inzko. Regrettably, his report to the Security Council is again written in alarmist tones and is critical of the Bosnian Serb leadership (see S/2012/813). To create a more balanced impression of the processes under way, we recommend that he familiarize himself with the eighth report of the Republika Srpska to the Security Council, in which the dedication of the Bosnian Serbs to international law and the letter of the Dayton Accords is clear.

Russia supports the territorial integrity of Bosnia and Herzegovina and is eager to see its institutions function normally and sustainably while complying with the principle of the equality of the three constituent peoples set forth in the Dayton Peace Accords.

We agree that the situation in Bosnia over the past six months has deteriorated somewhat. That has happened in the light of the deteriorating relationships between the two leading Bosniak parties, which could have an impact on stability not just in the Federation, but throughout the country. But let us not overdramatize the situation. It is important that the local elections of 7 October took place for the most part in a calm environment and without significant violations.

The main task of the international community in the current phase of the Bosnian settlement process is to transfer responsibility for the fate of the country to the Bosnians themselves. In that respect, we are in favour of abolishing the Office of the High Representative and, to that end, returning to the implementation by the Steering Board of the Peace Implementation Council of the five plus two programme. Like any other issue of vital importance to the future of the country, outstanding problems within that framework must be resolved by the Bosnians themselves on the basis of consensus between the three constituent peoples — the Bosniaks, the Serbs and the Croats. In that respect, we are encouraged by the continued internal Bosnian dialogue.

Unlike the Bosnian Federation, the situation in the Republika Srpska is stable. We are seeing continued cooperation between the Bosnian governing party and opposition on general Bosnian affairs on the basis of a strict approach to upholding the Dayton Accords and the legitimate interests of the Bosnian Serbs. We note the importance of the signing by the President of the Republika Srpska Milorad Dodik and the head of the Bosnian Social Democrats Željko Komšić on 31 October of a cooperation agreement that maps out compromise solutions to a number of socioeconomic issues, as well as to issues in the areas of justice and the functioning of the administrative apparatus.

The leadership of the Republika Srpska is clearly raising the question of the necessity of arriving at an agreement with the Federation of Bosnia and Herzegovina on issues concerning the reform of the country and cautioning against violating the practice of consensus, including when making decisions about matters of foreign policy. We support them in their view that Bosnia and Herzegovina's existence is untenable if those principles are not observed.

We welcome the suspension of the Office of the Brcko Supervisor on 31 August according to the



schedule decided at the May meeting of the Steering Board of the Peace Implementation Council. That is a result of our joint efforts. We consider that decision to be a first step towards winding down the Office of the High Representative.

We agree with the importance of amending the Constitution of Bosnia and Herzegovina in order to bring it into line with the verdict of the European Court of Human Rights on the *Sejdic-Finci* case. A compromise is possible in that regard through a continuation of the dialogue. That said, there can be no possible agreement with the expanded interpretation of the European Court's decision and the attempts to use it as a pretext to review the entire Dayton architecture. In August, the Bosnian sides submitted separate draft constitutional amendments that reflected the verdict to the Bosnia and Herzegovina Parliamentary Assembly. Their subsequent fate depends on the ability of members of Parliament to agree on a decision.

We consider the creation of a strengthened European Union (EU) mission in Bosnia and Herzegovina to be another step towards winding down the Office of the High Representative. In that context, we welcome the division of the responsibilities of the High Representative and the EU's Special Representative. A prerequisite for the work of those two international presences in Bosnia and Herzegovina should be precise compliance with their mandates. They must not encroach on each other's responsibilities, and they should certainly not duplicate each other's functions. While not a participant in the European Union Force-Operation Althea, Russia supports certain goals of its mandate relating to providing security in Bosnia and Herzegovina and cooperating on training personnel in the Ministry of Defence and the country's armed forces.

It is essential that we stop ignoring the fact that for a number of years now the overall situation in Bosnia and Herzegovina has been fairly stable. We should therefore look at the prospects and think about how to reconfigure the international presences in the country for the future. It is important that we increase efforts to end the external protectorate, which has run out of resources, as embodied in the Office of the High Representative, and abolish the Bonn powers as soon as possible. For now, the Office should be reorganized to assist in implementing the five objectives and two conditions, as well as in removing any legal clashes that might have been created by the High Representative's imposition of restrictions on policies and appointments

in the area of extra-judicial administration. We are opposed to overburdening the European integration agenda for Bosnia and Herzegovina with the activities of the Office. The right to define future integration, like the right to control the general direction of the processes of reform, belongs to the Bosnians themselves.

In conclusion, the Russian Federation supports a solid international reconciliation in Bosnia and Herzegovina, and in that context, favours an impartial investigation of every crime committed during the 1992-1995 conflict. We are compelled to conclude, however, that, for reasons that are unclear, both the International Criminal Tribunal for the Former Yugoslavia and the Bosnian judicial bodies prefer to prosecute Serbs. The demonstrable bias of Mr. Serge Brammertz, the Prosecutor of the Tribunal in The Hague, against contact with organizations of relatives of Serbian and Croatian victims of the Balkan crisis also raises questions. Such failings must be eliminated.

**Mrs. DiCarlo** (United States of America): I would like to welcome High Representative Inzko back to the Security Council and to thank him for his comprehensive briefing and his service to the people of Bosnia and Herzegovina in the interests of preserving peace and promoting stability in the region.

I have three main points to make in reaction to the High Representative's report (see S/2012/813) and briefing today. First, the United States would like to congratulate the Bosnian people on their active participation in the local elections that took place on 7 October. It is important that so many citizens turned out to select their local leaders. Free and fair elections, including voting rights for internally displaced persons and returnees, are crucial to Bosnia's future membership in the European Union and NATO. We are disappointed that the residents of Mostar were unable to vote on election day because political leaders failed to implement a constitutional court ruling on changing the electoral system. But we welcome and strongly support the efforts of the High Representative to facilitate negotiations among the parties to resolve that issue. We hope that the people of Mostar will be able to exercise their right to elect their leaders soon.

Secondly, the United States is disappointed at the lack of progress since the last report of the High Representative (see S/2012/307). The promising developments on the European Union (EU) and NATO agenda that took place earlier in the year have stalled. The decision by some parties to restructure the State

Government coalition after barely five months in office, following 16 months of stalemate, has distracted the Government from acting on the pressing reform agenda that those parties profess to support. We hope that the new coalition will complete Government restructuring as soon as possible and resume work on the conditions that the EU has established for Bosnia and Herzegovina to be able to submit a credible membership application, one that will comply with the verdict of the European Court of Human Rights in the *Sejdic-Finci* case and establish a coordination mechanism for engaging in accession negotiations with the EU.

Furthermore, the United States stands ready to support the activation of Bosnia and Herzegovina's membership action plan at NATO, as soon as the Government registers State ownership of the defence properties required by the Ministry of Defence and Armed Forces. Secretary of State Clinton and EU High Representative Catherine Ashton delivered that message when they visited Sarajevo together in October and urged Bosnian leaders to put aside their differences in order to complete the reforms necessary for Euro-Atlantic integration.

Thirdly, the United States remains steadfastly committed to Bosnia and Herzegovina's sovereignty and territorial integrity. As Secretary Clinton said during her recent visit to Sarajevo,

“It is totally unacceptable that, 17 years after the war ended, some still question Bosnia and Herzegovina's sovereignty and territorial integrity. Such talk is a distraction from the problems facing the country and serves only to undermine the goal of European integration. The Dayton Accords must be respected and preserved, period.”

The United States remains committed to supporting the reforms made over the past 17 years that have enabled progress towards EU and NATO integration. Attacks by politicians from both entities on the independence of the State judiciary, calls for the dissolution of the armed forces, efforts to dissolve the State electricity transition company — institutions that were created in order to meet EU and NATO integration requirements — raise serious questions about the sincerity of the stated desires of those individuals to realize the aspirations of the Bosnian people to become members of those two intergovernmental organizations.

In that regard, let me reaffirm the unwavering support of the United States for the High Representative's

authorities to ensure full implementation of the Dayton Peace Accords, including the use of the Bonn powers, if needed. The United States will continue to support the maintenance of the Office of the High Representative until the five objectives and two conditions (5+2) established by the Peace Implementation Council's Steering Board have been fulfilled.

We commend the High Representative's decision to close the Brcko Final Award Office and the suspension of supervision of the Brcko District on 31 August, moving Bosnia and Herzegovina closer to completing one of the 5+2 objectives. We wish every success to Brcko residents as their democratically elected leaders assume full responsibility for governing the district.

In the 17 years since the signing of the Dayton Peace Agreement, the United States, NATO and our EU allies have worked diligently to help maintain peace and security in Bosnia and Herzegovina. We remain committed to supporting the Bosnian people in their goal of Euro-Atlantic integration, and are prepared to work with leaders who are committed to delivering those results.

**Mr. Mehdiyev** (Azerbaijan): At the outset, I would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for presenting the forty-second report on the implementation of the Peace Agreement on Bosnia and Herzegovina (see S/2012/813). I would also like to express our full support for Mr. Inzko and his Office.

The local elections held in Bosnia and Herzegovina on 7 October were a major political landmark achieved during the reporting period. We note with satisfaction that they were conducted in line with democratic standards and that the security situation in the country remains stable. That confirmed the commitment and capability of the Government of Bosnia and Herzegovina to ensure a safe and secure environment in the country.

We also take positive note of the High Representative's assessment that during the reporting period cooperation with the International Tribunal for the Former Yugoslavia was satisfactory.

At the same time, we are concerned by the relative stagnation of the political dynamic and by the deepening divisions among political parties in Bosnia and Herzegovina during the reporting period. As the High Representative noted, little has been done to implement the outstanding requirements for the closure of his Office. We are particularly alarmed at the

significant intensification of direct and open challenges to the foundations of the Peace Agreement, including to the sovereignty and territorial integrity of Bosnia and Herzegovina.

Azerbaijan condemns divisive rhetoric advocating secession and dissolution of the State, as well as any action or attempt to challenge the functionality of the State and its constitutional responsibilities and to roll back reforms related to the implementation of the Peace Agreement. We agree with the High Representative that abiding by the Dayton Agreement, particularly the constitutional framework and the rule of law, is a prerequisite for long-term stability. Obviously, efforts to negate or undermine vital aspects of the Peace Agreement and to undermine the unity of Bosnia and Herzegovina require continued attention from the Security Council and the broader international community.

The economic and social situation in the country continues to weaken, with a deteriorating fiscal situation and poor growth prospects. The High Representative noted the possible negative impact of the current financial difficulties on the functioning of State-level institutions. It is therefore essential that all political factions of Bosnia and Herzegovina focus on the country's economic and development priorities.

There is also a need for redoubled effort to resolve long-outstanding humanitarian issues and to ensure that the rights of returnees are fully guaranteed and implemented.

We call on all parties in Bosnia and Herzegovina to engage in constructive dialogue with a view to addressing pressing challenges and to strengthening stability and unity in the country. It is also important that the Security Council and the broader international community continue to support the efforts of the political leadership of Bosnia and Herzegovina to that end.

**Mr. M'Beou** (Togo) (*spoke in French*): I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for presenting his biannual report on the sociopolitical situation in that country (see S/2012/813).

On 15 May we welcomed the important political advances that Bosnia and Herzegovina made at the beginning of this year (see S/PV.6771), set out in the previous report of the High Representative (see S/2012/307). We welcomed the formation of a central

Government in February, following the compromise reached by the main political parties, more than 16 months after the general elections of October 2010, and the adoption in May of a national budget for 2012. All those developments had inspired much hope for the strengthening of the country's institutions and for its economic recovery in the framework of Euro-Atlantic integration.

Togo was delighted that a new dynamic, based on compromise and a spirit of consensus, had started among Bosnian leaders; that all political actors had become aware of and understood the urgent need to take the destiny of their country into their own hands; and that, despite the obstacles on the path to strengthening the central State and its institutions, Bosnian leaders, without exception, were finally ready to work to consolidate the unity of the country and promote common interests.

But six months later, my country notes with regret that the report just presented by the High Representative on the issue before us appears to be in contrast with the hope inspired by the previous report. This report notes the stagnation and even setbacks on the political front with regard to certain areas in which progress had previously been noted and quite rightly commended by the entire international community.

My country regrets the situation, which is hampering the full implementation of the Dayton Accords of 14 December 1995, which put an end to armed conflict in the country. We believe that the situation, which is due primarily to the unwillingness of certain actors to continue on the path of dialogue and compromise and their manifest will to further weaken the central Bosnian State, is very troubling and warrants the full attention of the Council.

Togo is convinced that it is counterproductive for certain entities within the Bosnian State, in violation of international agreements and of the sovereign constitution of the country, to continue to take legal and political steps against the central institutions in the fields of competence of the laws of the State of Bosnia and Herzegovina. Those entities periodically call into question the country's territorial integrity and threaten to proclaim independence. It is regrettable that such nationalist views undermine the institutions of the central State and the efforts of the international community to bring peace and stability to the country and the region.

Togo remains convinced that only a frank and sincere dialogue and a search for compromise can lead to a lasting, definitive settlement of differences. We therefore call on all Bosnian political leaders to cease promoting any unilateral or communitarian solutions and to fight extremism and agitation likely to destabilize the country. We urge them, rather, to seek, through discussions, the same consensus and general interest that had led to the formation of the Government in February.

Regarding the five objectives and two conditions necessary for the closure of the Office of the High Representative, Togo is pleased that the office in Brcko ended, on 31 August, its supervision mandate of the District, in line with the 23 May recommendations of the Peace Implementation Council. We hope that event will be a strong signal for all Bosnian political actors to fully engage in constructive dialogue with a view to adopting all the necessary reforms for the country to move towards greater internal and regional integration. It is only at this price that they will be able to ensure peace and prosperity for their citizens.

Given the challenges still facing the country, maintaining an international presence in Bosnia and Herzegovina could be necessary in order to help it reach a lasting political accord that can consolidate the central institutions and ensure peace in the country and the region.

I would like to conclude my remarks by reiterating my country's support for the efforts of the High Representative and for the civilian and military personnel working in the country to uphold the Dayton Accords and the stability of Bosnia and Herzegovina.

**Mr. Cabral** (Portugal): I would like, at the outset, to welcome High Representative Valentin Inzko and to thank him for his informative briefing and report (see S/2012/813).

Portugal aligns itself with the statement to be delivered by the observer of the European Union.

The year 2012 saw very positive political developments in Bosnia and Herzegovina, as countries around this table recognized in the last Council debate on this topic, in May (see S/PV.6771). As the current year reaches its end, we should not forget positive internal developments, such as the formation of the Council of Ministers and, more recently, the municipal elections of October, which were a broad success.

We should also note that the road map for accession, signed on 27 June, is a significant and mutually agreed step towards Bosnia and Herzegovina's European integration. The compliance of the federal Constitution with the European Convention on Human Rights is indeed key to the entry into force of the Stabilization and Association Agreement and to a better working relationship with the European Union.

It is incumbent on Bosnia and Herzegovina's political leadership at all levels to foster a political environment that is stable and conducive to constructive decision-making. Portugal calls upon all national stakeholders to spare no effort towards the goal of making Bosnia and Herzegovina a stable and prosperous State heading towards European Union membership in the briefest possible time frame, and overcoming the difficult circumstances on the external and internal fronts that Bosnia and Herzegovina and its neighbours still have to face.

In this context, Portugal condemns vehemently the continued use of divisive rhetoric and regrets the doubts that are needlessly cast upon Bosnia and Herzegovina's future by narrowly defined interests that relate only slightly to the fundamental concerns of Bosnians and their international partners. It is imperative that common ground be found in internal politics so that progress can be achieved in the crucial reforms that the country needs to address not only in the social and economic sphere, but also regarding its international aspirations and obligations. In that regard, the efforts that the European Union has undertaken in the past year also deserve particular mention.

As we are well aware, we are set to adopt tomorrow the authorization for the renewal of the European Union Force-Operation Althea (EUFOR Althea). Recent gains in the area of national security should be noted, as should the secure and stable environment the country has enjoyed in recent years. Portugal supports the continuation of EUFOR Althea as a relevant element in Bosnia and Herzegovina's security with a significant role in capacity-building and training, as well as its executive military role in supporting the country's security.

I would like to end on a positive note. Portugal has been deeply involved in peacekeeping in Bosnia and Herzegovina since 1995. European security depends on renewed and strengthened ties of alliance and cooperation between nations so that we can all enjoy the

peace and the stability that the Western Balkans and the rest of Europe have so painstakingly restored. Bosnia and Herzegovina can count on Portugal's continued support and friendship in the future.

**Mr. Wang Min** (China) (*spoke in Chinese*): I thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his briefing. Recently, Bosnia and Herzegovina has made progress in the fields of national reconciliation, economic development and the rule of law. The situation of the country as a whole has remained stable. China welcomes those developments, while it notes the difficulties and challenges that Bosnia and Herzegovina continues to face in its efforts to stabilize the country and enhance the development, support and help it continues to need from the international community.

China respects the independence, sovereignty, national unity and territorial integrity of Bosnia and Herzegovina. China also respects the choice of the people of Bosnia and Herzegovina with regard to the future of their country and encourages all ethnic groups in Bosnia and Herzegovina to live in peace and harmony and pursue their common development. We hope that all the ethnic groups of Bosnia and Herzegovina will stay focused on the well-being and long-term interest of the nation, and take practical measures to build up political trust, promote national reconciliation, consolidate the gains of the political process, settle their differences through dialogue, fully implement the Dayton Peace Agreement, and continue to strive for greater progress in all fields of reconstruction.

The preservation of peace and stability and the promotion economic development in Bosnia and Herzegovina is in the common interest of all parties. The question of Bosnia and Herzegovina is extremely complex and sensitive because it not only involves Bosnia and Herzegovina itself, but also bears on the peace and stability of the entire Balkan region. Therefore, the international community should take a prudent approach to the matter and pay great attention to the views and concerns of all parties.

China welcomes High Representative Inzko's efforts to promote the political process in Bosnia and Herzegovina and hopes that he will continue to play a positive and constructive role in the implementation of the Dayton Agreement, as mandated.

China supports the extension of the mandate of the European Union Force in Bosnia and Herzegovina

(EUFOR) and hopes that the Force will increase its support for the capacity-building of the armed forces of Bosnia and Herzegovina so that the authorities will be able to assume full responsibility for safeguarding the national sovereignty, security and stability of their country at an early date. China is ready to join the rest of the international community in the ongoing effort to contribute to the achievement of lasting peace and stability in Bosnia and Herzegovina.

**Mr. Laher** (South Africa): South Africa welcomes the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, back to the Council and thanks him for his comprehensive briefing.

The report which the High Representative has provided us presents a mixed bag of progress (see S/2012/813). The country has remained stable, with no serious security incidents. The holding of local elections in a peaceful manner is also welcome. However, as has already been indicated by various delegations, the cohesiveness and unity of the Government of Bosnia and Herzegovina have been severely challenged by the disagreements between the political parties. That has had negative implications for the fulfilment of the 5+2 agenda established by the Peace Implementation Council (PIC) Steering Board.

We had hoped that the new coalition Government formed in June would make progress in moving the country forward to allow it to complete the 5+2 agenda and assume full sovereignty and authority over its affairs. We note the progress made in the implementation of the Brcko Final Award and the subsequent decision to suspend the supervision of the Brcko district. As stated by the High Representative in his report, that step constitutes an important step towards fulfilling the objectives set by the PIC Steering Board, which have also been endorsed in its communiqué of 23 May. It is important that all concerned parties work within the framework of the Final Arbitral Award to resolve that matter.

The issues of defence and State property, which are necessary elements in fulfilling the outstanding objectives of the 5+2 agenda, require continued focus and attention. The implementation of existing agreements, as well as the landmark decisions of the Constitutional Court of 13 July relating to those matters, are thus crucial.

It is our view that peace and stability in Bosnia and Herzegovina are dependent on all parties' respect for

the rule of law and the legal instruments that underpin the political structures in the country. We reiterate that the political leadership and the international presence should remain focused on recognizing the balance contained in the Dayton Agreement and the subsequent political structures, and exert every effort to ensure that this balance is respected and maintained. In that regard, we are concerned about provocative, divisive and nationalistic rhetoric that could serve to undermine the sovereignty and territorial integrity of the State.

We should not forget that the Dayton Peace Agreement is a temporary arrangement that has to be replaced by a permanent constitution in Bosnia and Herzegovina. All parties should commit to constitutional reform, the purpose of which is to establish stronger representative State structures. No considerable progress can be made in establishing lasting peace and stability without constructive dialogue between the many ethnic groups and entities, as well as between the various Bosnian structures and the High Representative. Only through political dialogue would it be possible to resolve outstanding issues such as the reform of the Constitution.

Reconciliation should be the ultimate aim of a continued dialogue. An essential aspect for reconciliation is the commitment of all parties to fighting impunity by bringing those accused of committing war crimes to justice.

My delegation noted the reduction of the European Union Force-Operation Althea presence in Bosnia and Herzegovina. We support the extension of its mandate and the resolution currently being negotiated, and specifically its focus on capacity-building, training and retaining the capability to contribute to the Government's deterrence capacity.

In conclusion, my delegation wishes to again encourage all parties in Bosnia and Herzegovina to recommit themselves to the full implementation of their obligations under the peace accords and agreements. Political will and national ownership are essential in moving the process forward to a long-term peace, stability and reconciliation.

**Mr. Briz Gutiérrez** (Guatemala) (*spoke in Spanish*): Allow me to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and to thank him for his report (see S/2012/813).

We regret that the optimistic landscape of May has been overshadowed by ill-timed actions and rhetoric. We believe that it is vital that the international presence continue to focus on acknowledging the balance gained under the General Framework Agreement for Peace in Bosnia and Herzegovina and the subsequent political structures. We agree with paragraphs 22 and 28 of the High Representative's report, and we once again express our commitment to the Dayton Agreement and to the defence and preservation of the sovereignty and territorial integrity of Bosnia and Herzegovina.

The international presence cannot and should not supplant the primacy of the State in the performance of its tasks and responsibilities. The principle responsibility for security and stability in the country falls to the Government and people of Bosnia and Herzegovina. If the necessary basis for a national political agreement is missing, any involvement of the international community will have potentially adverse consequences and could set up serious obstacles to success and the maintenance of a secure environment. We appeal to the political leaders of Bosnia and Herzegovina to resume the national dialogue that was proceeding earlier this year, in order to achieve political consensus and promote confidence.

We believe that conditions on the ground justify the fact that the European Union (EU) Force in Bosnia and Herzegovina, which has an executive mandate pursuant to Chapter VII of the United Nations Charter, remains in the country and continues to help the Office of the High Representative and other international organizations to carry out their respective mandates. We assure the High Representative of our full support in fulfilling his mandate.

Allow me to now highlight three relevant events noted in the report of the High Representative.

The first is the holding of local elections. We welcome the fact that these were administered entirely by national authorities and certified by electoral observers as meeting democratic standards. We trust that the situation in Mostar will be resolved so as to enable the electoral process to be completed.

Secondly, I note the suspension of the supervision of the Brcko district. We welcome that step, which recognizes the capacity of local institutions to function effectively and permanently. However, it is still necessary to retain the Arbitral Tribunal, established pursuant to annex 2 of the General Framework

Agreement for Peace in Bosnia and Herzegovina, as a mechanism to guarantee the important binding obligations arising from the Final Arbitral Award.

Thirdly, we welcome the historic decision of 30 July 2012 issued by the Constitutional Court of Bosnia and Herzegovina on the constitutionality of the law on State property in the Republika Srpska. This ruling protects the interests of Bosnia and Herzegovina and enables a negotiated solution on this issue. We also note that the decision will have implications for resolving the issue of military property.

To conclude, we recall that a decision must be taken as to whether the Office of the High Representative will be closed as soon as the remaining five objectives and two conditions are met. My delegation is concerned about the fact that, in the reporting period, no endeavours were made to that end. We therefore urge all parties to play an active part in the conclusion of this process, which requires the High Representative to complete his task and Bosnians to bear full responsibility for their country. We await with interest the upcoming meeting of the Steering Board of the Peace Implementation Council in late November.

**Mr. Tatham** (United Kingdom): I would like to join everyone in welcoming High Representative Valentin Inzko back to the Council and to thank him for his report (see S/2012/813). As always, it is a detailed report, documenting objectively but also starkly the range of serious ongoing challenges in Bosnia and Herzegovina. The United Kingdom would like to express its gratitude to the High Representative for his ongoing commitment to the implementation of the Dayton Peace Agreement against such a challenging political backdrop.

The United Kingdom shares the concern of the High Representative over the current political situation in Bosnia and Herzegovina. This has been a year of contrasts. The optimism in the early part of the year, with the formation of the Council of Ministers and the passing of key legislation, was replaced by a return to political inertia. Serious disagreements within the governing coalition after only four months stalled progress on the country's European Union (EU) and NATO paths and frustrated progress towards delivering the five objectives and two conditions necessary for the closure of the Office of the High Representative.

This lack of progress is a symptom of a wider political reality, in which Bosnia and Herzegovina's elected leaders are unwilling to put the needs of the

country and its citizens above their own narrow interests. Political inertia is now in danger of becoming established practice, and we urge the country's leaders to focus on the reforms necessary to deliver a better future for its citizens. It is the foremost responsibility of democratically elected politicians to govern in a way that promotes the interests and welfare of the population they represent. This is a responsibility that is being neglected by the political leadership of Bosnia and Herzegovina.

Making progress on the EU path and entrenching fiscal sustainability will require a commitment to reform and functionality that has so far been absent. Last month's local elections were a stark reminder of the continued dominance of nationalist politics, but with local elections now over, there is a period of opportunity that the political leaders must seize.

In this regard, we share the High Representative's concern, and that expressed by many representatives around this table, about the intensification of nationalistic rhetoric and challenges to the State. During the recent election campaign and even before it, Republika Srpska authorities increased the intensity and frequency of their attacks on State-level institutions and sought to undermine the functionality of the Government.

For anyone who doubts the seriousness of these challenges to the Dayton framework, I recommend that they read carefully some of the footnotes to the High Representative's report, which catalogue a range of public statements that I trust that all around this table would find completely unacceptable, as they seek to undermine the principles of the Dayton Peace Agreement. Such an approach will only obstruct the reform process and offer no benefit to any section of the population.

Let me emphasize once more the position of the British Government, quoted by the High Representative in his statement earlier in this meeting. Bosnia and Herzegovina will join the European Union only as a single, sovereign State.

The country has a clear route towards EU and NATO membership, which will provide a proven framework of peace, security and regional cooperation. The United Kingdom is fully supportive of this goal and will do everything it can to facilitate progress, but Bosnia and Herzegovina's leaders need to help their own citizens towards this positive future. This is a future that the population of Bosnia and Herzegovina deserves no

less than the populations of the other countries in the region, including those that have been making good progress in recent years towards European and Euro-Atlantic integration. The political leadership in Bosnia and Herzegovina needs to transform its current approach and to focus with energy and commitment on the reforms that will carry the country down the path towards eventual EU and NATO membership. That, rather than the protracted power struggles among the leaderships of the various Bosnian political parties, represents the way forward for the country.

We strongly support the roles of the EU Special Representative and of the EU Head of Delegation, Mr. Peter Sørensen, who is doing an excellent job in placing EU accession at the forefront of the country's political agenda. We also commend the collaborative working relationship forged between him and High Representative Inzko. Moving forward, the EU Special Representative's role will be vital in re-energizing the EU's approach in-country.

While we understand some of the difficulties in reaching agreement on essential reforms, it is clear that Sarajevo has fallen further behind its neighbours on the path towards EU accession. We urge political leaders to focus on the swift implementation of the road map they agreed with the European Commission in June. Only then can it move forward with its Stabilization and Association Agreement and consider submitting a credible membership application.

The political situation is also having a negative impact on economic confidence. We share the High Representative's concerns about growth, high unemployment and the accompanying social problems. They have been compounded by endemic corruption at all levels of Government. Local officials must take determined action to eliminate corruption in all its manifestations.

It is because of those underlying political challenges and risks to stability that the United Kingdom supports the High Representative's assessments that the European Union Force-Operation Althea continues to play a central role in efforts to maintain a safe and secure environment, and that it remains a vital factor in stability in Bosnia and Herzegovina. International safeguards remain essential, alongside a reinforced EU presence. We therefore welcome the agreement reached at the October EU Foreign Affairs Council to continue to fulfil EUFOR's executive mandate. We look forward

to the Security Council agreeing on a renewed mandate for EUFOR shortly.

**Mr. Loulichki** (Morocco) (*spoke in French*): I would like, at the outset, to welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and to thank him for his comprehensive report (see S/2012/813) on the implementation of the Peace Agreement on Bosnia and Herzegovina for the period 21 April to 26 October. We share his assessment and we wholeheartedly endorse the recommendations he made at the end of his briefing.

The report before us, while providing new information on the situation in Bosnia and Herzegovina, clearly reports a break in the progress achieved during the previous period. It raises serious concern about the breakdown of relations among the partners in the Federation. After a promising beginning to this year marked by encouraging political dialogue, the concluding of an important agreement that led to the formation of a State Council of Ministers and of a new Government and the adoption of the 2012 budget, a series of unilateral pronouncements and actions on the part of politicians have undermined the very foundations of the Dayton Accords, and even the sovereignty, territorial integrity and unity of the Federation.

Those Accords undeniably brought peace and stability to a region in turmoil, one that has suffered more than others from war and its humanitarian consequences for the people of the region. Their implementation to date has given reason for hope about Bosnia and Herzegovina recovering its proud identity in its diversity and has opened the way for integration into the Euro-Atlantic community. No one denies the difficult challenges in effectively implementing the Dayton Accords. Still, the agreed constitutional mechanisms and the arrangements safeguarding compliance with commitments and promoting cooperation and dialogue within the Federation remain the sole means to protect the interests of all Bosniaks.

Building the Federation of Bosnia and Herzegovina such that all its constituents can take ownership of it is a long-term project. It requires patience, courage and, especially, the political will to work together for peace in the present and for prosperity for future generations. To that end, all domestic and international efforts should come together for pacification and responsible behaviour on the part of all politicians in the country, so that they can overcome their differences and put the



interests of their citizens first in their thoughts and actions, where they belong. As the High Representative's report points out, the backsliding visible in political life in Bosnia and Herzegovina and the quasi-paralysis of the Government have had a negative impact on the country's economy and on the citizens' ability to meet basic needs.

We are all aware of the tragic conditions and suffering borne by the people of Bosnia and Herzegovina. We are pleased that peace and security nevertheless continue to prevail, despite internal political problems. We must do all we can to remedy the situation. My country is happy to have contributed to efforts to stabilize Bosnia and Herzegovina. We continue to uphold its sovereignty and territorial integrity, and we call on the leaders of factions to renounce provocation and confrontation. The Security Council should send that message clearly today to all those who strive to undermine Bosnia and Herzegovina's stability and the ability of its Dayton Accords institutions to function.

My country greatly appreciates the efforts of the High Representative. Despite the many frustrations he must certainly feel, we encourage him to persevere in the help and good offices he lends to the cause of stability and coexistence in Bosnia and Herzegovina. We call on all parties to re-engage in political dialogue and to do all they can to re-establish trust and consensus and to work towards outcomes acceptable to all.

The High Representative and our friends the people of Bosnia and Herzegovina can trust in Morocco's engagement and support in safeguarding the country's sovereignty and territorial integrity, including our commitment to contribute to a prosperous future for all elements of its population.

**The President:** I will now make a statement in my national capacity.

At the outset, I would like to welcome High Representative Valentin Inzko to the Council and to thank him for both his comprehensive briefing and his report on the situation in Bosnia and Herzegovina (see S/2012/813).

It is a matter of satisfaction that there has been peace and stability in Bosnia and Herzegovina during the period covered by the report. However, political developments are of serious concern. There has been little progress in the country's Euro-Atlantic integration. Negative rhetoric has adversely affected

economic prospects. Those issues need to be addressed by political entities within the framework established by the General Framework Agreement for Peace in Bosnia and Herzegovina.

We commend the conducting of local elections on 7 October, and we hope that grass-roots democratic institutions will promote nation-building, intercommunity harmony and the rule of law. The joint declaration of the Foreign Ministers of Bosnia and Herzegovina, Croatia, Montenegro and Serbia on cooperation to protect and promote the rights of refugees, returnees and internally displaced persons, signed earlier this year, should serve as an important confidence-building measure. Such cooperation will not only promote regional cooperation, but also facilitate their common aspirations for Euro-Atlantic integration.

We have noted that the progress on outstanding issues for the closure of the Office of the High Representative has been somewhat slow. We are, however, glad that the recent State property ruling by the Constitutional Court of Bosnia and Herzegovina has laid out guiding principles for the resolution of the State property issue. We also welcome the closure of the Brcko Final Award office on 31 August.

Through their continued presence in Bosnia and Herzegovina, the European Union and NATO military missions have carried out an important role in ensuring that country's citizens' safety and security, even when the political situation is tense. We commend the efforts made by the European Union-led force and support the extension of its mandate.

As I have said in previous meetings, Bosnia and Herzegovina is a novel experiment in building a new nation from the rubble of the civil war that the peoples of the former Yugoslavia had to endure in the 1990s. It is never easy to build a multi-ethnic, multilingual, multicultural and multi-religious country. The problems that have been mentioned in the report and the briefing of the High Representative are bound to be encountered in the path of building a nation inhabited by people of different faiths, ethnicities and languages.

Our own experience over the last six decades has convinced us that although the path to building such a nation is long and arduous, the fruits are well worth the efforts.

Resolving the problems facing the Bosnian peoples therefore calls for patience, determination and mutual

accommodation. Unilateral actions, mutual suspicion, rhetorical statements and violations of the General Framework Agreement for Peace will only vitiate the political and social atmosphere and delay the achievement of their goals.

The General Framework Agreement for Peace and its implementation have ensured peace and security in Bosnia and Herzegovina over the last 17 years. Nothing should be done to undermine the Peace Agreement's foundations or roll back the reforms undertaken to implement it. We would therefore urge the leadership of Bosnia and Herzegovina, as well as the international community, to persevere in spite of the problems that are encountered. We hope that the Bosnian parties will engage, in a spirit of compromise and maturity, in addressing political problems so that the Peace Agreement and its implementation are strengthened. They should also take concerted steps so that the currently deteriorating economic prospects are reversed and the country can return to the path of high growth of the pre-recession years.

In conclusion, I would like to highly commend the work being done by the High Representative in assisting the people and leadership of Bosnia and Herzegovina in their nation-building endeavours. We fully support his efforts.

I now resume my functions as President of the Council.

I give the floor to the representative of Serbia.

**Mr. Starčević** (Serbia): First of all, I would like to welcome His Excellency Mr. Valentin Inzko, the High Representative for Bosnia and Herzegovina, and to thank him for his report to the Council (see S/2012/813).

At the outset, let me point out that Serbia has stable relations with Bosnia and Herzegovina and fully respects the Dayton Peace Agreement as the basis of stability in Bosnia and Herzegovina and the region of the Western Balkans. We are committed to the territorial integrity and sovereignty of Bosnia and Herzegovina and to non-interference in its internal affairs. We shall support any agreement relative to the future constitution of that country that is reached by consensus between the two entities and the three constitutive peoples.

Serbia welcomes all the consensus decisions adopted by the governmental bodies and representatives of the two entities in Bosnia and Herzegovina and deems them important steps forward on that country's

road to the European Union. Likewise, concrete encouragements from the European Union are needed for the further stabilization of the situation in Bosnia and Herzegovina.

In the context of the European integration of the entire Western Balkans, Serbia is ready to continue to promote cooperation with Bosnia and Herzegovina, as well as exchange experiences with and render support to that country, with the aim at reaching our common goal of joining the European family of nations.

In the opinion of my country, sustainable solutions for lasting stability in Bosnia and Herzegovina can be achieved only through dialogue and compromise between the two entities and three constitutive peoples. We consider that the international community should treat the relations between the three constitutive peoples in Bosnia and Herzegovina with great care and respect for their interests. Serbia is encouraging all sides in Bosnia and Herzegovina to invest additional efforts in reaching such solutions for all outstanding issues.

Serbia has demonstrated its full readiness to confront the past and contribute to a better future for and the well-being of the region, doing all that was necessary in that respect. Therefore, we consider that all war crimes committed on the territory of the former Yugoslavia must be processed in order to establish lasting stability and reconciliation in the region.

In that context, Serbia welcomed the setting up, at the insistence of the Republika Srpska and in agreement with Baroness Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, of a commission to review judiciary and prosecution practices in Bosnia and Herzegovina, which began its work last year. In November 2011, the Commission adopted preliminary recommendations which highlighted the lack of objectivity, transparency and efficiency in the judiciary of Bosnia and Herzegovina, especially with respect to the processing of war crimes. It also recommended that the positions of international judges and prosecutors be terminated by the end of 2012.

Those recommendations are a good basis for the strengthening of the institutions in Bosnia and Herzegovina and finalizing the process of reconciliation. We hope that the legitimately elected representatives of all peoples and entities will very soon display the ability and capacity to take over the responsibility for managing the affairs of the State independently, which

would make the case for the maintenance of the Office of the High Representative and the so-called Bonn powers invalid.

Regarding the bilateral cooperation of my country with Bosnia and Herzegovina, particularly in the economic field, let me point out that this cooperation has registered significant results. Proceeding from the Agreement on Special Parallel Relations, Serbia has had successful cooperation with the Republika Srpska, but, at the same time, has made every effort to strengthen cooperation with the Federation of Bosnia and Herzegovina, with considerable results.

To promote and strengthen that cooperation, important agreements were reached during the visit to Sarajevo by His Excellency Mr. Ivica Dačić, Prime Minister of the Republic of Serbia, on 13 and 14 September 2012. On that occasion, it was agreed, *inter alia*, that the Ministries of Foreign Affairs of the two countries would draft a list of the outstanding issues to be addressed, identify the most important areas of cooperation and take concrete steps to urgently reactivate the Joint Commission for Economic Cooperation and the Interstate Council for Cooperation. That process has already been operationalized during the political consultations held between the State Secretary of the Ministry of Foreign Affairs of the Republic of Serbia and the Deputy Minister for Foreign Affairs of Bosnia and Herzegovina on 5 November 2012. A new impetus to the strengthening of bilateral cooperation between our two countries is expected during the visit of His Excellency Mr. Vjekoslav Bevanda, Chairman of the Council of Ministers of Bosnia and Herzegovina, which is planned for the end of this year.

By actively participating in, and chairing numerous regional initiatives, the Republic of Serbia has confirmed its commitment to strengthening regional cooperation. The successful cooperation with Bosnia and Herzegovina within the Southeast European Cooperation Process, the Central European Initiative, the Regional Cooperation Council and the Adriatic-Ionian Initiative, *inter alia*, contributes to the further strengthening of good-neighbourly relations and to a common European future.

I would like to point out that Serbia continues to be fully committed to achieving just, comprehensive and sustainable solutions to the problem of refugees. I reiterate the importance of the International Donors' Conference on Durable Solutions for Refugees and Internally Displaced Persons, held in Sarajevo in April.

It was a good example of the successful cooperation of the four countries of the region — Bosnia and Herzegovina, Croatia, Montenegro and Serbia — in achieving, with the assistance of international organizations and the donor community, a basis for lasting housing solutions for the refugees. If the remaining funds needed are secured, the solution to that problem would no doubt contribute to the promotion of good-neighbourly relations and the achievement of lasting stability and reconciliation in the region.

**The President:** I now give the floor to the representative of Croatia.

**Mr. Vilović** (Croatia): At the outset, allow me to extend my sincere congratulations to Your Excellency on your assumption of the presidency of the Security Council for the month of November. Let me also welcome His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and to thank him for his briefing and his report (see S/2012/813).

Croatia aligns itself with the statement of the European Union (EU), to be delivered shortly. However, allow me to make a statement in my national capacity as well.

Bosnia and Herzegovina developing as a fully functional State and joining NATO and the EU is not only something that Croatia strongly supports and will continue to support, but is also crucial to stability in South-Eastern Europe.

Croatia notes with regret that, 17 years after the war, there are still doubts about the territorial integrity and the constitutional framework of Bosnia and Herzegovina. Consequently, instead of discussing today Bosnia and Herzegovina's progress on the NATO Membership Action Plan and the opening and closing of European Union membership negotiation chapters, we are compelled to struggle with separatist tendencies and the obstruction of democratic processes.

Bosnia and Herzegovina has a future as a member of the Euro-Atlantic community, as a modern European State with a developed democracy and a viable and competitive economy, and as a State with a particular political system. In many aspects, that system, rooted in the Dayton Peace Accords, is based on ethnic representation, which is meant to be founded on genuine equality among the three constitutive peoples. That equality is the key to successfully achieving an ethnic balance among its citizens, stability and the

functionality of Bosnia and Herzegovina. It is, and will continue to be for the foreseeable future, a *conditio sine qua non* of the political, economic and cultural life of Bosnia and Herzegovina.

However, such equality is not secured through the current electoral legislation. The Croats of Bosnia and Herzegovina are the least numerous but are nevertheless a constitutive people. Breaching their right to have political representatives whom they themselves elected is dangerous not only for their political existence but for Bosnia and Herzegovina as a whole. It would be equally detrimental if the other two constituent peoples were unable to elect their genuine representatives.

That said, it should be stressed that Bosnia and Herzegovina is also a State of all its citizens, regardless of ethnicity or faith. As such, it must implement the verdict of the European Court of Human Rights on the *Sejdic-Finci* case. That the citizens of Bosnia and Herzegovina who do not belong to one of the three constituent peoples are discriminated against by the election process and that Bosniaks and Croats in the Republika Srpska and Serbs in the Federation of Bosnia and Herzegovina suffer the same type of discrimination is a legacy of the Dayton Peace Accords. Nevertheless, we urge the political leaders of Bosnia and Herzegovina to reach a viable and sustainable solution on that issue. We believe that the relevant objective, which is a key element for the entry into force of the Stabilization and Association Agreement with the European Union, will be achieved at the earliest possible time.

With regard to Bosnia and Herzegovina's progress towards joining NATO, we urge the political leaders in Bosnia and Herzegovina to further the efforts towards implementing the six-party political agreement on the issue of military property and to work constructively to implement it without delay in order to start the first cycle of Bosnia and Herzegovina's Membership Action Plan as soon as possible.

Croatia wants to develop the Euro-Atlantic partnership with Bosnia and Herzegovina. We stand ready to cooperate closely with Bosnia and Herzegovina on all issues relating to Croatia's future European Union membership and to provide Bosnia and Herzegovina with firm political and robust technical support in that process of European integration.

**The President:** I now give the floor to Mr. Ioannis Vrailas, Deputy Head of Delegation of the European Union to the United Nations.

**Mr. Vrailas:** I have the honour to speak on behalf of the European Union (EU). The acceding country Croatia, the candidate countries the former Yugoslav Republic of Macedonia, Montenegro and Iceland, the country of the Stabilization and Association Process and potential candidate Albania, the European Free Trade Association country Norway, member of the European Economic Area, as well as Ukraine and Georgia, align themselves with this statement.

I join other speakers in welcoming High Representative Valentin Inzko back to the Council and express our support for him and his Office.

Some five weeks ago, Bosnia and Herzegovina held local elections, which, it should be noted, took place in an overall satisfactory manner, although they were postponed in Mostar. In addition, there were important signs of progress in the first half of 2012, with strong support from the European Union. That proves that moving forward is possible.

Yet the political and economic situation in Bosnia and Herzegovina continues to be difficult. The lack of progress in implementing the necessary political and economic reforms, the continued use of divisive rhetoric, and deeply rooted divisions among political parties continue to cause a considerable headwind for the efforts of those who want to see Bosnia and Herzegovina as a stable, viable, multi-ethnic, prosperous and united State, cooperating peacefully with its neighbours and irreversibly on track towards EU membership. We therefore encourage the Security Council, as well as the European Union and others that are working towards that end, both on the ground and within the wider international community, to send a message of support for the efforts of Bosnia and Herzegovina's political leadership.

The recent political instability in Bosnia and Herzegovina, both at the State and Federation levels, has weakened the earlier positive momentum in the implementation of the reform agenda. Following the municipal elections on 7 October, the European Union has stepped up its engagement with the country's authorities in order to underline the responsibility of political leaders to constructively address today's pressing challenges. Those include in particular the rule of law, the economy, jobs and social welfare. To make credible progress on meeting those challenges requires that Bosnia and Herzegovina move forward on the European path. During their joint visit to Sarajevo

on 30 October, High Representative and European Commission Vice-President Ashton and United States Secretary of State Clinton jointly highlighted those priorities and reaffirmed their commitment to Bosnia and Herzegovina's future.

The European Union believes that it is critical that Bosnia and Herzegovina's obligations under the interim Stabilization and Association Agreement are fulfilled as a matter of priority. Failing that, the country would not be in a position to make the progress on its path towards European integration that its citizens expect and to which they are entitled. In particular, Bosnia and Herzegovina needs to urgently bring its Constitution into compliance with the European Convention on Human Rights and to implement the ruling of the European Court of Human Rights in the *Sejdic-Finci* case. That will allow the European Union to take a decision on the entering into force of the Stabilization and Association Agreement with Bosnia and Herzegovina, paving the way for further steps forward, including a credible EU membership application.

The European Union also strongly encourages Bosnia and Herzegovina to move forward in the implementation of the road map agreed among its political leaders in the high-level dialogue on the EU accession process. The role of the road map is to facilitate the implementation of the key requirements in Bosnia and Herzegovina's path towards Europe. The European Union also welcomes the decision to suspend international supervision in the Brcko District, taken at the last meeting of the Peace Implementation Council Steering Board meeting in May, and the accompanying closure of the High Representative's Office in Brcko on 31 August.

Since September 2011, the European Union has strengthened its political presence in Bosnia and Herzegovina in order to facilitate its progress towards European integration. The European Union is now represented by a single EU presence on the ground — the EU Special Representative and Head of Delegation — which is fully engaged in supporting Bosnia and Herzegovina in all EU-related matters. It further increased its presence in 2012, including in the field, by opening regional offices in Mostar and Brcko and increasing the size of the regional office in Banja Luka. The EU Special Representative and Head of Delegation is also offering the EU Force Commander political guidance on military issues with a local

political dimension, in particular concerning sensitive operations and relations with local authorities and the local media.

The European Union also continues to support Bosnia and Herzegovina's progress in the security field. While the overall security situation has remained calm and stable and Bosnia and Herzegovina authorities have proven capable of dealing with threats to the security environment so far, Ministers last month confirmed that the European Union is ready to keep the multinational stabilization European Union Force-Operation Althea focused on capacity-building and training, while also retaining the capability to contribute to the Bosnia and Herzegovina authorities' deterrence capacity, if the situation so requires, by continuing an executive military role in support of Bosnia and Herzegovina's efforts to maintain a safe and secure environment under a renewed United Nations mandate.

Separately, as a sign of progress, the European Union concluded the operations of its civilian police monitoring mission on 30 June. We nevertheless remain committed in the area of the rule of law and have established a Law Enforcement Section in the EU office. We also continue to provide considerable pre-accession assistance.

In the context of the overall strategy of the EU for Bosnia and Herzegovina, we look forward to continuing in the appropriate forum the discussion with the international community on the reconfiguration of the international presence and call on the authorities in Bosnia and Herzegovina to meet the outstanding objectives and conditions for the closure of the Office of the High Representative.

The European Union reiterates its unequivocal commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country. We remain ready to provide the necessary assistance to support progress towards Bosnia and Herzegovina's European perspective. It is that approach and that European perspective that will take the country forward on its reform agenda, towards stability and development, on its path to the European Union.

**The President:** There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 12.05 p.m.*