

**THE PERMANENT MISSION OF  
SOUTH AFRICA  
TO THE UNITED NATIONS  
STATEMENT TO THE SECURITY COUNCIL ON THE SITUATION IN  
BOSNIA-HERZEGOVINA BY THE PERMANENT REPRESENTATIVE OF  
SOUTH AFRICA, H.E. AMBASSADOR DUMISANI KUMALO**

**10 July 2002**

Mr. President,

On behalf of our delegation I wish to congratulate you on assuming the Presidency of the Security Council for the month of July 2002.

We come before this Council to register our concern at a critical time when the Security Council's credibility is seriously threatened. The Security Council, which is entrusted with the maintenance of international peace and security, is now being asked to question the authority of an international body, such as the International Criminal Court.

We believe that within the Council's mandate there is no room to either re-interpret or even amend treaties that have been negotiated and agreed by the rest of the UN Membership. An action by one permanent member has cast a shadow on the operation of the International Criminal Court and even the application of international law in general. In this regard, South Africa supports the concerns voiced by the Secretary-General in his letter to the President of the Council on 3 July 2002 about the implications of such an action.

Mr President,

For several years, the UN has assisted the people of Bosnia-Herzegovina to rebuild their war shattered Government Institutions and to work toward the establishment of effective and credible police and border control services. Moreover, the United Nations presence in the Balkans has, until now, sent a powerful message that the international community is firmly committed to assisting the peoples of South East Europe to fully recover from the devastating effects of war.

These achievements are now threatened by one permanent member of the Security Council in its misunderstanding and unfounded fears concerning the jurisdiction of the International Criminal Court, which came into force just ten days ago. This action by one member of this Council affects peace and stability in the entire Balkans and has implications for all United Nations peacekeeping operations throughout the world. As the Council is aware, most conflicts are presently in Africa and if this resolution was passed this would set back peace in our continent for a long time.

The fact that any permanent member can unilaterally decide to exercise its veto privilege to defeat the efforts of all the other 14 Members of the Council to extend the mandate of an agreed United Nations peacekeeping mission holds disturbing implications for the rest of the 174 Members of the UN and the entire world in general. It is worrisome that there is a possibility that other UN Missions may suffer the same fate. This fear becomes real when we consider that in the month of July 2002 alone the mandates of the UNJ Missions in Western Sahara, Lebanon, Georgia and Prevlaka are due for renewal.

Mr. President,

The creation of the International Criminal Court is evidence of an emerging norm in international law in favour of ensuring that those accused of the most serious crimes are either prosecuted by competent national authorities or handed over for prosecution by a duly instituted international court. We would hope that the Security Council would actively promote this emerging norm in international law.

We urge the Security Council to stand firm and protect the peace mission in the Balkans while reinforcing and certainly not jeopardising the International Criminal Court and the norm of International Law that it has established. The Security Council cannot fail the people of Bosnia-Herzegovina because if it did so, it shall have failed people everywhere.

Thank you