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| Country/entity | Bosnia and Herzegovina Yugoslavia (former) |
| Region | Europe and Eurasia |
| Agreement name | Croat-Serb Constitutional Principles for Bosnia-Herzegovina |
| Date | 23 Jun 1993 |
| Agreement status | Multiparty signed/agreed |
| Interim arrangement | Yes |

Agreement/conflict level Intrastate/intrastate conflict

Balkan Conflicts (1991 - 1995) (1998 - 2001)

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.

Close

Balkan Conflicts (1991 - 1995) (1998 - 2001)

Stage

Framework/substantive - partial

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| Conflict nature | Government/territory |
| Peace process | Bosnia peace process |
| Parties | Radovan Karadzic; Mate Boban |
| Third parties | - |
| Description | This agreement establishes principles for establishing a confederation comprised of three constituent nations, an executive comprised of representatives from all three republics, a constitutional court, and mechanisms for international monitoring. |

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| Agreement document | BA_930623_Croat-Serb Constitutional Principles for Bosnia-Herzegovina.pdf (opens in new tab) Download PDF |
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Groups

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|-------------------------------------|--|
| Children/youth | No specific mention. |
| Disabled persons | No specific mention. |
| Elderly/age | No specific mention. |
| Migrant workers | No specific mention. |
| Racial/ethnic/national group | Groups→Racial/ethnic/national group→Substantive Page 1, 4. All matters of vital concern to any of the constituent peoples and their republics shall be regulated in the constitutions of the republics and tripartite constitutional agreement of confederation which as to these points may be amended only by consensus. |
| Religious groups | No specific mention. |
| Indigenous people | No specific mention. |
| Other groups | No specific mention. |
| Refugees/displaced persons | No specific mention. |
| Social class | No specific mention. |

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration Page 1, 1.
Bosnia and Herzegovina shall be a confederation, the constitution shall recognise three constituent peoples, as well as a group of others, with most governmental functions carried out by its republics.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

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| Political institutions (new or reformed) | <p>Governance→Political institutions (new or reformed)→General references</p> <p>Page 1, 5.</p> <p>The republics shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The presidency of the confederation shall be composed of the three presidents of the republics. There shall be a confederal council of ministers composed of nine members, three from each of the republics. The chairman of the confederal council shall be prime minister. The confederal council shall include a foreign minister. The posts of prime minister and foreign minister shall rotate at agreed intervals among the three republics. The confederal parliament shall be indirectly elected by the legislature of the three republics. The initial elections are to be UN/EC/CSCE supervised.</p> |
| Elections | <p>Page 1, 5.</p> <p>The republics shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The presidency of the confederation shall be composed of the three presidents of the republics. There shall be a confederal council of ministers composed of nine members, three from each of the republics. The chairman of the confederal council shall be prime minister. The confederal council shall include a foreign minister. The posts of prime minister and foreign minister shall rotate at agreed intervals among the three republics. The confederal parliament shall be indirectly elected by the legislature of the three republics. The initial elections are to be UN/EC/CSCE supervised.</p> |
| Electoral commission | No specific mention. |
| Political parties reform | No specific mention. |
| Civil society | No specific mention. |
| Traditional/religious leaders | No specific mention. |

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

Page 1, 1.

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Page 1, 4.

All matters of vital concern to any of the constituent peoples and their republics shall be regulated in the constitutions of the republics and tripartite constitutional agreement of confederation which as to these points may be amended only by consensus.

Page 1, 6.

A constitutional court, with a member from each republic, shall resolve dispute between the republics and the confederation, and among organs of the former. In the event that the constitutional court cannot settle disputes by consensus, they shall be referred for binding arbitration by a chamber of five drawn from judges of the International Court of Justice.

Page 1, 9.

A number of international monitoring devices shall be provided for in the constitution, to remain in place at least until the three republics by consensus agree to dispense with them.

Power sharing

**Political power
sharing**

Power sharing→Political power sharing→Executive coalition

State level

Page 1, 5.

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Power sharing→Political power sharing→Form of 'veto' or communal majority

State level

Page 1, 4.

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**Territorial power
sharing**

No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, 2.
The republics shall not enter into agreements with foreign states or with international organisations if it can damage the interests of other republics.

Page 1, 8.
The highest level of internationally recognised human rights shall be provided for in the constitution, which shall also provide for ensuring implementation through both domestic and international mechanisms.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

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| Citizenship | No specific mention. |
| Democracy | No specific mention. |
| Detention procedures | No specific mention. |
| Media and communication | No specific mention. |
| Mobility/access | Page 1, 3. Full freedom of movement shall be allowed throughout Bosnia and Herzegovina to be ensured in part by the maintenance of internationally monitored throughways. |
| Protection measures | No specific mention. |
| Other | No specific mention. |

Rights institutions

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|--|----------------------|
| NHRI | No specific mention. |
| Regional or international human rights institutions | No specific mention. |

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 1, 6.
A constitutional court, with a member from each republic, shall resolve dispute between the republics and the confederation, and among organs of the former. In the event that the constitutional court cannot settle disputes by consensus, they shall be referred for binding arbitration by a chamber of five drawn from judges of the International Court of Justice.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR Security sector→DDR→Demilitarisation provisions
Page 1, 7.
Bosnia and Herzegovina is to be progressively demilitarised under UN/EC supervision.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar

Page 1, 3.
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Page 1, 7.
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| Enforcement mechanism | No specific mention. |
| Related cases | No specific mention. |
| Source | University of Liverpool, David Owen papers https://www.liverpool.ac.uk/library/sca/collDESCS/owen/ |
