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|----------------------------|--|
| Country/entity | Bosnia and Herzegovina Yugoslavia (former) |
| Region | Europe and Eurasia |
| Agreement name | Declaration Concerning the Constitution of the Federation of Bosnia and Herzegovina (with Proposed Constitution of the Federation of Bosnia and Herzegovina attached) |
| Date | 18 Mar 1994 |
| 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

| | |
|------------------------|--|
| Conflict nature | Government/territory |
| Peace process | Bosnia peace process |
| Parties | <p>To the Declaration Concerning the constitution of the Federation of Bosnia and Herzegovina: Alija Izetbegovic; Haris Silajdzic; Franjo Tudjman; Kresimir Zubak</p> <p>To the Annex - Human Rights Instruments to be Incorporated into the Federation Constitution: Kresimir Zubak; Haris Silajdzic</p> <p>To the Criteria for the Definition of the Territory of the Federation of Bosnia and Herzegovina: Kresimir Zubak; Haris Silajdzic</p> |
| Third parties | - |
| Description | This agreement endorses the proposed constitution for a Federation of Bosnia and Herzegovina. It provides for institutional arrangements to establish and govern an ethnic Federation in majority Bosniac and Croat areas. It includes an Annex of Human Rights Instruments to be Incorporated into the Federation Constitution, and Criteria for the Definition of the Territory of the Federation of Bosnia and Herzegovina. |

| | |
|---------------------------|---|
| Agreement document | BA_940318_DeclarationConcerningConstitutonFederationBosniaHerzegovina.pdf (opens in new tab) Download PDF |
|---------------------------|---|

Groups

| | |
|-------------------------|--|
| Children/youth | <p>Groups→Children/youth→Substantive Page 3, II. Human rights and fundamental freedoms, A. General, Article 2 1. All persons within the territory of the Federation shall enjoy the rights: ... j. To protection of the family and of children;</p> <p>Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE FEDERATION CONSTITUTION ... 16. 1989 Convention on the Rights of the Child</p> |
| Disabled persons | No specific mention. |
| Elderly/age | No specific mention. |

Migrant workers

Groups→Migrant workers→Substantive

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION CONSTITUTION

...

17. 1990 Convention on the Rights of Migrant Workers and Members of their Families

**Racial/ethnic/
national group**

Groups→Racial/ethnic/national group→Anti-discrimination

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

d. To freedom from discrimination based on race, colour, sex, language, religion or creed, political or other opinions, and national or social origin;

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION CONSTITUTION

...

9. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
Groups→Racial/ethnic/national group→Substantive

Page 1

...

In order to broaden our cooperation, we have decided that we will immediately:

1. Form a Joint Group to serve as the sole representative of the Bosniacs and the Croats in all negotiations with the Serbs concerning an overall settlement in Bosnia and Herzegovina.

Page 2, I. Establishment of the Federation, Article 1

1. Bosniacs and Croats, as constituent peoples (along with Others) and citizens of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transform the internal structure of the territories with a majority of Bosniac and Croat population in the Republic of Bosnia and Herzegovina into a Federation, which is composed of federal units with equal rights and responsibilities.

Page 2, I. Establishment of the Federation, Article 1

2. Decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations toward a peaceful settlement and at the ICIFY.

Page 2, I. Establishment of the Federation, Article 5

...

2. Approval of symbols shall require a majority vote in each House of the Legislature, including in the House of Peoples a majority of the Bosniac Delegates and a majority of the Croat Delegates.

Page 2-3, I. Establishment of the Federation, Article 6

1. The official languages of the Federation shall be the Bosniac language and the Croatian language. The official script will be the Latin alphabet.

...

3. Additional languages may be designed as official by a majority vote of each House of the Legislature, including in the House of Peoples a majority of the Bosnian Delegates and a majority of the Croat Delegates.

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

r. To protection of minorities and vulnerable groups.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions,
Article 1

Page 5 of 48

1. There shall be three Ombudsmen, one Bosniac, one Croat, and one Other, who shall be appointed by the Federation Legislature in accordance with legislation it shall adopt no

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 3, II. Human rights and fundamental freedoms, A. General, Article 3
All refugees and displaced persons have the right to freely return to their homes of origin.

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE FEDERATION CONSTITUTION
...
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

Page 26, CRITERIA FOR THE DEFINITION OF THE TERRITORY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA
...
Remark:
...
c. Naturally, refugees and displaced persons will, with the assistance and responsibility of the international community, return to the places of their residence on the entire territory of the Republic of Bosnia and Herzegovina. This is an inseparable part of the overall peace agreement for Bosnia and Herzegovina.

Social class No specific mention.

Gender

Women, girls and gender

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2
1. All persons within the territory of the Federation shall enjoy the rights:

...

d. To freedom from discrimination based on race, colour, sex, language, religion or creed, political or other opinions, and national or social origin;

Page 24, Annex: Human Rights Instruments to be Incorporated into the Federation Constitution

...

6. 1957 Convention on the Nationality of Married Women

Page 24, Annex: Human Rights Instruments to be Incorporated into the Federation Constitution

...

12. 1979 International Convention on the Elimination of All Forms of Discrimination Against Women

Men and boys

No specific mention.

LGBTI

No specific mention.

Family

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2
1. All persons within the territory of the Federation shall enjoy the rights:

...

j. To protection of the family and of children;

State definition

Nature of state (general)

Page 1

...

We are agreed that our efforts will be intensified in the search for an overall political settlement that assures the protection of human rights and the preservation of the sovereignty and territorial integrity of all states in the region.

...

The Bosniac and the Croat delegations affirm their commitment to propose this Constitution to a Constituent Assembly, as the basis for a federation ensuring full national equality, democratic relations, and the highest standards of human rights and freedoms.

Page 2, Untitled Preamble

...

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Page 20, VII. INTERNATIONAL RELATIONS, Article 1

The international relations of the Federation are based on the international personality, territorial integrity, and continuity of the Republic of Bosnia and Herzegovina.

State configuration

Page 1

...

All delegations join in their support for the principles of confederation, which can lay the foundation for a more prosperous and secure future for the peoples of the region.

Self determination

No specific mention.

Referendum

No specific mention.

| | |
|------------------------------------|---|
| State symbols | <p>Page 2, I. Establishment of the Federation, Article 4 The capital of the Federation shall be Sarajevo.</p> <p>Page 2, I. Establishment of the Federation, Article 5</p> <ol style="list-style-type: none"> 1. The Federation shall have a flag, an anthem, a coat of arms, and a seal, as well as such symbols as the Legislature may decide in accordance with paragraph (2). 2. Approval of symbols shall require a majority vote in each House of the Legislature, including in the House of Peoples a majority of the Bosniac Delegates and a majority of the Croat Delegates. <p>Page 2-3, I. Establishment of the Federation, Article 6</p> <ol style="list-style-type: none"> 1. The official languages of the Federation shall be the Bosniac language and the Croatian language. The official script will be the Latin alphabet. 2. Other languages may be used as means of communication and instruction. 3. Additional languages may be designed as official by a majority vote of each House of the Legislature, including in the House of Peoples a majority of the Bosnian Delegates and a majority of the Croat Delegates. |
| Independence/ secession | No specific mention. |
| Accession/ unification | No specific mention. |
| Border delimitation | No specific mention. |
| Cross-border provision | <p>Page 1, Today we endorse the proposed Constitution of the Federation of Bosnia and Herzegovina, as well as a preliminary agreement concerning future economic and military co-operation between the Federation and the Republic of Croatia...</p> |

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→New political institutions
(indefinite)
Page 1

...

In order to broaden our cooperation, we have decided that we will immediately:
1. Form a Joint Group to serve as the sole representative of the Bosniacs and the Croats in all negotiations with the Serbs concerning an overall settlement in Bosnia and Herzegovina.

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 1. The House of Representatives, Article 1
There shall be a House of Representatives, comprising 140 Members.

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 1. The House of Representatives, Article 2
The term of Members of the House of Representatives shall be four years, unless the House is dissolved in accordance with this Constitution.

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 1. The House of Representatives, Article 3
1. Members of the House of Representatives shall be elected democratically by eligible voters in a direct, Federation-wide election. Each voter shall be eligible to cast a single, secret ballot for any registered party. Each party receiving at least five percent (5%) of the total valid votes cast shall be allocated a number of seats proportional to its percentage of the vote received.
2. Before each election, each registered party shall publish a list of candidates. The Members of the House of Representatives from each party shall be the persons highest on that party's list; replacements for Members shall be the persons highest of the remainder of that list.

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 1. The House of Representatives, Article 4
Any eligible voter may serve as a member of the House of Representatives.

Page 8, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 1. The House of Representatives, Article 5
The House of Representatives shall first be convened not later than twenty days after the results of the election have been promulgated.

Page 8, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 2. House of Peoples, Article 6
There shall be a House of Peoples, comprising 30 Bosniac and 30 Croat Delegates as well as other Delegates, whose number shall be in the same ratio to 60 as the number of Cantonal legislators not identified as Bosniac or Croat is in relation to the number of legislators who are so identified.

Page 8, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 2. House of Peoples, Article 7
The term of Delegates to the House of Peoples shall be four years, unless the House is dissolved in accordance with the Constitution.

Page 8, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION
LEGISLATURE, 2. House of Peoples, Article 9
The Delegates shall be elected from the members of the Cantonal legislatures.

Elections

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT A. THE FEDERATION LEGISLATURE 1. The House of Representatives, Article 3

1. Members of the House of Representatives shall be elected democratically by eligible voters in a direct, Federation-wide election. Each voter shall be eligible to cast a single, secret ballot for any registered party. Each party receiving at least five percent (5%) of the total valid votes cast shall be allocated a number of seats proportional to its percentage of the vote received.

2. Before each election, each registered party shall publish a list of candidates. The Members of the House of Representatives from each party shall be the persons highest on that party's list; replacements for Members shall be the persons highest of the remainder of that list.

Page 17, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 2. The Cantonal Legislatures, Article 5

...

3. Cantonal Legislators shall be elected democratically by the eligible voters in a direct, Canton-wide election. Each voter shall be eligible to cast a single, secret ballot for any registered party. Each party receiving at least three percent of the total valid votes cast shall be allocated a number of seats proportional to its percentage of the vote received by all the parties to which seats are allocated.

4. Before each election, each registered party shall publish a list of candidates. Each party's Cantonal Legislators shall be selected from the persons highest on that party's list; replacements for Legislators shall be made from the highest of the remainder on that list.

5. Any eligible voter is eligible to serve as a Cantonal Legislator.

6. The Cantonal Legislatures shall first be convened not later than ten (10) days after the results of the election have been promulgated.

Page 19, VI. MUNICIPALITY GOVERNMENTS, Article 3

...

3. Municipal Councillors shall be elected democratically by the eligible voters in a direct, Municipality-wide election. Each voter shall be eligible to cast a single, secret ballot for any registered party. Each party shall be allocated a number of seats proportional to its percentage of the total of valid votes.

4. Any eligible voter is eligible to serve as a Municipal Councillor.

Page 22, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 4

1. Elections for the House of Representatives and the House of Peoples shall be held within six months of the entry into force of this Constitution, and for the Cantonal Legislatures and for Municipal Governing Councils within five months of such entry into force. These elections shall be governed by a law to be adopted by the Constituent Assembly by a majority vote, including a majority of the Bosniac representatives and a majority of the Croat representatives, and shall be monitored by the United Nations and by CSCE.

Electoral commission

No specific mention.

| | |
|--------------------------------------|--|
| Political parties reform | Governance→Political parties reform→Other political parties reform Page 3: 2. All citizens shall enjoy the rights: a. To form and belong to political parties; and b. To political rights: to participate in public affairs; to have equal access to public service; to vote and stand for election. |
| Civil society | No specific mention. |
| Traditional/religious leaders | No specific mention. |

**Public
administration**

Page 4, II. Human rights and fundamental freedoms, A. General, Article 6

All courts, administrative agencies and other governmental organs of the Federation shall apply and conform to the rights and freedoms provided in the instruments listed in the Annex. A Court of Human Rights shall be established in accordance with Article IV.C. 16.

Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4

The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

...

e. Making policy concerning the regulation and provision of public services.

Page 11, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 7

(a) The President shall be responsible for:

...

vii. receiving and accrediting ambassadors;

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 8

The President, with the concurrence of the Vice-President, shall nominate heads of diplomatic missions in consultation with the Prime Minister (or the nominee for that position), and shall nominate officers of the armed forces. Nominations shall require the approval of a majority of each House of the Legislature, provided that approval of nominations for the members of the Joint Command of Military Forces shall require in the House of Peoples a majority of the Bosniac and of the Croat Delegates.

Page 23, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 8

All proceedings pending in courts or administrative agencies functioning within the territory of the Federation on the day this Constitution enters into force shall continue in or be transferred to other courts or Agencies to be established pursuant to this Constitution, in accordance with any legislation governing the competence of such courts or agencies.

Page 23-24, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 11

...

3. Until Interim Federation, Cantonal and Municipal officials are elected in accordance with Article IX.3 of this Constitution, present administrative arrangements will continue in effect within the Federation, except in the Mostar City Municipality, which will be governed by a European Union Administrator for up to two years.

Constitution

Governance→Constitution→Constitutional reform/making

Page 1

Today we endorse the proposed Constitution of the Federation of Bosnia and Herzegovina, as well as a preliminary agreement concerning future economic and military co-operation between the Federation and the Republic of Croatia.

...

The Bosniac and the Croat delegations affirm their commitment to propose this Constitution to a Constituent Assembly, as the basis for a federation ensuring full national equality, democratic relations, and the highest standards of human rights and freedoms.

...

In order to broaden our cooperation, we have decided that we will immediately:

...

2. Ask the Conference on Security and Co-operation in Europe (CSCE) to appoint Ombudsman to begin work in Bosnia and Herzegovina, with the mandate described in the proposed Constitution.

Page 2, I. Establishment of the Federation, Article 1

2. Decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations toward a peaceful settlement and at the ICIFY.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 1

1. There shall be three Ombudsmen, one Bosniac, one Croat, and one Other, who shall be appointed by the Federation Legislature in accordance with legislation it shall adopt no sooner than three years after the entry into force of this Constitution.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 2

1. The Ombudsmen are to protect human dignity, rights, and liberties as provided in the Constitution, in the instruments listed in the Annex thereto, and in the constitutions of the Cantons. In particular, they shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.

Page 6, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 3

...

In exercising these responsibilities in accordance with this Constitution and Decisions of the Federation Legislature, the Federation shall act with respect for Cantonal prerogatives, the diverse situations of the Cantons and the need for flexibility in implementation when enacting laws and regulations binding throughout the Federation.

Page 6-7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 3

...

In exercising these responsibilities in accordance with this Constitution and their respective Cantonal constitutions, the Cantons shall act with respect for inter-Cantonal comity, for coordinated approaches to inter-Cantonal matters, and for consistency on matters implicating interests outside their respective borders and shall in force, complement, and as necessary, elaborate upon Decisions of the Legislature...

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 1. The House of Representatives, Article 2

The term of Members of the House of Representatives shall be four years, unless the

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition
Sub-state level

Proposed Constitution Page 10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 1. The President and the Vice-President, Article 2

In electing the President and Vice-President, a caucus of the Bosniac Delegates and a caucus of the Croat Delegates to the House of Peoples shall each nominate one person. Election as President and Vice-President shall require approval of the two nominees jointly by a majority vote in the House of Representatives, then by a majority vote in the House of Peoples, including a majority of the Bosniac delegates and a majority of the Croat Delegates. Should either House reject the joint state, the caucus shall reconsider their nominations. The persons elected shall serve alternate one-year terms as President and Vice-President during a four-year period. Successive Presidents may not be from the same constituent people.

Page 10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 1. The President and the Vice-President, Article 4

The Cabinet shall consist of a Prime Minister, who shall be the head of government; a Deputy Prime Minister; and Ministers, each of whom shall have a Deputy. No Deputy (including the Deputy Prime Minister) may be from the same constituent people as his Minister. The Deputy Prime Minister shall serve alternately as either Defence Minister or Foreign Minister.

Page 10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 1. The President and the Vice-President, Article 4

1. The President, with the concurrence of the Vice-President, shall nominate the Cabinet after consultation with the Prime Minister(or the nominee for that position). Nominations shall require the approval of a majority of the House of Representatives. Any vacancy shall be filled by the same procedure. No fewer than one-third of the Ministerial positions shall be occupied by Croats.

Page 11, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 7

Except as specifically provided in this Constitution: [Note: competencies of the President, Vice-President, Prime-Minister and the Deputy Prime Minister have been coded in the appropriate sections].

Page 25, 5. SPECIAL REGIME FOR (MIDDLE BOSNIA] AND (NERETVA] CANTONS, Article 12
With regard only to the two Cantons [Middle Bosnia] and [Neretva], the foregoing provisions shall apply except when inconsistent with the following:

...

3. a. Each Canton shall have a Deputy President in addition to a Cantonal President elected in accordance with Article V.8. In electing the President and Deputy President, a caucus of the Bosniac Legislators and a caucus of the Croat legislators shall each nominate one person. Election as President and Deputy President shall require approval of the two nominees jointly by a majority vote in the Cantonal Legislature, including a majority of the Bosniac legislators and a majority of the Croat Legislators. Should the joint slate fail to receive the required approval, the caucuses shall reconsider their nominations. The persons elected shall serve alternate one-year terms as President and Deputy President during two-year period. Successive Presidents may not be from the same constituent people.

Page 25, 5. SPECIAL REGIME FOR (MIDDLE BOSNIA] AND (NERETVA] CANTONS, Article 12
With regard only to the two Cantons [Middle Bosnia] and [Neretva], the foregoing provisions shall apply except when inconsistent with the following:

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, Untitled Preamble

...

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Page 2, I. Establishment of the Federation, Article 1

1. Bosniacs and Croats, as constituent peoples (along with Others) and citizens of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transform the internal structure of the territories with a majority of Bosniac and Croat population in the Republic of Bosnia and Herzegovina into a Federation, which is composed of federal units with equal rights and responsibilities.

Page 2, I. Establishment of the Federation, Article 1

2. Decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations toward a peaceful settlement and at the ICIFY.

Page 2, I. Establishment of the Federation, Article 3

The official name of the Federation is The Federation of Bosnia and Herzegovina.

Page 2, I. Establishment of the Federation, Article 4

The capital of the Federation shall be Sarajevo.

Page 2, I. Establishment of the Federation, Article 5

1. The Federation shall have a flag, an anthem, a coat of arms, and a seal, as well as such symbols as the Legislature may decide in accordance with paragraph (2).

2. Approval of symbols shall require a majority vote in each House of the Legislature, including in the House of Peoples a majority of the Bosniac Delegates and a majority of the Croat Delegates.

Page 7, IV. STRUCTURE OF THE FEDERATION GOVERNMENT

[Summary: This part of the agreement provides for the formation of federal institutions: legislature; executive; judiciary. See 'Proportionality in Legislature', 'Executive coalition', 'Other proportionality', 'Form of 'veto' or communal majority' and 'Judiciary and Courts' for full provisions].

Page 9-10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 5. Powers of the Legislature, Article 20

1. In addition to other powers specified in the Constitution, the Legislature shall have responsibility for: [Summary: see 'Constitution', 'Army', 'Local/municipal government', and 'Taxation' for full provisions].

Page 13, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, C. THE JUDICIARY, 1.

General Provisions Concerning All Courts, 1. General Provision Concerning All Courts, Article 1

[Summary: This part of the agreement details the judicial functions of the federation, see 'Judiciary and Courts', 'National Human Rights Institutions', and 'Proportionality - other' for full provisions].

1. The judicial functions in the Federation shall be exercised by the courts of the Federation specified in paragraph (2) by the Cantonal courts specified in Article V.11 and by Municipal courts specified in Article VI.8.

2. The Courts of the Federation shall be:

Economic power sharing

No specific mention.

Military power sharing

Power sharing→Military power sharing→Joint command structures

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 8

The President, with the concurrence of the Vice-President, shall nominate heads of diplomatic missions in consultation with the Prime Minister (or the nominee for that position), and shall nominate officers of the armed forces. Nominations shall require the approval of a majority of each House of the Legislature, provided that approval of nominations for the members of the Joint Command of Military Forces shall require in the House of Peoples a majority of the Bosniac and of the Croat Delegates.

Human rights/RoL Page 1
general

...

We are agreed that our efforts will be intensified in the search for an overall political settlement that assures the protection of human rights and the preservation of the sovereignty and territorial integrity of all states in the region.

...

The Bosniac and the Croat delegations affirm their commitment to propose this Constitution to a Constituent Assembly, as the basis for a federation ensuring full national equality, democratic relations, and the highest standards of human rights and freedoms.

Page 2, Untitled Preamble

Holding that democratic institutions based on respect for human rights and freedoms best produce harmony among themselves and their communities

...

Guided by the principles of...the Universal Declaration of Human Rights

...

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 2

Both the Federation Government and the Cantons are to have responsibilities for the following:

a. Guaranteeing and enforcing human rights;

Page 17, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 1. General Provisions, Article 1

Each Canton shall, in carrying out its responsibilities as described in Articles III.2 and 4 of this Constitution:

a. take all necessary steps to ensure the protection of the rights and freedoms listed in Sub-Chapter II. A and provided in the instruments listed in the Annex to this Constitution and shall act consistently with this Constitution.

Page 19, VI. MUNICIPALITY GOVERNMENTS, Article 1

In carrying out its responsibilities, each Municipality shall:

a. take all necessary steps to ensure the protection of the rights and freedoms listed in Sub-Chapter VI. A and provided in the instruments listed in the Annex to this Constitution.

b. exercise its responsibilities with due regard to the composition of its population

Page 20, VI. MUNICIPALITY GOVERNMENTS, Article 2

The international relations of the Federation shall be based on respect for international law and treaty obligations and the principle that international disputes are to be settled by peaceful means.

Bill of rights/similar Page 3, II. Human rights and fundamental freedoms, A. General, Article 1

As the principles set out below and the rights and freedoms provided in the instruments listed in the Annex are to be applied throughout the territory of the Republic of Bosnia and Herzegovina, the following provisions govern the Federation.

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

The Federation shall ensure the application of the highest level of internationally recognised rights and freedoms provided in the instruments listed in the Annex.

Page 23, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 10

This Constitution shall apply in the District of Sarajevo and the Municipality of the City of Mostar while these are under international administration, except as otherwise decided by the international administrator, who may not derogate from the Chapter on Human Rights and Fundamental Freedoms. The President of the Federation shall during the period of international administration consult with such administrators with a view to facilitating the full application of this Constitution in such Municipalities as soon as the period ends.

**Treaty
incorporation**

Page 4, II. Human rights and fundamental freedoms, A. General, Article 6

All courts, administrative agencies and other governmental organs of the Federation shall apply and conform to the rights and freedoms provided in the instruments listed in the Annex. A Court of Human Rights shall be established in accordance with Article IV.C. 16.

Page 4, II. Human rights and fundamental freedoms, A. General, Article 7

All competent authorities in the Federation shall cooperate with any international human rights monitoring mechanisms established for Bosnia and Herzegovina and with the supervisory bodies established by any of the instruments listed in the Annex.

Page 20, VII. INTERNATIONAL RELATIONS, Article 4

1. International treaties and other agreements shall be signed and ratified in the name of the Federation by the Federation President. They shall only enter into force for the Federation if approved

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION CONSTITUTION

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1948 Universal declaration of Human Rights
3. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
4. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols thereto
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
6. 1957 Convention on the Nationality of Married Women
7. 1961 European Social Charter and the Protocol I thereto
8. 1961 Convention on the Reduction of Statelessness
9. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
10. 1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols thereto
11. 1966 International Covenant on Economic, Social and Cultural Rights
12. 1979 International Convention on the Elimination of All Forms of Discrimination against Women
13. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief
14. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
15. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
16. 1989 Convention on the Rights of the Child
17. 1990 Convention on the Rights of Migrant Workers and Members of their Families
18. 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE
19. 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10-13
20. 1992 [UN] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
21. 1992 European Charter for Regional and Minority Languages

Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

a. To life;

Human rights and equality→Civil and political rights→Torture

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION

CONSTITUTION

...

14. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION

CONSTITUTION

...

15. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Human rights and equality→Civil and political rights→Equality

Page 1

...

The Bosniac and the Croat delegations affirm their commitment to propose this Constitution to a Constituent Assembly, as the basis for a federation ensuring full national equality, democratic relations, and the highest standards of human rights and freedoms.

Page 2, Untitled Preamble

...

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

c. To equality before the law;

d. To freedom from discrimination based on race, colour, sex, language, religion or creed, political or other opinions, and national or social origin;

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION CONSTITUTION

...

9. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

Human rights and equality→Civil and political rights→Liberty and security of person

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

b. To liberty, with arrest and detention authorised only by law;

Human rights and equality→Civil and political rights→Humane treatment in detention

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

Page 25 of 48

f. To freedom from torture and cruel or inhuman treatment or punishment;

Human rights and equality→Civil and political rights→Freedom of movement

Socio-economic rights

Human rights and equality→Socio-economic rights→Property

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

k. To property;

Page 4, II. Human rights and fundamental freedoms, A. General, Article 4

All persons shall have the right, to be implemented in accordance with Federation legislation and Cantonal legislation consistent therewith, to have restored to them any property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as null and void.

Human rights and equality→Socio-economic rights→Work

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

l. To fundamental freedoms;...freedom to work;

Human rights and equality→Socio-economic rights→Health

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

o. To health;

p. To nutrition;

Human rights and equality→Socio-economic rights→Education

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

m. To education;

Human rights and equality→Socio-economic rights→Shelter/housing

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

q. To shelter;

Human rights and equality→Socio-economic rights→Social security

Page 3, II. Human rights and fundamental freedoms, A. General, Article 2

1. All persons within the territory of the Federation shall enjoy the rights:

...

n. To social protection;

Human rights and equality→Socio-economic rights→Cultural life

Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
FEDERATION

CONSTITUTION

...

11. 1966 International Covenant on Economic, Social and Cultural Rights

Human rights and equality→Socio-economic rights→Other

Page 3, II. Human rights and fundamental freedoms, A. General, Article 3

All refugees and displaced persons have the right to freely return to their homes of origin.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

Page 2, Untitled Preamble

...

The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Rights related issues→Citizenship→Citizens, specific rights

Page 3, II. Human rights and fundamental freedoms, Article 2.2

All citizens shall enjoy the rights:

- a. To form and belong to political parties; and
- b. To political rights: to participate in public affairs; to have equal access to public service; to vote and stand for election.

Page 4, II. Human rights and fundamental freedoms, A. General, Article 5

The acquisition and termination of citizenship shall be regulated by Federation Legislation, provided that:

- a. No person shall be deprived of citizenship arbitrarily or in such a way as to leave him stateless.
- b. All citizens shall be entitled to hold the citizenship of another state.

Rights related issues→Citizenship→Citizen delimitation

Page 2, I. Establishment of the Federation, Article 1

1. Bosniacs and Croats, as constituent peoples (along with Others) and citizens of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transform the internal structure of the territories with a majority of Bosniac and Croat population in the Republic of Bosnia and Herzegovina into a Federation, which is composed of federal units with equal rights and responsibilities.

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

- c. Citizenship.

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 2

Both the Federation Government and the Cantons are to have responsibilities for the following:

...

- f. Implementing laws and regulations concerning citizenship;

Rights related issues→Citizenship→Citizenship other

Page 23, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 9

...

- c. For the first five years after the Constitution enters into force, three of the Judges of the Constitutional Court, who shall be foreigners who are not citizens of any neighbouring state, shall be appointed by the President of the International Court of Justice after consultation with the President and Vice-President of the Federation.

Page 23, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 9

...

- d.ii. The Human Rights Court shall initially consist of seven Judges, three of whom shall be appointed and serve in accordance with the requirements of Article IV.C.6. The

Democracy

Page 1

...

The Bosniac and the Croat delegations affirm their commitment to propose this Constitution to a Constituent Assembly, as the basis for a federation ensuring full national equality, democratic relations, and the highest standards of human rights and freedoms.

Page 2, Untitled Preamble

Holding that democratic institutions based on respect for human rights and freedoms best produce harmony among themselves and their communities

...

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, The peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

**Detention
procedures**

No specific mention.

**Media and
communication**

Rights related issues→Media and communication→Governance of media

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

h. Allocating electronic frequencies for radio, television, and other purposes.

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

d. Infrastructure for communications and transport;

Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4

The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

...

i. Making policy concerning radio and television facilities, including decisions concerning regulation and provision thereof.

Page 17, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 1. General Provisions, Article 2

...

2. Each Canton may delegate functions concerning education, culture, tourism, local business and charitable organizations, and radio and television to its Municipalities and shall do so to those Municipalities whose majority population is other than that of the Canton as a whole.

Page 25, 5. SPECIAL REGIME FOR (MIDDLE BOSNIA) AND (NERETVA) CANTONS, Article 12
With regard only to the two Cantons [Middle Bosnia] and [Neretva], the foregoing provisions shall apply except when inconsistent with the following:

1. Each Canton shall delegate functions concerning education, culture, tourism, local business and charitable organizations, and radio and television to a Municipality upon that Municipality's request. As provided in Article VI.2, each Municipality shall exercise self-rule on local matters.

| | |
|----------------------------|--|
| Mobility/access | <p>Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 7</p> <p>1. In carrying out his functions an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files and require any person (including any official) to cooperate, in particular by providing relevant information, documents, and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs, and may enter and inspect any place where persons deprived of their liberty are confined of work.</p> <p>Page 26, CRITERIA FOR THE DEFINITION OF THE TERRITORY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA</p> <p>...</p> <p>Remark:</p> <p>a. As a separate technical project, a proposal for corridors will be prepared as a possible basis for the continuation of peace negotiations.</p> |
| Protection measures | <p>Rights related issues→Protection measures→Protection of civilians</p> <p>Page 3,</p> <p>II. Human rights and fundamental freedoms</p> <p>A. General Article 1</p> <p>Article 2</p> <p>The Federation shall ensure the application of the highest level of internationally recognised rights and freedoms provided in the instruments listed in the Annex. In particular: 1. All persons within the territory of the Federation shall enjoy the rights: ... n. To social protection;</p> <p>Rights related issues→Protection measures→Protection of groups</p> <p>Page 3,</p> <p>II. Human rights and fundamental freedoms</p> <p>A. General Article 1</p> <p>Article 2</p> <p>The Federation shall ensure the application of the highest level of internationally recognised rights and freedoms provided in the instruments listed in the Annex. In particular: 1. All persons within the territory of the Federation shall enjoy the rights: ... j. To protection of the family and of children;</p> <p>r. To protection of minorities and vulnerable groups.;</p> <p>Rights related issues→Protection measures→Other</p> <p>Page 24, ANNEX HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE FEDERATION CONSTITUTION</p> <p>1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide 2. 1948 Universal declaration of Human Rights</p> <p>3. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto</p> |
| Other | No specific mention. |

...

In order to broaden our cooperation, we have decided that we will immediately:

...

2. Ask the Conference on Security and Co-operation in Europe (CSCE) to appoint Ombudsman to begin work in Bosnia and Herzegovina, with the mandate described in the proposed Constitution.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 1

1. There shall be three Ombudsmen, one Bosniac, one Croat, and one Other, who shall be appointed by the Federation Legislature in accordance with legislation it shall adopt no sooner than three years after the entry into force of this Constitution.

2. Each of the Ombudsmen shall, with the approval of the President, appoint one or more Deputies. They shall in particular seek to appoint Deputies in Municipalities with populations that do not reflect the composition of the Cantons as a whole. The competent authorities shall facilitate such efforts.

3. The terms of service of the Ombudsman and their Deputies shall be the same respectively as those of the President and of the judges of the Supreme Court.

4. Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefore by the Cabinet of the Federation or initially by the Prime Minister.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 2

1. The Ombudsmen are to protect human dignity, rights, and liberties as provided in the Constitution, in the instruments listed in the Annex thereto, and in the constitutions of the Cantons. In particular, they shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.

2. In carrying out their functions, the Ombudsmen must be guided by law and by the principles of morality and justice.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 3

1. Each Ombudsman shall exercise his functions individually, except as otherwise provided therein. Two or more Ombudsmen may cooperate in carrying out any of their functions.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 4

The Ombudsmen are independent in carrying out their functions, and no person or governmental organ may interfere with such functions.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 5

The Ombudsmen may examine the activities of any institution of the Federation, Canton, or Municipality, as well as of any institution or person by whom human dignity, rights, or liberties may be negated, including by accomplishing ethnic cleansing or preserving its effects.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 6

1. An Ombudsman is entitled to initiate proceedings in competent courts and to intervene in pending proceedings, including any of the Human Rights Courts.

**Regional or
international
human rights
institutions**

No specific mention.

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 9

The Government is authorized to promulgate decrees having the force of law in response to national emergencies when the Legislature is unable to do so. Decrees shall take effect in the same manner as a Decision of the Legislature and may not derogate from the rights and freedoms provided in this Constitution. Each decree shall terminate no later than the end of the thirtieth day after its promulgation, provided that it shall terminate immediately upon disapproval by a Decision of the Legislature or at the end of the tenth day after its promulgation if the Legislature is in session when the decree is promulgated. A decree promulgated while the Federation is using armed force in accordance with this Constitution shall remain in force until the fifth day of the next session of the Legislature, when it shall expire unless approved but in no event more than six months. After termination, a decree shall not be extended, reinstated, or repeated without a Decision of the Legislature to that effect.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

g. Combating international and inter-cantonal crimes, in particular terrorism, drug trafficking, and organised crime, and cooperating with Interpol.

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 9

The Government is authorized to promulgate decrees having the force of law in response to national emergencies when the Legislature is unable to do so. Decrees shall take effect in the same manner as a Decision of the Legislature and may not derogate from the rights and freedoms provided in this Constitution. Each decree shall terminate no later than the end of the thirtieth day after its promulgation, provided that it shall terminate immediately upon disapproval by a Decision of the Legislature or at the end of the tenth day after its promulgation if the Legislature is in session when the decree is promulgated. A decree promulgated while the Federation is using armed force in accordance with this Constitution shall remain in force until the fifth day of the next session of the Legislature, when it shall expire unless approved but in no event more than six months. After termination, a decree shall not be extended, reinstated, or repeated without a Decision of the Legislature to that effect.

State of emergency provisions

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 9

The Government is authorized to promulgate decrees having the force of law in response to national emergencies when the Legislature is unable to do so. Decrees shall take effect in the same manner as a Decision of the Legislature and may not derogate from the rights and freedoms provided in this Constitution...A decree promulgated while the Federation is using armed force in accordance with this Constitution shall remain in force until the fifth day of the next session of the Legislature, when it shall expire unless approved but in no event more than six months.

Judiciary and courts

Page 4, II. Human rights and fundamental freedoms, A. General, Article 6

All courts, administrative agencies and other governmental organs of the Federation shall apply and conform to the rights and freedoms provided in the instruments listed in the Annex. A Court of Human Rights shall be established in accordance with Article IV.C. 16.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 6

1. An Ombudsman is entitled to initiate proceedings in competent courts and to intervene in pending proceedings, including any of the Human Rights Courts.

2. As provided for in Article IV.C., an Ombudsman is entitled to receive the assistance of the Judicial Police.

Page 4, B. Initial Appointment and Functions of the Ombudsman, 1. General Provisions, Article 2

1. The Ombudsmen are to protect human dignity, rights, and liberties as provided in the Constitution, in the instruments listed in the Annex thereto, and in the constitutions of the Cantons. In particular, they shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.

Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 5

The Ombudsmen may examine the activities of any institution of the Federation, Canton, or Municipality, as well as of any institution or person by whom human dignity, rights, or liberties may be negated, including by accomplishing ethnic cleansing or preserving its effects.

Page 9, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 4. Decisions of the Legislature, Article 18

...If a majority of the remaining Delegates opposes the invocation of this provision, a Joint Commission of the Bosniac and Croat Delegates shall be established to resolve the issue. If the Commission is unable to do so within one week of the provision's invocation, the question shall be determined by the Constitutional Court in an expedited procedure.

Page 9, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 5. Powers of the Legislature, Article 20

1. In addition to other powers specified in the Constitution, the Legislature shall have responsibility for:

...

b. requesting in accordance with Article IV.B.3 (1) of this Constitution that the Constitutional Court decide whether to remove the President and Vice-President;

Page 10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 1. The President and the Vice-President, Article 3

1. The President or the Vice-President may be removed by a decision of the Constitutional Court, acting pursuant to a Decision of the Legislature, adopted by a two-thirds majority vote of each House, that the official has violated the oath of office or is otherwise unworthy to serve.

Page 11, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 2. The Cabinet, Article 6

Decisions of the Cabinet that concern the vital interest of any of the constituent peoples shall require consensus. This provision may be invoked by one-third of the Ministers excluding the Prime Minister and Deputy Prime Minister, unless otherwise determined by the Constitutional Court in an expedited procedure requested by the Prime Minister or the Deputy Prime Minister. For the purposes of this provision, "Decisions of the Cabinet"

| | |
|------------------------------|--|
| Prisons and detention | <p>Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 7</p> <p>1. In carrying out his functions an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files and require any person (including any official) to cooperate, in particular by providing relevant information, documents, and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs, and may enter and inspect any place where persons deprived of their liberty are confined of work.</p> |
| Traditional Laws | No specific mention. |

Socio-economic reconstruction

| | |
|---|---|
| Development or socio-economic reconstruction | <p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 2</p> <p>Both the Federation Government and the Cantons are to have responsibilities for the following:</p> <p>...</p> <p>e. Social welfare policy;</p> <p>Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4</p> <p>The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:</p> <p>...</p> <p>j. Implementing social welfare policy and providing social welfare services.</p> <p>Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction</p> <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1</p> <p>The Federation Government is to have exclusive responsibility for:</p> <p>...</p> <p>d. Making economic policy, including planning, and reconstruction, and land use policy on the federal level.</p> |
| National economic plan | No specific mention. |
| Natural resources | <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 2</p> <p>Both the Federation Government and the Cantons are to have responsibilities for the following:</p> <p>...</p> <p>i. Use of natural resources.</p> |

International funds No specific mention.

Business

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

e. Regulating commerce, including customs, international trade and finance, trade within the Federation, industrial property rights, product standards, securities, and communications.

Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4

The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

...

g. Regulating and promoting local business and charitable activities.

Page 25, 5. SPECIAL REGIME FOR (MIDDLE BOSNIA] AND (NERETVA] CANTONS, Article 12

With regard only to the two Cantons [Middle Bosnia] and [Neretva], the foregoing provisions shall apply except when inconsistent with the following:

1. Each Canton shall delegate functions concerning education, culture, tourism, local business and charitable organizations, and radio and television to a Municipality upon that Municipality's request. As provided in Article VI.2, each Municipality shall exercise self-rule on local matters.

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

e. Regulating commerce, including customs, international trade and finance, trade within the Federation, industrial property rights, product standards, securities, and communications.

...

j. Financing activities of or under the aegis of the Federation Government by taxation, borrowing, or other means.

Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4

The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

...

l. Financing activities of or under the aegis of the Cantonal Government by taxation, borrowing, or other means.

Page 10, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 5. Powers of the Legislature, Article 20

1. In addition to other powers specified in the Constitution, the Legislature shall have responsibility for:

...

j. adopting the budget of the Federation and enacting legislation to levy taxes and otherwise secure the necessary financing;

Page 18, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 2. The Cantonal Legislatures, Article 6

The Cantonal Legislature shall:

...

f. approve the Canton's budget and enact legislation to levy taxes and otherwise secure the necessary financing.

Page 19, VI. MUNICIPALITY GOVERNMENTS, Article 4

The Municipal Governing Council shall:

...

c. approve the Municipality's budget and enact regulations and ordinances to levy taxes and otherwise secure the necessary financing insofar as not provided by the Canton or the Federation Government;

Banks

Socio-economic reconstruction→Banks→Central bank

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT
AND THE
CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

f. Regulating finance and financial institutions, including establishing and controlling the
currency of the Federation, making monetary and fiscal policy, and establishing a central
bank.

Land, property and environment**Land reform/rights**

Land, property and environment→Land reform/rights→Property return and restitution

Page 4, II. Human rights and fundamental freedoms, A. General, Article 4

All persons shall have the right, to be implemented in accordance with Federation
legislation and Cantonal legislation consistent therewith, to have restored to them any
property of which they were deprived in the course of ethnic cleansing and to be
compensated for any property which cannot be restored to them. All statements or
commitments made under duress, particularly those relating to the relinquishment of
rights to land or property, shall be treated as null and void.

**Pastoralist/
nomadism rights**

No specific mention.

| | |
|---|--|
| Cultural heritage | <p>Land, property and environment→Cultural heritage→Intangible</p> <p>Page 2-3, I. Establishment of the Federation, Article 6</p> <ol style="list-style-type: none"> 1. The official languages of the Federation shall be the Bosniac language and the Croatian language. The official script will be the Latin alphabet. 2. Other languages may be used as means of communication and instruction. 3. Additional languages may be designed as official by a majority vote of each House of the Legislature, including in the House of Peoples a majority of the Bosnian Delegates and a majority of the Croat Delegates. <p>Page 24, ANNEX: HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE FEDERATION CONSTITUTION</p> <p>... 20. 1992 [UN] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities</p> <p>21. 1992 European Charter for Regional and Minority Languages</p> <p>Land, property and environment→Cultural heritage→Promotion</p> <p>Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4</p> <p>The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:</p> <p>... c. Making and conducting cultural policy.</p> <p>Page 17, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 1. General Provisions, Article 2</p> <p>... 2. Each Canton may delegate functions concerning education, culture, tourism, local business and charitable organizations, and radio and television to its Municipalities and shall do so to those Municipalities whose majority population is other than that of the Canton as a whole.</p> <p>Page 25, 5. SPECIAL REGIME FOR (MIDDLE BOSNIA] AND (NERETVA] CANTONS, Article 12</p> <p>With regard only to the two Cantons [Middle Bosnia] and [Neretva], the foregoing provisions shall apply except when inconsistent with the following:</p> <ol style="list-style-type: none"> 1. Each Canton shall delegate functions concerning education, culture, tourism, local business and charitable organizations, and radio and television to a Municipality upon that Municipality's request. As provided in Article VI.2, each Municipality shall exercise self-rule on local matters. |
| Environment | <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 2</p> <p>Both the Federation Government and the Cantons are to have responsibilities for the following:</p> <p>...</p> <p>c. Environmental policy;</p> |
| Water or riparian rights or access | <p>No specific mention.</p> |

Security sector

Security Guarantees No specific mention.

Ceasefire Security sector→Ceasefire→General commitments
Page 1
...
4. Continue the full and immediate implementation of the measures agreed by the military transition team in Split on March 12 and encourage the development of arrangements for the further disengagement of forces.

Police

Page 5, B. Initial Appointment and Functions of the Ombudsman, 2. The Competence and the Powers of the Ombudsmen, Article 6

...

2. As provided for in Article IV.C., an Ombudsman is entitled to receive the assistance of the Judicial Police.

Page 7, III. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 4

The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

a. Establishing and controlling police forces, which shall have identical Federation uniforms, with Cantonal insignia.

Page 14, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, C. THE JUDICIARY, 2. General Provisions Concerning the courts of the Federation, Article 8

1. There shall be established a Judicial Police to assist each Federation Court in securing information, in ensuring the presence of witnesses and the transport of accused persons, in maintaining the decorum of courtrooms and the security of court premises, and in carrying out court orders.

2. The overall composition of the Judicial Police shall reflect that of the population of the Federation, and for any local units that of the relevant Canton Municipality.

3. The President of the Supreme Court shall be responsible for the management of the Judicial Police.

4. The President of the Supreme Court shall promulgate arrangements under which the Judicial Police may assist any Ombudsman, at his request, in the performance of his duties.

Page 19, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, V. THE CANTONAL GOVERNMENTS, 3. The Cantonal Executive, Article 10

In exercising its responsibilities in respect to the Cantonal police, the Cantonal Government shall ensure that the composition of the police shall reflect that of the population of the Canton, provided that the composition of the police in each Municipality shall reflect the composition of the latter.

Page 23, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 9

The following provisions relating to certain transitional international arrangements shall apply for the periods respectively specified.

...

b. For a transitional period, the President of the Supreme Court may make arrangements with appropriate international bodies to perform any of the functions assigned herein to the Judicial Police.

Armed forces

Page 1

Today we endorse the proposed Constitution of the Federation of Bosnia and Herzegovina, as well as a preliminary agreement concerning future economic and military co-operation between the Federation and the Republic of Croatia.

Page 1

In order to broaden our cooperation, we have decided that we will immediately:

...

4. Continue the full and immediate implementation of the measures agreed by the military transition team in Split on March 12 and encourage the development of arrangements for the further disengagement of forces.

Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE

CANTONS, Article 1

The Federation Government is to have exclusive responsibility for:

...

b. Organising and conducting the defence of the Federation and protecting its borders, including establishing a joint command of all military forces in the Federation, controlling military production, and making joint military arrangements.

Page 9, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, A. THE FEDERATION LEGISLATURE, 5. Powers of the Legislature, Article 20

1. In addition to other powers specified in the Constitution, the Legislature shall have responsibility for:

...

e. authorizing any use of military force by the Federation, which must be in accordance with international law;

...

i. financing the armed forces of the Federation and approving nominations of officers as provided in Article IV.B.8 of this Constitution;

Page 11, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, 3. Distribution of Executive Competencies, Article 7

(a) The President shall be responsible for:

- i. nominating the Government, heads of diplomatic missions, officers of the military, and judges of Federation courts, in accordance with Articles IV.B.5, and IV.C.6;
- ii. serving as commander-in-chief of the military of the Federation;

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 8

The President, with the concurrence of the Vice-President, shall nominate heads of diplomatic missions in consultation with the Prime Minister (or the nominee for that position), and shall nominate officers of the armed forces. Nominations shall require the approval of a majority of each House of the Legislature, provided that approval of nominations for the members of the Joint Command of Military Forces shall require in the House of Peoples a majority of the Bosniac and of the Croat Delegates.

Page 12, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, Article 9

The Government is authorized to promulgate decrees having the force of law in response to national emergencies when the Legislature is unable to do so. Decrees shall take effect in the same manner as a Decision of the Legislature and may not derogate from the rights and freedoms provided in this Constitution. Each decree shall terminate no later

| | |
|---|---|
| DDR | No specific mention. |
| 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 | <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1</p> <p>The Federation Government is to have exclusive responsibility for:</p> <p>...</p> <p>g. Combating international and inter-cantonal crimes, in particular terrorism, drug trafficking, and organised crime, and cooperating with Interpol.</p> |
| Drugs | <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1</p> <p>The Federation Government is to have exclusive responsibility for:</p> <p>...</p> <p>g. Combating international and inter-cantonal crimes, in particular terrorism, drug trafficking, and organised crime, and cooperating with Interpol.</p> |
| Terrorism | <p>Page 6, II. DIVISION OF RESPONSIBILITIES BETWEEN THE FEDERATION GOVERNMENT AND THE CANTONS, Article 1</p> <p>The Federation Government is to have exclusive responsibility for:</p> <p>...</p> <p>g. Combating international and inter-cantonal crimes, in particular terrorism, drug trafficking, and organised crime, and cooperating with Interpol.</p> |

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Power to amnesty
Page 11, IV. STRUCTURE OF THE FEDERATION GOVERNMENT, B. THE FEDERATION EXECUTIVE, 3. Distribution of Executive Competencies, 3. Distribution of Executive Competencies, Article 7
(a) The President shall be responsible for:
...
viii. granting reprieves and pardons for offences against humanity, and genocide.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting Page 22, IX. APPROVAL AND ENTRY INTO FORCE OF THE CONSTITUTION AND TRANSITIONAL ARRANGEMENTS, Article 4
...
3. No person who has been convicted of war crimes or against whom proceedings have been initiated concerning the commission of war crimes shall be elected to any public office within the Federation.

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 | No specific mention. |
| Enforcement mechanism | No specific mention. |
| Related cases | No specific mention. |
| Source | Snežana Trifunovska (ed.) Former Yugoslavia Through Documents: From its dissolution to the peace settlement (The Hague, Boston, London: Martinus Nijhoff Publishers, 1999) pp. 95-119 |
