

Vienna agreements: Criteria for Determining the Territory of the Federation of Bosnia and Herzegovina, Principles of the Formation of Cantons, Agreement on the Distribution of Highest Offices (Vienna, 8 to 11 May 1994).*

Criteria for determining the territory of the Federation of BiH.

The Federation territory shall be determined according to the following criteria:

1. Pursuant of Article 1, Chapter 1 of the Federation of BiH Constitution, the Federation's territory consists of areas with a majority of Bosniak and Croat population.
2. These areas are municipalities which, according to the 1991 census, had a majority of Bosniak and Croat population.
3. The boundaries of the areas from Point 2 in border municipalities shall be amended by excluding areas with a majority of Serb population, or including areas with a majority of Bosniak or Croat population from neighbouring municipalities.
4. The main goal in determining the Federation's territory is that is it essential for it to include those territories with predominantly Bosniak or Croat populations in Eastern Bosnia – along the Drina River – in Bosanka Posavina and in Western Bosnia.

NOTE:

- a) As a separate project, a proposal listing potential corridors will be prepared which shall serve as a possible basis for the continuation of peace talks.
- b) Areas with majorities of Bosniak and Croat populations outside the Federation territory shall be discussed in ongoing peace talks.
- c) It is agreed that, with the help and authority of the international community, refugees and displaced persons will return to their original place of residence within the whole of Bosnia and Herzegovina. This is an essential part of the peace agreement for Bosnia and Herzegovina.

An integral part of these criteria is the map of the Federation.

Krešimir Zubak

Haris Silajdžić

At the American Embassy in Vienna, 8 May 1994

Principles of Canton Formation

1. Cantons are the form of territorial organisation of Bosnia and Herzegovina.
2. Cantons are federal units and are the form of decentralisation of the state.
3. Cantons shall be named solely after the cities which are the seats of the respective Cantonal governments or after regional geographic features.
4. Cantons shall be living areas shared by their constituent peoples and citizens.
5. Cantons shall be territorially organised according to principles of ethnicity, economy, geography and communications.
6. Cantons shall consist of municipalities which, according to the 1991 census, had a majority Bosniak and Croat population.
7. The boundaries of border municipalities may be amended by either excluding or including areas with a majority of either Bosniak or Croat population into the relevant canton.
8. Municipalities where the majority population is not the same as the canton majority, shall have special status in accordance with the Federation Constitution.
9. The borders between cantons shall not be amended without a decision by the Federation Parliament, which must take into account the principle of vital national interest in decision-making.
10. A joint parliamentary (mixed) commission of Bosniak and Croat representatives shall be established to accurately determine and mark the borders in accordance with the above principles.
11. There shall be no border control between cantons.

NOTE:

A separate agreement – an annex to this document – shall resolve the issue of areas which were not previously organised as municipalities, but where there are now reasons for creating municipalities, in order to exercise rights outlined in Chapter 5, Article 2.2 of the Federation Constitution.

In Vienna, 8 May 1994

Krešimir Zubak

Haris Silajdžić

Agreement on the Division of Responsibilities within the Federation of BiH

(Vienna, 11 May 1994)

In accordance with the decisions reached by the Constitutional Assembly of the Federation of BiH at the meeting held from 7 to 11 May 1994 in Vienna, official representatives reached the following

AGREEMENT

I. A proposal shall be submitted to the Constitutional Assembly that the first Federation president during the 6-month transition period shall be from the Croat people, while the Federation vice-president for the same period shall be from the Bosniak people.

After this 6-month period, the presidency shall be held by a member from the Bosniak people, while the office of the vice-president shall be held by a member of the Croat people.

The first Federation president after the transition period shall be a member of the Bosniak people.

II. During the reconstitution of the Government, it shall be guaranteed that the duty of the prime minister will be carried out by a member of the Bosniak people, while the deputy prime minister shall be from the Croat people. The deputy prime minister shall head the Ministry of Defence.

There shall be a proposal on the Law on the Federation Government calling for the Federation Government to consist of a president, a vice-president, 11 cabinet ministers and 4 ministers without portfolios.

Ministers who are Bosniaks shall head the following ministries: Ministry of Internal Affairs; Ministry of Foreign Affairs; Ministry of Transport and Communications; Ministry of Energy and Industry; Ministry of Spatial Planning, Resources and the Environment; Ministry for Refugees and Social Policy; Ministry of Education, Science and Culture.

Ministers who are Croats shall head the following ministries: Ministry of Defence (deputy prime minister); Ministry of Finance; Ministry of Justice; Ministry of Business; Ministry of Health.

Out of the 4 ministers without portfolios, one shall be a Croat.

III. The Federation territory shall be determined according to the mutually agreed criteria enclosed with this agreement.

Maps showing the Federation territory and its cantons are an essential part of this agreement.

IV. The Federation of BiH shall have two cantons with a special status: the Central Bosnia Canton and the Neretva Canton (these are working names for the cantons).

Following the above, it is suggested that the Constitution of the Federation is amended to correspond with the decisions of the Federation, so that the equal status of all constituent peoples within the Federation of BiH is guaranteed.

The agreed text of the proposed amendment to the Constitution of the Federation of BiH is part of this agreement.

All municipalities in cantons with special status will have the authority outlined in Chapter 5, 1,2(2) of the Constitution of the Federation BiH, if they request such status. The presidents of these two cantons cannot be from the same constituent people at the same time.

V. The signatories to the Agreement agree that they will immediately start appointing municipal governmental bodies in accordance with the Constitution of the Federation of BiH.

Where there is a justifiable interest, on the basis of unique criteria defined in accordance with the Constitution, they will enable the formation and amendment of municipality borders (for example, in Usora).

VI. A parity commission will be established for tracing disappeared persons.

VII. The signatories agree that they will suggest that the Constitutional Assembly of the Federation of BiH shall make decisions within their jurisdiction in accordance with this agreement.

The signatories to these agreements would like to thank the US Government representatives and the staff from the US Embassy in Vienna for their help and support in drafting these agreements.

In Vienna, 11 May 1994.

Krešimir Zubak

Dr Haris Silajdžić