

<b>Country/entity</b>	Bosnia and Herzegovina Yugoslavia (former)
<b>Region</b>	Europe and Eurasia
<b>Agreement name</b>	Agreement relating to Bosnia and Herzegovina (Owen-Stoltenberg Peace Plan, or 'Invincible plan')
<b>Date</b>	16 Sep 1993
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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 - comprehensive

<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Bosnia peace process
<b>Parties</b>	<p>Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina: Alija Izetbegovic; Radovan Karadzic; Mate Boban; Momir Bulatovic; Slobodan Milosevic; and Franjo Tudjman.</p> <p>30 July 1993 Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict: Gen. Rasim Delic, Lt. Gen. Ratko Mladic, and Gen. Milivoj Petkovic.</p> <p>Military Agreement for Peace in Bosnia and Herzegovina: Gen. Rasim Delic, Lt. Gen. Ratko Mladic, Gen. Milivoj Petkovic, and Lt. Gen. Francis Briquemont</p> <p>Joint Declaration of 16 September 1993: Momir Bulatovic, Alija Izetbegovic, Radovan Karadzic, and Slobodan Milosevic.</p> <p>Joint Declaration of 14 September: The Presidents of the Republic of Croatia Dr. Franjo Tudjman and of the Presidency of the Republic of Bosnia and Herzegovina Mr. Alija Izetbegovic.</p> <p>Agreement between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina granting the Union access to the Adriatic through the territory of the Republic of Croatia: the Republic of Croatia and The Union of Republics of Bosnia and Herzegovina.</p>
<b>Third parties</b>	<p>Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina: witnessed by Thorvald Stoltenberg and David Owen.</p> <p>30 July 1993 Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict: as UNPROFOR witnesses, Gen. Jean Cot, Force Commander, and Lt. Gen. Francis Briquemont, Commander, B &amp; H Command.</p> <p>Joint Declaration of 16 September 1993: as witnesses, Thorvald Stoltenberg and David Owen.</p>
<b>Description</b>	<p>This comprehensive plan is comprised of: Constitutional Agreement of the Union of Republics of Bosnia and Herzegovina; 30 July 1993 Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict; 11 August 1993 Military Agreement for Peace in Bosnia and Herzegovina; Preliminary Agreement Between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina for Implementing the 1965 Convention on Transit Trade of Land-Locked States [Unsigned as conditional on implementing Constitutional Agreement, not coded below], Joint Declaration of 16 September 1993; Joint Declaration of 14 September; Agreement between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina granting the Union access to the Adriatic through the territory of the Republic of Croatia. Parts of the plan were signed over the course of negotiations from July to September 1993. Although all three sides signed component agreements, the peace plan was rejected by the Bosnian parliament on September 27th 1993. We have listed 16 September 1993 as the latest date that a part of the plan was signed (Appendix V: Joint Declaration, signed by all sides).</p>

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**Agreement document**      [BA\\_930916\\_Owen-StoltenbergPeacePlan.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## **Groups**

- Children/youth**      Groups→Children/youth→Rhetorical  
Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights 12. 1989 Convention on the Rights of the Child.
- Disabled persons**      No specific mention.
- Elderly/age**      No specific mention.
- Migrant workers**      No specific mention.

**Racial/ethnic/  
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 1, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, Untitled Preamble  
Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration of the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities...

Page 29, APPENDIX V, JOINT DECLARATION, Untitled Preamble

...Prepared to immediately approach the normalization of relations with the Croatian people in the light of the solutions proposed by the Peace Conference in Geneva,...

Page 31, APPENDIX VI, JOINT DECLARATION, Untitled Preamble

...Taking into account the historical interests of the Croatian and Muslim peoples,...Convinced of the need for a continuous strengthening of confidence between the Croatian and Muslim peoples, and for efficient steps in that regard, Prepared to immediately approach the normalisation of relations with the Croatian people in the light of the solutions proposed by the Peace Conference in Geneva,...

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

Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights 6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination;

Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 1. Principles for Restoration of Infrastructure

...(c) Infrastructure shall be restored for the benefit of all civilians, irrespective of ethnic origin, and shall be re-established across international borders, in accordance with agreements reached by the civil authorities.

Groups→Racial/ethnic/national group→Substantive

[Summary] This agreement extensively provides for territorial power-sharing arrangements between Muslim, Serb, and Croat majority republics. See territorial power-sharing for full provisions.

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 1

The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 5

(a) All citizens have the right to settle in any part of the territory of the Union of Republics of Bosnia and Herzegovina. They shall have the right 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.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 2

(b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and Others. These judges shall enjoy tenure and shall not require reappointment.

Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF

**Religious groups** Groups→Religious groups→Substantive  
Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights  
9. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, B. Protection of Groups and Minorities  
14. 1992 [UN] Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities.

**Indigenous people** No specific mention.

**Other groups** No specific mention.

**Refugees/displaced persons**

Groups→Refugees/displaced persons→Substantive

Page 1-2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, III. COOPERATION IN RESPECT OF HUMANITARIAN EFFORTS

(a) Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, The United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

(b) Full cooperation shall also be extended to the United Nations High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights  
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto;

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, C. Police Forces

3. The parties understand that as part of the UNPROFOR deployment in Bosnia and Herzegovina there is to be a large civilian police element, whose principal task will be to monitor the police of the Constituent Republics and of the opstinas in the Sarajevo District and the Mostar City Opstina, so that each:...contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee;...

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, D. Protection of Human Rights and the Reversal of Ethnic Cleansing

1. The right is established of a refugee or displaced person to freely return as part of an overall process of normalisation. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

Page 30, APPENDIX V, JOINT DECLARATION, II

In order to arrange stable relations and as a common contribution to regional peace the signatories have decided to form: 1. A working group to deal with humanitarian, status, material and other questions related to the position of refugees and displaced persons from Bosnia and Herzegovina;

Page 31-32, APPENDIX VI, JOINT DECLARATION, II

In order to arrange stable relations between the two states as a common contribution to regional peace, the President Dr Franjo Tudjman and Mr Alija Izetbegovic have decided to form: 1. A working group to deal with humanitarian, status, material and other questions related to the position of refugees and displaced persons from Bosnia and Herzegovina in the Republic of Croatia, and their return to Bosnia and Herzegovina;

**Social class**

No specific mention.

## Gender

**Women, girls and gender** Page 16, Annex C: Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights  
8. International Convention on the Elimination of All Forms of Discrimination Against women

Page 17, Annex C: Human Rights Instruments Incorporated into the Constitutional Agreement, D. Citizenship and Nationality  
18. 1957 Convention on the Nationality of Married Women

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## State definition

**Nature of state (general)** No specific mention.

**State configuration** Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 1  
The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples.

**Self determination** No specific mention.



**Referendum**

Page 2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, V. AGREEMENT FOR THE EXCHANGE OF TERRITORIES

(b)...After reaching a mutually acceptable resolution to the territorial delimitation of the three Constituent Republics within the Union, and during the initial two-year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union on the question of whether citizens of any particular Constituent Republic agree to remain in the Union or to leave the Union.

Page 29, APPENDIX V, JOINT DECLARATION, I

5. ...After reaching a mutually acceptable resolution to the territorial delimitation of the three republics within the Union, and during the initial two year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union of the question of whether citizens of any particular republic agree to remain in the Union or the leave the Union. In the case of a dissolution of the Union, all the rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

**State symbols**

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 2

The flag and emblem of the Union of Republics of Bosnia and Herzegovina shall be specified by a law adopted by the Union Parliament.

**Independence/  
secession**

Page 2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, V. AGREEMENT FOR THE EXCHANGE OF TERRITORIES

(b)...In the case of a dissolution of the Union, all rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

Page 8, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, VII. THE CONSTITUTIONAL AGREEMENT, Article 2

(a) This Constitutional Agreement may not be abolished and none of the Constituent Republics may withdraw from the Union of Republics of Bosnia and Herzegovina without the prior agreement of all of the Republics. Such a decision may be appealed to the Security Council by any of the Constituent Republics, and the Council's decision shall be final.

(b) Should any of the Constituent Republics withdraw from the Union of Republics of Bosnia and Herzegovina, the areas specified in Annex A, Part II that are within the territory of such Republic shall remain a part of the Union of Republics of Bosnia and Herzegovina. Should the Union be dissolved or should both the Serb and the Croat majority Republics withdraw from the Union, then the areas specified in Annex A, Part II that are within the territories of those Constituent Republics shall become part of the Muslim majority Republic.

Page 29, APPENDIX V, JOINT DECLARATION, I

5. ...After reaching a mutually acceptable resolution to the territorial delimitation of the three republics within the Union, and during the initial two year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union of the question of whether citizens of any particular republic agree to remain in the Union or the leave the Union. In the case of a dissolution of the Union, all the rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

Page 34, APPENDIX VII, AGREEMENT BETWEEN THE REPUBLIC OF CROATIA AND THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA GRANTING THE UNION ACCESS TO THE ADRIATIC THROUGH THE TERRITORY OF THE REPUBLIC OF CROATIA, Article 7

(a) This Agreement shall remain in force for a period of 99 years, except as otherwise agreed by the Parties.

(b) Should the Union be dissolved, it shall be succeeded as a Party to this Agreement by the Muslim majority Republic.

**Accession/  
unification**

No specific mention.

**Border delimitation** Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VI. ACCESS TO THE SEA  
Separate agreements have been reached:...

(d) that as soon as relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) are normalised there shall be a treaty covering an exchange of territory involving also the Union of Republics of Bosnia and Herzegovina to take account of the need for strategic assurances for Dubrovnik and of the strategic importance of Prevlaka to the Bay of Kotor, the need for the Serb majority Republic to have access to the sea in the area between Ostri Rt and Molunat, and the need for the Republic of Croatia to be compensated with territory so that there shall be no net loss of territory to the Republic of Croatia.

**Cross-border provision**

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.

Access Authority:

(b) The purpose of the Authority will be to guarantee full freedom of movement in certain essential areas between and within the Constituent Republics, and also to and from these Republics to the Republic of Croatia and the Republic of Serbia.

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**Governance**

**Political institutions (new or reformed)**

Governance→Political institutions (new or reformed)→General references  
Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VII. POLITICAL AGREEMENTS

...All political parties registered in any of the Constituent Republics may organize themselves and act freely throughout the territory of the Union of Republics of Bosnia and Herzegovina, provided their activities are in accordance with the Constitutional Agreement.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2  
(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 1

- (a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.
- (b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman shall represent the Union of Republics of Bosnia and Herzegovina.
- (c) The presidency shall take all its decisions by consensus.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 2

- (a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.
- (b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.
- (c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.
- (d) Other Minister may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Minister, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other function and institutions that the union Parliament may from time to time specify by law.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 3

- (a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 5

Joint authorities between two or more of the Constituent Republics may be established

**Elections**

Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VII. POLITICAL AGREEMENTS

It is agreed by all three parties that the first elections in the Constituent Republics shall take place, under the supervision of the United Nations and the European Community, no later than two years after the entry into force of the Constitutional Agreement. All elections to the legislative bodies of Constituent Republics and of opstinas shall be by proportional representations. All political parties registered in any of the Constituent Republics may organize themselves and act freely throughout the territory of the Union of Republics of Bosnia and Herzegovina, provided their activities are in accordance with the Constitutional Agreement.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2 (b) The initial elections in each Constituent Republic shall be supervised by the United Nations and the European Community.

**Electoral commission**

No specific mention.

**Political parties reform**

Governance→Political parties reform→Other political parties reform

Page 3, VII. POLITICAL AGREEMENTS

It is agreed by all three parties that the first elections in the Constituent Republics shall take place, under the supervision of the United Nations and the European Community, no later than two years after the entry into force of the Constitutional Agreement. All elections to the legislative bodies of Constituent Republics and of opstinas shall be by proportional representations. All political parties registered in any of the Constituent Republics may organize themselves and act freely throughout the territory of the Union of Republics of Bosnia and Herzegovina, provided their activities are in accordance with the Constitutional Agreement.

**Civil society**

Page 1-2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, III. COOPERATION IN RESPECT OF HUMANITARIAN EFFORTS

(a) Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, The United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, D. Protection of Human Rights and the Reversal of Ethnic Cleansing

2...The Commissioner is to be supported by international human rights monitors, deployed throughout the territory of the Union of Republics of Bosnia and Herzegovina; in order to provide protection in urgent cases, they may intercede with the Presidency and the governments of the Constituent Republics, with the Administrators of Sarajevo District and Mostar City Opstina and with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies...

Page 23-24, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article V, Providing Freedom of Movement, 1. Principles for Freedom of Movement

(a) UNPROFOR and international humanitarian organisations, especially aid convoys, shall have freedom of movement and priority use of roads and transportation facilities. UNPROFOR may provide escort for convoys and other vehicles as it deems necessary.

Page 32, APPENDIX VI, JOINT DECLARATION, III

...The Presidents and their personal trustees will seek and secure the assistance and cooperation of international political, humanitarian and other organizations and factors for the sake of the comprehensive implementation of all measures envisaged in this Declaration, and in the interest of the establishment of permanent peace and stability in this part of the world.

**Traditional/  
religious leaders**

No specific mention.

**Public  
administration**

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform the rights and freedoms specified in the instruments listed in Parts I and IV of Annex C. The rights specified in the instruments listed in Parts II and III of Annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republican Governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable or implementing such rights and in otherwise carrying out the functions of these organs.



## Constitution

Governance→Constitution→Constitutional reform/making

[Summary: The 'Agreement to Relating to Bosnia and Herzegovina' as part of the Owen-Stoltenburg Plan is an agreement for constitutional arrangements in Bosnia and Herzegovina.]

Page 1, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, I. CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

(a) The constitutional Agreement of the Union of Republics of Bosnia and Herzegovina is set out in Appendix I hereto. The three parties agree that it shall enter into force one week of the Security Council has taken into account the present Agreement, has confirmed that the Union of Republics of Bosnia and Herzegovina will continue as a member of the United Nations as specified in Security Council Resolution 859 (1993) and has authorized United Nations support for the implementation of the present Agreement.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2

(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

...(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the permanent Court of Arbitration, one each of whom shall be elected by the President of each of the Constituent Republics and two of whom shall be elected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, IV. INTERNATIONAL RELATIONS, Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from the entry into force of this Constitutional Agreement and shall only remain on force if the Union Parliament so decides...

Page 8, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, VII. THE CONSTITUTIONAL AGREEMENT, Article 1

(a) This Constitutional Agreement may be amended by decision of the Union Parliament, when such amendment has been approved by each of the Constituent Republics according to its constitutional processes.

(b) No amendments may be adopted that abolish or diminish any of the rights or



**Power sharing**

**Political power sharing**

Power sharing→Political power sharing→Executive coalition  
State level

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 1

- (a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.
- (b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman shall represent the Union of Republics of Bosnia and Herzegovina.
- (c) The presidency shall take all its decisions by consensus.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 2

- (a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.
  - (b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.
  - (c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.
  - (d) Other Minister may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Minister, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other function and institutions that the union Parliament may from time to time specify by law.
- Power sharing→Political power sharing→Proportionality in legislature

State level

Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VII. POLITICAL AGREEMENTS

It is agreed by all three parties that the first elections in the Constituent Republics shall take place, under the supervision of the United Nations and the European Community, no later than two years after the entry into force of the Constitutional Agreement. All elections to the legislative bodies of Constituent Republics and of opstinas shall be by proportional representations. All political parties registered in any of the Constituent Republics may organize themselves and act freely throughout the territory of the Union of Republics of Bosnia and Herzegovina, provided their activities are in accordance with the Constitutional Agreement.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 3

- (a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

Power sharing→Political power sharing→Other proportionality

State level

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 1

- (b) Marginal changes in the boundaries set out in Annex A may be made by the Presidency on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five

**Territorial power sharing**

Power sharing→Territorial power sharing→Federal or similar sub-divided government  
Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 3  
All governmental functions and powers, except those assigned by this Constitutional Agreement to the Union of Republics of Bosnia and Herzegovina or to any of its institutions, shall be those of the Constituent Republics.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 4  
All acts taken by a competent governmental authority of any of the Constituent Republics shall be accepted as valid by the other Constituent Republics.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 5  
Joint authorities between two or more of the Constituent Republics may be established by agreement of the Republics concerned if approved by a law adopted by the Union Parliament.

Page 8, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, VI. FINANCES, Article 2  
(a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.  
(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1  
1. The name of each Constituent Republic will be determined by the competent authorities of that Republic.

Page 29, APPENDIX V, JOINT DECLARATION, I  
5. Form a working group for outstanding matters related to the territorial delimitation between the two Republics in the envisaged Union of Bosnia and Herzegovina, including the areas of Brcko, Bosanski Krajina, the Neretva Valley, Eastern Bosnia and the Ozren mountain, including the natural rights of the two Republics to access to the sea. This is in addition to the commitment already made to find a permanent solution to the governance of the Sarajevo District within two years. After reaching a mutually acceptable resolution to the territorial delimitation of the three republics within the Union, and during the initial two year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union of the question of whether citizens of any particular republic agree to remain in the Union or the leave the Union. In the case of a dissolution of the Union, all the rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

Power sharing→Territorial power sharing→Autonomous regions

Page 16, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, A. Sarajevo District

2. The period of UN participation in the governance of the Sarajevo District is planned for two years. The parties commit themselves to finding a permanent solution during this period. The period of UN presence can therefore be shortened if so recommended by the Presidency, it being understood that the participation of the United Nations in the

**Economic power sharing** Power sharing→Economic power sharing→Sharing of resources  
Page 8, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, VI. FINANCES, Article 2  
(a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.  
(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

**Military power sharing** No specific mention.

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### **Human rights and equality**

**Human rights/RoL general** Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2  
(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

**Bill of rights/similar** No specific mention.

**Treaty  
incorporation**

Page 1, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, Untitled Preamble  
Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration of the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities...

Page 2, IV. PRELIMINARY AGREEMENT WITH THE REPUBLIC OF CROATIA FOR IMPLEMENTING THE 1965 CONVENTION ON THE TRANSIT TRADE OF LAND-LOCKED COUNTRIES

As soon as the Constitutional Agreement enters into force, the Union of Republics of Bosnia and Herzegovina shall conclude with the Republic of Croatia the Preliminary Agreement for implementation the 1965 Convention on the Transmit Trade of Land-Locked Countries set out in Appendix IV hereto.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:...

(iii) A Court of Human Rights to be established in accordance with Resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed Annex B.

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, IV. INTERNATIONAL RELATIONS, Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from the entry into force of this Constitutional Agreement and shall only remain on force if the Union Parliament so decides

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, IV. INTERNATIONAL RELATIONS, Article 2

(c) Union of Republics of Bosnia and Herzegovina may become a party to international treaties if such participation is approved by the Union Parliament. The Parliament may by law provide for participation in certain types of international agreements by decision of the Presidency. To the extent such participation would involve responsibilities that are to be carried out by the Constituent Republics, their advance approval must be secured, except in respect of the treaties referred to in Article V.3.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, IV. INTERNATIONAL RELATIONS, Article 2

(d) Any Constituent Republic may, if eligible, become a party to an international treaty if such participation would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 1

(a) Subject to Article V.2, all persons within the territory of the Union of Republics of Bosnia and Herzegovina shall be entitled to enjoy the rights freedoms provided for in the instruments listed in Annex C.

(b) Should there be any discrepancy between the rights and freedoms specified in any of these instruments, or between any of these and the rights and freedoms specified in any other legal provision in force, the provision providing the greater protection for human rights and fundamental freedoms shall be applied

**Civil and political rights**

Human rights and equality→Civil and political rights→Torture  
Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights  
10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;  
11. 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 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 3  
...(c) The equality of the parties shall be ensured in every proceeding.

Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 1. Principles for Restoration of Infrastructure  
...(c) Infrastructure shall be restored for the benefit of all civilians, irrespective of ethnic origin, and shall be re-established across international borders, in accordance with agreements reached by the civil authorities.  
Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, A. General Human Rights, especially Civil and Political Rights  
9. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

**Socio-economic rights**

Human rights and equality→Socio-economic rights→Cultural life  
Page 12, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex C, Human Rights Instruments Incorporated into the Constitutional Agreement, C. Economic, Social and Cultural Rights  
17. 1966 International Covenant on Economic, Social and Cultural Rights.

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## **Rights related issues**

### **Citizenship**

Rights related issues→Citizenship→Citizen delimitation

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 3

(a) Citizenship of Bosnia and Herzegovina shall be determined by a law adopted by the Union Parliament.

(b) Every person who on the entry onto force of this Constitutional Agreement was entitled to be a citizen of the Republic of Bosnia and Herzegovina shall be entitled to be a citizen of a Constituent Republic as well as of the Union of Republics of Bosnia and Herzegovina.

(c) Dual citizenship shall be allowed.

(d) Decision about citizenship shall be made by the designated organs of the Constituent Republics, subject to the competent courts.

### **Democracy**

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2

(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

### **Detention procedures**

No specific mention.

**Media and communication**

Rights related issues→Media and communication→Media roles

Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 3. Infrastructure sites shall include:  
...(e) Telecommunications;

Page 30, APPENDIX V, JOINT DECLARATION, II

In order to arrange stable relations and as a common contribution to regional peace the signatories have decided to form:...2. A working group for the drawing up of agreements, including agreements in the use of power and port facilities, traffic arteries, communications and other economic potentials.

Page 31, APPENDIX VI, JOINT DECLARATION, I

6. Form a working group for drawing up and monitoring the implementation of comprehensive measures for building and enhancing confidence and coexistence between the Croatian and Muslim peoples, including media and other activities and programmes aimed at overcoming distrust.

Page 32, APPENDIX VI, JOINT DECLARATION, II

In order to arrange stable relations between the two states as a common contribution to regional peace, the President Dr Franjo Tudjman and Mr Alija Izetbegovic have decided to form: 2. A working group for the drawing up of interstate agreements, including agreements in the use of power and port facilities, traffic arteries, communications and other economic potentials...

Rights related issues→Media and communication→Other

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II, PROCEDURES FOR THE JOINT COMMISSION

2. Other than authorized members of each delegation, meetings of the Joint Commission shall be closed. Media may be present only by express agreement of each Party.

## Mobility/access

Page 4-5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 1 (c) The areas specified in Annex A, Part II, even though within the territory and under the jurisdiction of a Constituent Republic, shall be vested as specified in Article VII.2 (b) for the purpose of ensuring continued access to buildings of the Union in Sarajevo, to the sea at Neum and to the Sava River.

(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.

Access Authority:

(a) Pursuant to Article III.5 of the Constitutional Agreement there shall be established, immediately on the entry into force of that Agreement, an access Authority, charged with assisting in the implementation of Article 11.1 (d) of the Agreement requiring free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

(b) The purpose of the Authority will be to guarantee full freedom of movement in certain essential areas between and within the Constituent Republics, and also to and from these Republics to the Republic of Croatia and the Republic of Serbia.

(c) The members of the Authority shall be three persons appointed by the Presidency, one from each Constituent Republics. Its headquarters shall be in or around the city of Sarajevo.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.

Access Authority:

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when UNPROFOR will have sole responsibility for freedom of movement along designated "Blue Routes" around Sarajevo and "Throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police force of the Constituent Republics.

Page 15-16, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.

Access Authority:

(e) The following shall be the routes to be controlled by the Access Authority:

(i) The road and railway line from Metkovic on the border of Croatia to the centre of the city of Sarajevo;

(ii) The railway from the city of Sarajevo to Doboj and Samac;

(iii) The so-called "Una" railway from Bosanski Novi through Bihac southwards to the border of Croatia;

(iv) The road from Nevesinje to Mostar airport;

(v) The road from Srebrenica to Kladanj;

(vi) The road from Gorazde through Cajnice to the border of Montenegro;

(vii) Sarajevo Airport;

(viii) The so-called "Transit Road" through the south of the city of Sarajevo;

(ix) The road between Sarajevo and the crossing-point north of Tmovo which gives access to Gorazde;

**Protection  
measures**

Rights related issues→Protection measures→Protection of groups

Page 18, D. Protection of Human Rights and the Reversal of Ethnic Cleansing

1. The right is established of a refugee or displaced person to freely return as part of an overall process of normalisation. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.
2. The parties understand that there is to be an International Human Rights Monitoring Mission, to be established by the Secretary-General of the United Nations, which is to be headed by a Human Rights Commissioner for Bosnia and Herzegovina based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the territory of the Union of Republics of Bosnia and Herzegovina; in order to provide protection in urgent cases, they may intercede with the Presidency and the governments of the Constituent Republics, with the Administrators of Sarajevo District and Mostar City Opstina and with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary General, who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

Page 29, APPENDIX V JOINT DECLARATION

2. Provide for the bilateral and unconditional disbanding of all detainee camps and for the release of detainees in territories under the control of the Army of Bosnia and Herzegovina and the Bosnian Serb Army immediately, commencing with the release of those detained in Tarcin (207 detainees) and Kula (207 detainees), and by no later than September 21, 1993, at 12.00 hours, and bilaterally assume the responsibility for their protection and care.

Rights related issues→Protection measures→Other

Page 9, Annex A, Part I The Boundaries of the Constituent Republics

5. At the request of any Constituent Republic, the Presidency may decide that a religious or cultural building located in another Constituent Republic shall be under the special protection and responsibility of the requesting Republic.

**Other**

No specific mention.

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**Rights institutions**

## NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 4

All organs of the Union and Republican Governments shall cooperate with the supervisory bodies established by any of the instruments listed in Annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 6

To assist in implementing the rights and freedoms specified in this Chapter and in particular in Article V. 5 (a), ombudsmen shall be appointed and carry out functions initially as specified in Annex D and thereafter as specified in a law adopted by the Union Parliament.

Page 9, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex A, Part II, Areas Vested in the Union of Republics of Bosnia and Herzegovina

3. Those public buildings in the Sarajevo District and in the surrounding area that are designated by the Presidency to be used by the Union Parliament, the Council of Ministers, the Supreme, Constitutional and Human Rights Courts, and the administrative institutions of the Union.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 1

The Human Rights Court of Bosnia and Herzegovina (the "Court") shall operate within the framework of the mechanism established by the Council of Europe by Resolution 93 (6) of its Council of Ministers, as that Resolution may be amended from time to time.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 2

(a) The Court shall initially consist of nine judges.

(b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and Others. These judges shall enjoy tenure and shall not require reappointment.

(c) The Committee of Ministers of the Council of Europe shall appoint five of the judges of the Court in accordance with the above-cited resolution. These judges may not be citizens of the Union of Republics of Bosnia and Herzegovina nor of neighbouring States.

(d) If the Court concludes that its business requires the participation of more judges to avoid undue delays in the disposition of cases, the Government shall make arrangements with the Council of Europe for the appointment of additional judges, in accordance with the above-specified proportion of national and foreign judges.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 3

(a) The Court shall regulate its own procedure and its organisation.

(b) Each panel of the Court is to have the composition specified for the Court in Article 2(b)-(c) of this Annex.

(c) The equality of the parties shall be ensured in every proceeding.

(d) The Court shall allow written and oral pleadings in every proceeding pursuant to Articles 5-7 of this Annex.

**Regional or international human rights institutions**

Rights institutions→Regional or international human rights institutions→Body tasked  
Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:  
...(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the permanent Court of Arbitration, one each of whom shall be elected by the President of each of the Constituent Republics and two of whom shall be elected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community.

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, D. Protection of Human Rights and the Reversal of Ethnic Cleansing

2. The parties understand that there is to be an International Human Rights Monitoring Mission, to be established by the Secretary-General of the United Nations, which is to be headed by a Human Rights Commissioner for Bosnia and Herzegovina based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the territory of the Union of Republics of Bosnia and Herzegovina; in order to provide protection in urgent cases, they may intercede with the Presidency and the governments of the Constituent Republics, with the Administrators of Sarajevo District and Mostar City Opstina and with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General, who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

Page 29, APPENDIX V, JOINT DECLARATION, I

4. Form a working group for the supervision and safeguarding of human rights in territories under the control of the Army of Bosnia and Herzegovina and the Bosnian Serb Army in accordance with the principles and proposed solutions of the Peace Conference on Bosnia and Herzegovina.

Page 31, APPENDIX VI, JOINT DECLARATION, I

4. Form a working group for the supervision and safeguarding of human rights in territories under the control of the Army of Bosnia and Herzegovina and the HVO in accordance with the principles and proposed solutions of the Peace Conference on Bosnia and Herzegovina.

**Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.



## Judiciary and courts

Page 6, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

(i) A Supreme Court, composed of four judges appointed by the Presidency, no two of whom shall be from the same peoples, which, except as specified in para. (iii), shall be the final court of appeals from the courts of the Constituent Republics.

(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the permanent Court of Arbitration, one each of whom shall be elected by the President of each of the Constituent Republics and two of whom shall be elected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community.

(iii) A Court of Human Rights to be established in accordance with Resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed Annex B.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform the rights and freedoms specified in the instruments listed in Parts I and IV of Annex C. The rights specified in the instruments listed in Parts II and III of Annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republican Governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable or implementing such rights and in otherwise carrying out the functions of these organs.

Page 9, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex A, Part II, Areas Vested in the Union of Republics of Bosnia and Herzegovina

3. Those public buildings in the Sarajevo District and in the surrounding area that are designated by the Presidency to be used by the Union Parliament, the Council of Ministers, the Supreme, Constitutional and Human Rights Courts, and the administrative institutions of the Union.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 1

The Human Rights Court of Bosnia and Herzegovina (the "Court") shall operate within the framework of the mechanism established by the Council of Europe by Resolution 93 (6) of its Council of Ministers, as that Resolution may be amended from time to time.

Page 10, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex B, Composition and Competence of the Human Rights Court, Article 2

(a) The Court shall initially consist of five judges.

(b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and Others. These judges shall enjoy tenure

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction**

Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance

Page 19, APPENDIX III, MILITARY AGREEMENTS, Part 1, Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict, Article II, Humanitarian Aid and Freedom of Movement

Written orders shall be issued by the undersigned military commanders, as soon as possible following signature of this Agreement, permitting:...(c) free passage for humanitarian aid convoys, subject to reasonable control of the contents and personnel that are part of the convoy at one checkpoint...

Page 29, APPENDIX V, JOINT DECLARATION, I

3. Create bilaterally the conditions for free and unhindered passage of all relief convoys and activities of humanitarian organisation, and the free and unhindered movement of all civilians.

Page 31, APPENDIX VI, JOINT DECLARATION, I

3. Create bilaterally the conditions for free and unhindered passage of all relief convoys and activities of humanitarian organisations.

Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction

Page 9, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex A, Part I, The Boundaries of the Constituent Republics

3. As much as possible of the town of Gomji Vakuf shall be in the Muslim majority Republic, subject to the Croat majority Republic retaining road access to Prozor from the north of Gomji Vakuf, and to Novi Travnik along the road running north from the village of Ploca towards the road junction to the north of Bistrica. Construction of new roads may be necessary, and the Special Representative of the UN Secretary-General (SRSG), after appropriate consultations, shall arbitrate in the case of disputes.

Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 1. Principles for Restoration of Infrastructure

(a) Interfering with the supply of water, gas, or electricity as a weapon or mean of pressure is unacceptable. Infrastructure shall not be attacked or degrading in any way, and shall not be used for any military purpose.

(b) Restoration of infrastructure shall not be conditioned on implementation of the military provisions in this Agreement or of other provisions in the Agreement Relating to Bosnia and Herzegovina.

(c) Infrastructure shall be restored for the benefit of all civilians, irrespective of ethnic origin, and shall be re-established across international borders, in accordance with agreements reached by the civil authorities.

(d) UNPROFOR and other international agencies, as appropriated, may provide guidance and assistance in restoration of infrastructure.

(e) Special priority shall be given to restoration of infrastructure for all the citizens of Sarajevo.

Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 2. Identifying Priorities and Making Repairs

(a) The Infrastructure Management Group, composed of representatives of each party, shall identify infrastructure repair priorities according to needs, local resources and the resources of aid agencies. Repairs shall be executed in conjunction with civilian authorities and relevant local agencies of all Parties.

(b) The Parties shall provide and fulfill guarantees of security to make such repairs. Access shall be guaranteed by the Parties.

(c) Parties shall provide access to infrastructure sites consistent with security. Parties shall provide liaison repair teams after local agreement by joint committees. A common

**National economic plan** No specific mention.

**Natural resources** Page 23, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article IV, Restoration of Infrastructure, 3. Infrastructure sites shall include:  
...(b) Steam power stations, coal mines, and hydroelectric power stations;

**International funds** Page 32, APPENDIX VI, JOINT DECLARATION, II  
In order to arrange stable relations between the two states as a common contribution to regional peace, the President Dr Franjo Tudjman and Mr Alija Izetbegovic have decided to form: 2. ...The two Presidents have agreed that they would bring their influence to bear in providing for the appropriate support of international political and financial organisations in the reconstruction and development of the two States.

**Business** Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 1  
(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.  
Access Authority:

(a) Pursuant to Article III.5 of the Constitutional Agreement there shall established, immediately on the entry into force of that Agreement, an access Authority, charged with assisting in the implementation of Article 11.1 (d) of the Agreement requiring free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Page 23-24, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article V, Providing Freedom of Movement, 1. Principles for Freedom of Movement  
...(b) The Parties shall ensure the security and freedom of movement of civilian and commercial traffic. Special attention shall be paid to ensure a traffic through way to the Bihac area, and right of passage to enclaves in Eastern Bosnia, and access to commercial ports on the Adriatic...

Page 33, APPENDIX VII, AGREEMENT BETWEEN THE REPUBLIC OF CROATIA AND THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA GRANTING THE UNION ACCESS TO THE ADRIATIC THROUGH THE TERRITORY OF THE REPUBLIC OF CROATIA, Article I  
(a) Croatia shall lease to the Muslim majority Republic for the duration of this Agreement the plot of land within the Port of Place, including the docks and the parts of the harbour pertaining thereto described in Annex A hereto (hereinafter referred to as the "Leased Area").  
(b) Croatia agrees that the Leased Area shall enjoy the status of a free zone in which no duties or taxes imposed by Croatia shall apply.

**Taxation**

Socio-economic reconstruction→Taxation→Reform of taxation

Page 8, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, VI. FINANCES, Article 2

(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

**Banks**

No specific mention.

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**Land, property and environment**

**Land reform/rights** Land, property and environment→Land reform/rights→Property return and restitution  
Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, D. Protection of Human Rights and the Reversal of Ethnic Cleansing  
1. The right is established of a refugee or displaced person to freely return as part of an overall process of normalisation. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** Land, property and environment→Cultural heritage→Tangible  
Page 9, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex A, Part I, The Boundaries of the Constituent Republics  
5. At the request of any Constituent Republic, the Presidency may decide that a religious or cultural building located in another Constituent Republic shall be under the special protection and responsibility of the requesting Republic.



**Environment**

No specific mention.

**Water or riparian rights or access**

Page 2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, V. AGREEMENT FOR THE EXCHANGE OF TERRITORIES

(b) It has been further agreed between the Muslim and the Serb parties to form a working group for outstanding matters related to the territorial delimitation between the two Republics in the envisaged Union of Republics of Bosnia and Herzegovina, including the areas of Brcko, Bosanska Krajina, the Neretva Valley, Eastern Bosnia and the Ozren mountain, including the natural right of the two Republics to access to the sea....

Page 2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VI. ACCESS TO THE SEA  
Separate agreements have been reached:

(a) between the Muslim and Croat parties for the establishment of an exit to the sea for the Muslim majority Republic through the Croat majority Republic via the Access Authority Throughway from Poplat to Neum and for the Muslim majority Republic to hold a tract of land on the shore of the Adriatic on the isthmus of Kosa (Klek) and establish a Joint Authority between the two republics to develop the tourist industry in that area;

Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VI. ACCESS TO THE SEA  
Separate agreements have been reached:

(b) between the Croat and Muslim parties that a port facility for the Muslim majority Republic shall be between Visici and Celjevo on the Neretva capable of taking vessels trans-shipping from Ploce and also directly from other ports in the Adriatic, and that the southern border of the Muslim majority Republic shall be moved down from Recice to just above Visici. Initially there shall be an Access Authority Throughway along the road from Recice to Tasovcici and to the turn-off to Celjevo. The land for the part shall be defined as being south of the houses along the road to Celjevo, west of the houses along the road to Vesici, to the north of the built-up area of Visici and then following the east bank of the Neretva River. If the port is developed the Muslim majority Republic will be expected to build a flyover at the Celjevo crossroad and a new road along an agreed route to Recice avoiding as far as possible existing settlements, and this road, with the land one half kilometre on either side, and the port area will be part of the Muslim majority Republic;

Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VI. ACCESS TO THE SEA  
Separate agreements have been reached:

(c) the Republic of Croatia has agreed to a 99-year lease for a separate port facility of the Muslim majority Republic at the port of Ploce, and the details governing this port facility shall be set out in the agreement between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina set out in Appendix VII hereto;

Page 3, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, VI. ACCESS TO THE SEA  
Separate agreements have been reached:

(d) that as soon as relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) are normalised there shall be a treaty covering an exchange of territory involving also the Union of Republics of Bosnia and Herzegovina to take account of the need for strategic assurances for Dubrovnik and of the strategic importance of Prevlaka to the Bay of Kotor, the need for the Serb majority Republic to have access to the sea in the area between Ostri Rt and Molunat, and the need for the Republic of Croatia to be compensated with territory so that there shall be no net loss of territory to the Republic of Croatia.

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 1

(c) The areas specified in Annex A, Part II, even though within the territory and under the jurisdiction of a Constituent Republic shall be vested as specified in Article VII 2 (b) for



**Security sector**

**Security  
Guarantees**

Page 1, I. CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

(b) The three parties understand that the Security Council will consider the broader question of sanctions in respect to an overall solution of the outstanding questions related to the former Yugoslavia. Nevertheless they understand that the Security Council, taking into account the present Agreement, will, in parallel with implementation of the peace plan, authorize a phased lifting of those sanctions applied to the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically in respect to the situation in Bosnia and Herzegovina, provided there is clear evidence of the good faith implementation of all aspects of the present Agreement, in particular the withdrawal of forces to the agreed boundaries of the three Constituent Republics as shown in Annex A, Part I.

Page 17, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, B. Mostar City Opstina

6. Mostar City Opstina shall be demilitarized under the arrangements of a Regional Joint Commission in accordance with the Military Agreement for Peace in Bosnia and Herzegovina. UNPROFOR as all other UN agencies shall operate in the City as in the rest of the Country.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 4. Withdrawal of Forces

...(d) The forces of the Parties shall be prohibited from entering the Areas of Separation, except while conducting joint patrols with UNPROFOR or clearing mines. Areas of Separation shall be open to civilian movement, under UNPROFOR control.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 5. Withdrawal of Heavy Weapons

(a) In accordance with locations and a time schedule to be agreed within the Joint Commission, the heavy weapons of the Parties shall be withdrawn from their current positions and concentrated in new locations. Such locations shall be agreed in light of their suitability for monitoring and the range of the heavy weapons.

(b) UNPROFOR shall monitor the process of withdrawal. Heavy weapons that are withdrawn to locations that are out of range of position of the other parties shall be monitored by UNPROFOR; heavy weapons that remain within range of such positions shall be controlled by UNPROFOR.

(c) Ammunition shall be stored and monitored separately from heavy weapons. The distance between ammunition and heavy weapons shall be agreed within the Joint Commission.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 7. Clearing mines

Designated units of the Parties shall, within areas of separation and elsewhere clear all mines they have laid, in accordance with mutual agreement in the Joint Commission.

Page 24, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article V, Providing Freedom of Movement, 2. Special Measures to open Specified Routes

As a first step in establishing freedom of movement, special measures shall be taken to open the routes specified in paragraph 3 of this Article. Such measures shall be agreed upon in joint commissions and shall include the following:...(e) A corridor extending 500 meters to the left and right of the specified routes shall be demilitarized, in accordance with measures agreed by the Joint Commission.

## Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, II. TERMINATION OF THE CONFLICT

The parties reaffirm the Agreement for a Complete Cessation of All Combat activities signed by their military commanders on 30 July 1993 set out in Part 1 of Appendix III hereto, and the Military Agreement for Peace in Bosnia and Herzegovina signed by their military commanders on 11 August 1992 set out in Part 2 of Appendix III, and decide that the latter shall be amended as set out in Part 3 of Appendix III and shall enter into force in the day after the Security Council has authorized United Nations support for the implementation of the present Agreement.

Page 19, APPENDIX III, MILITARY AGREEMENTS, Part 1, Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict, Article I, Cessation of all Combat Activities

1. Beginning upon signature of this Agreement, all forces of the three Parties shall cease firing and shall freeze all military activities, including military movements, deployments of forces and establishment of fortifications.
2. Written orders mandating such cessation of combat activities shall be issued, as soon as possible following signature of this Agreement, by each of the undersigned military commanders.

Page 21, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 1. Principles for Initial Separation of Forces

- (a) Separation of forces shall be achieved progressively and shall include monitoring by UNPROFOR on infantry and heavy weapons on both sides of confrontation lines that are within range of the confrontation lines.
- (b) The concepts of separation of forces and withdrawal of heavy weapons shall be linked. Heavy weapons shall be defined as weapons having a calibre of 12.7 or more millimetres.
- (c) Details of implementation, including items "to be agreed", shall be resolved in the Joint Commissions.
- (d) Special priority shall be given to Sarajevo.

Page 21-22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 2. Ceasefire

In accordance with Article I of the Agreement for a Complete Cessation of All Combat Activities of 30 July 1993, the forces of the Parties shall:

- (a) cease firing and make no offensive actions;
- (b) freeze their positions on existing lines;
- (c) make no forward deployments of personnel or materiel. Rotations of units shall be permitted on a one-for-one basis, under UNPROFOR monitoring; and
- (d) make no establishment or enhancement of fortifications.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX I, TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

Phase One: D - 7 to D Day

Cessation of All Combat Activities, in accordance with the Agreement of 30 July 1993, continues to be observed.

Phase Two: D Day to+ 7

1. Full Ceasefire observed (Article II, paragraph 1).

...3. Joint Commission, hot lines, and other monitoring and control measures established (Article I)...

## Police

Page 9, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Annex A, Part I, The Boundaries of the Constituent Republics  
2. The road marked on the Map that links Gorazde to Zepa shall constitute part of the Muslim majority Republic, which shall be responsible for its upkeep and policing.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2.  
Access Authority:

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when UNPROFOR will have sole responsibility for freedom of movement along designated "Blue Routes" around Sarajevo and "Throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police force of the Constituent Republics.

Page 17-18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, C.  
Police Forces

1. Each existing or new opstina in the Sarajevo District and the Mostar City Opstina shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic composition and shall be subjected to supervision by respectively the Administrator for the Sarajevo District or the Mostar City Opstina.

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, C.  
Police Forces

2. Each Constituent Republic shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic composition, any necessary coordination shall be the responsibility of the Presidency.

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, C.  
Police Forces

3. The parties understand that as part of the UNPROFOR deployment in Bosnia and Herzegovina there is to be a large civilian police element, whose principal task will be to monitor the police of the Constituent Republics and of the opstinas in the Sarajevo District and the Mostar City Opstina, so that each: has an appropriately balanced ethnic composition; does not oppress members of minority ethnic groups; contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carries out the judgements of courts, in particular the Human Rights Court; assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors; and that the numbers and equipment of the police are in keeping with normal European standards.

## Armed forces

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 3. Declaration of Forces

The Parties shall provide to UNPROFOR the following information:

- (a) numbers and locations of all heavy weapons that are within range of the confrontation lines;
- (b) maps and other detailed documentation on all mines, that surround or are within the confrontation lines;
- (c) traces depicting the position of front lines;
- (d) positions and descriptions of fortifications; and
- (e) positions and numbers of soldiers.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 4. Withdrawal of Forces

- ...(b) The forces of the Parties shall withdraw, in a balanced manner but one that is consistent with their different composition. The manner and extent of withdrawal shall be worked out by UNPROFOR, in consultation with the Joint Commission.
- (c) The Areas of Separation shall be increased over time but the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize. UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilisation.
- (d) The forces of the Parties shall be prohibited from entering the Areas of Separation, except while conducting joint patrols with UNPROFOR or clearing mines. Areas of Separation shall be open to civilian movement, under UNPROFOR control.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 6. Confinement of Infantry to Barracks

As selected infantry forces are withdrawn from the lines of confrontation, a number of such forces, to be determined by UNPROFOR in consultation with the Joint Commission, shall be confined to barracks.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX I, TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

Phase Two: D Day to+ 7

...2. Declaration of forces provided (Article II, paragraph 2)...

Page 26, Part 3, Amendments to the 11 August 1993 Military Agreement for Peace in Bosnia and Herzegovina

The Military Agreement for Peace in Bosnia and Herzegovina, which was concluded by the military commanders of the parties in Sarajevo on 11 August 1993 and which is set out in Part 2 of the Present Appendix, is hereby amended as follows:

- 5. Appendix/, second paragraph, paras. 1 and 2 to read as follows: 1. Full Ceasefire observed (Article II, paragraph 2,) 2. Declaration of forces provided (Article II, paragraph 3.)



**DDR**

Security sector→DDR→Demilitarisation provisions

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 6. Confinement of Infantry to Barracks

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Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX I, TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

Phase Three: D + 8 to D + 29

...4. Withdrawal of Forces and Heavy Weapons begins (Article II, paragraphs 4 (b) and 4 (d), and Article II).

5. Confinement of Infantry to Barracks begins (Article IV, paragraph 6)...

Phase Four: D + 29 to D + 60

Continued withdrawal of forces to their respective regions. Demobilization of units. Area of Separation expanded (Article II, paragraph 4 (c)).

**Intelligence services**

No specific mention.

**Parastatal/rebel  
and opposition  
group forces**

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 3. Declaration of Forces

The Parties shall provide to UNPROFOR the following information:

- (a) numbers and locations of all heavy weapons that are within range of the confrontation lines;
- (b) maps and other detailed documentation on all mines, that surround or are within the confrontation lines;
- (c) traces depicting the position of front lines;
- (d) positions and descriptions of fortifications; and
- (e) positions and numbers of soldiers.

Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 4. Withdrawal of Forces

- ...(b) The forces of the Parties shall withdraw, in a balanced manner but one that is consistent with their different composition. The manner and extent of withdrawal shall be worked out by UNPROFOR, in consultation with the Joint Commission.
- (c) The Areas of Separation shall be increased over time but the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize. UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilisation.
- (d) The forces of the Parties shall be prohibited from entering the Areas of Separation, except while conducting joint patrols with UNPROFOR or clearing mines. Areas of Separation shall be open to civilian movement, under UNPROFOR control.
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Page 22, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article II, Separation of Forces, 6. Confinement of Infantry to Barracks

As selected infantry forces are withdrawn from the lines of confrontation, a number of such forces, to be determined by UNPROFOR in consultation with the Joint Commission, shall be confined to barracks.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX I, TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

Phase Two: D Day to+ 7

...2. Declaration of forces provided (Article II, paragraph 2)...

Page 26, Part 3, Amendments to the 11 August 1993 Military Agreement for Peace in Bosnia and Herzegovina

The Military Agreement for Peace in Bosnia and Herzegovina, which was concluded by the military commanders of the parties in Sarajevo on 11 August 1993 and which is set out in Part 2 of the Present Appendix, is hereby amended as follows:

- 5. Appendix/, second paragraph, paras. 1 and 2 to read as follows: 1. Full Ceasefire observed (Article II, paragraph 2,) 2. Declaration of forces provided (Article II, paragraph 3.)

Page 29, APPENDIX V, JOINT DECLARATION, I

- 1. Provide for the prompt cessation of all hostilities and military conflicts between the units of the Army of Bosnia and Herzegovina and the Bosnian Serb Army in accordance with the Agreement of 30 July, 1993, immediately and by no later than September 18, 1993 at 12.00 hours, and establish direct communication (hot lines) between military commanders at all levels.

**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.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** Page 29, APPENDIX V, JOINT DECLARATION, I  
2. Provide for the bilateral and unconditional disbanding of all detainee camps and for the release of detainees in territories under the control of the Army of Bosnia and Herzegovina and the Bosnian Serb Army immediately, commencing with the release of those detained in Tarcin (207 detainees) and Kula (207 detainees), and by no later than September 21, 1993, at 12.00 hours, and bilaterally assume the responsibility for their protection and care.

Page 31, APPENDIX VI, JOINT DECLARATION, I  
2. Provide for the bilateral and unconditional disbanding of all detainee camps and for the release of detainees in territories under the control of the Army of Bosnia and Herzegovina and HVO immediately, and by no later than September 21, 1993, at 12.00 hours and bilaterally assume the responsibility for their protection and care.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** Page 31, APPENDIX VI, JOINT DECLARATION, I  
6. Form a working group for drawing up and monitoring the implementation of comprehensive measures for building and enhancing confidence and coexistence between the Croatian and Muslim peoples, including media and other activities and programmes aimed at overcoming distrust.

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement**

No specific mention.

**International  
mission/force/  
similar**

Page 1-2, AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA, III. COOPERATION IN RESPECT OF HUMANITARIAN EFFORTS

(a) Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, The United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

Page 4, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

Page 5, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES, Article 2

(b) The initial elections in each Constituent Republic shall be supervised by the United Nations and the European Community.

Page 7, APPENDIX I, CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA, V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, Article 4

All organs of the Union and Republican Governments shall cooperate with the supervisory bodies established by any of the instruments listed in Annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Page 15, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 1, 2. Access Authority:

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when UNPROFOR will have sole responsibility for freedom of movement along designated "Blue Routes" around Sarajevo and "Throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police force of the Constituent Republics.

Page 17, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, B. Mostar City Opstina

6. Mostar City Opstina shall be demilitarized under the arrangements of a Regional Joint Commission in accordance with the Military Agreement for Peace in Bosnia and Herzegovina. UNPROFOR as all other UN agencies shall operate in the City as in the rest of the Country.

Page 18, APPENDIX II, AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA, PART 2, C. Police Forces

3. The parties understand that as part of the UNPROFOR deployment in Bosnia and Herzegovina there is to be a large civilian police element, whose principal task will be to monitor the police of the Constituent Republics and of the opstinas in the Sarajevo

**Enforcement  
mechanism**

Page 21, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article I  
Measures for Compliance

1. The Parties shall comply in good faith with all provisions in this Agreement. If a dispute arises, UNPROFOR shall be notified and may make a determination on the merits of the dispute.

Page 21, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, Article I  
Measures for Compliance

3. The Parties shall full support monitoring and control measures to verify compliance with this Agreement, including: (a) establishment of the Joint Commission, which shall operate in accordance with the procedure set out in Appendix II; (b) establishment of Regional Joint Commissions, which shall operate in accordance with the procedures set-out in Appendix II;...

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

1. The Joint Commission shall operate under the chairmanship of UNPROFOR. Each party shall designate the representative of its choosing, whether civil or military, to the Joint Commission. Deputies and assistants, civilian or military, may be present to assist their representatives.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

2. Other than authorized members of each delegation, meetings of the Joint Commission shall be closed. Media may be present only by express agreement of each Party.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

3. Each Party's representative shall be authorized to act fully on behalf of that Party and to take decisions with respect to implementation of this Agreement.

Page 25, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

4. The Joint Commission shall meet when and where UNPROFOR decides, in consultation with the Parties.

Page 26, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

5. Decision of the Joint Commission shall be taken by consensus. UNPROFOR may decide certain matters that it deems principally within its competence, in consultation with the concerned Parties.

Page 26, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

6. UNPROFOR shall report on the proceedings of the Joint Commission to the United Nations, through the Special Representative of the Secretary-General for the Former Yugoslavia.

Page 26, Part 2, Military Agreement for Peace in Bosnia and Herzegovina, APPENDIX II,  
PROCEDURES FOR THE JOINT COMMISSION

7. These procedures shall guide the operation of Regional Joint Commissions and other implementing bodies. Amendments to these procedures may be made by UNPROFOR in consultation with the Parties.

**Related cases** No specific mention.

**Source** B.G. Ramcharan (ed.) The International Conference on the Former Yugoslavia Volume 1, (The Hague, London, Boston: Kluwer Law International, 1997) pp. 275-329

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