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NOTE

ON

THE MAIN ELEMENTS OF THE DAYTON AGREEMENT FOR BOSNIA AND HERZEGOVINA

This note has been prepared for the information of Members of the European Parliament. The opinions expressed are those of the author and do not necessarily reflect the position of the European Parliament.

Sources:

European Commission
Office of the High Representative (OHR)
Council of Europe
OSCE
Economist Intelligence Unit (IEU)
World Market Research
Factiva
International Commission on the Balkans
European Stability Initiative (ESI)
Stiftung Wissenschaft und Politik, Berlin (SWP)
International Crisis Group (ICG)

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Brief historical overview

Following the Second World War, Bosnia and Herzegovina (BiH) in its present day borders was incorporated as one of the six republics in The Federal People's Republic of Yugoslavia (in 1963 renamed the Socialist Federal Republic of Yugoslavia, SFRY). When Croatia and Slovenia were recognised as independent states in January 1992, the BiH ruling coalition fell apart. Despite opposition by the Bosnian Serbs, a referendum on BiH's separation from the SFRY was held on March 1st 1992. The overwhelming majority of Muslims and Bosnian Croats voted in favour of independence from the SFRY, whereas the overwhelming majority of Bosnian Serbs either voted against or boycotted the referendum. War broke out in April 1992.

The fighting lasted from 1992 to 1995, and formal and paramilitary formations from Croatia and Serbia were heavily involved. Civilians were a prominent target, as a key goal of the armed conflict was the homogenisation of ethnic territories through population displacement. For Bosnian Croats and Bosnian Serbs this was intended to facilitate secession from BiH and joining Croatia and Serbia, respectively. The Bosnian Muslim side vowed to defend the unity of the country, but was seen by its opponents as striving to establish a unitary, Muslim-dominated BiH.

Dayton Agreement

In March 1994, under US pressure, fighting between Bosnian Croats and Bosnian Muslims was ended; with the two sides agreeing to establish a federation on the territory they controlled (the "Washington Agreement"). They then joined forces against the Bosnian Serbs, who lost ground to Bosnian Croat offensives in August 1995 and endured NATO air strikes. The international environment also changed as the US took the lead role in the peace negotiations, adopting a much more robust approach than had previously been taken.

An agreement, negotiated in **Dayton**, Ohio, was signed in Paris in December **1995**, establishing a fragile peace. Under the **Dayton agreement**, BiH retained its internationally recognised borders, but was internally reorganised into two entities: **Republika Srpska** (RS; 49% of the territory) and the **Muslim/Croat Federation of Bosnia and Herzegovina** (51% of the territory), the latter consisting of ten cantons. (Map of BiH in annex I).

The **1995 Dayton peace agreement** included both a **new constitution** and laid down conditions for **international involvement in BiH**. According to the constitutional arrangements (see Constitutional structure in annex II), each of the two entities has its own president, government, parliament, police and other bodies. A **central Bosnian government and rotating presidency** is overarching the entities. The district of Brcko, which was the only territorial issue left undecided when the peace agreement was signed, was subsequently included in this complex political structure as an administrative unit under the jurisdiction of the central state. **In brief, BiH contains one state, two entities, three constituent peoples, around four million inhabitants and five levels of authority.**

The agreement thus also established the **Office of the High Representative (OHR) to oversee its implementation**. (The post is filled by British politician Paddy Ashdown since May 2002.) The **High Representative has wide-ranging powers**

to impose decisions in cases where the authorities are unable to agree, or where political and economic interests are considered to be at stake (Framework of the Dayton agreement in annex III). In particular since the end of 1997, successive High Representatives have removed elected officials from office, banned individuals from running for office, fired judges and civil servants, fined political parties and frozen bank accounts.

As stated by Resolution 1384 (2004) of the Parliamentary Assembly of the Council of Europe, this Constitution was obviously “the outcome of a political compromise reached in order to end the war, [but] it cannot secure the effective functioning of the state in the long term and should be reformed once national reconciliation is irreversible and confidence is fully restored.”¹

The Dayton Agreement also provided for a 60,000-strong NATO-led force, which played a crucial role in providing a safe and secure environment for the consolidation of peace. Yugoslavia (subsequently **Serbia and Montenegro**) and **Croatia** were also **signatories to the Dayton peace agreement**, committing to take part in its implementation.

Implementation of the Dayton Agreement

Displaced persons

One of the most difficult problems left by the war was to ensure that **around 2 million refugees and internally displaced people** could return home safely (Annex 7 to the Dayton Agreement). The number of displaced people is especially high, compared with the total BiH population of only 3.6 million in 1998 (3.8 million in 2003). **Considerable progress has indeed been made** and in autumn 2004 the United Nations announced that over one million of the refugees had returned, about three quarters to the Federation of Bosnia and Herzegovina and the rest to the Republika Srpska. Further progress has since been reported.

At the end of January 2005, competent ministers from Bosnia, Croatia, and Serbia and Montenegro signed in Sarajevo a much-needed declaration on the regional resolution of the refugee/displaced persons issues. However, there is still a movement of displaced people within BiH and refugees returning from abroad, and territorial units are still ethnically homogenous to a quite high extent.

Constitutional reforms

As for the implementation of the Dayton constitutional provisions (Annex IV), there has been **some success in introducing reforms which strengthen central government**. The country now has in theory a single defence structure and intelligence service as well as a central judicial system and a single customs service. The recent progress in reforming BiH's defence structures marked a major step closer to membership in NATO's Partnership for Peace (PfP) programme. A central BiH Defence Ministry was established during 2004 and a unified chain of command for the three previously separate armies was introduced.

¹ Parliamentary Assembly of the Council of Europe, Resolution 1384 (2004), Strasbourg, 23 June 2004

In practice however, the country remains split into entities along ethnic lines, with the **centralised state remaining fragile**. Important legislation has been introduced in implementing the Dayton provisions, but **there is intransigence when** it comes to actually **giving these reforms substance**. At the same time, electoral politics increasingly plays a role, and elections are coming up in autumn 2006. Such intransigence has been a particular problem in the Bosnian Serb-dominated Republika Srpska. Meanwhile, the Muslim-Croat Federation of Bosnia and Herzegovina has its own problems, in which corruption and nationalist networks also play a significant role.

Police reform

Besides the military and intelligence reform, another main priority for BiH was the police reform. The European Commission considers police reform one of the last remaining obstacles to the launching of **negotiations with the EU over a Stabilisation and Association Agreement (SAA)**. The police were an important instrument of ethnic cleansing in the war, and afterwards BiH remained with three police forces: Bosniak, Croat and Serb, each with its own jurisdictions. Police throughout the country have remained highly politicised, acting at the behest of politicians to obstruct implementation of the Dayton peace accords, in particular refugee return, and heavily involved in organised crime. In order to comply with the EU demands the police must be controlled and financed at the state level, be fully independent from political interference, and be organised in rational and efficient districts. The Bosniak and Croat police forces have merged, at least nominally, but **the Republika Srpska has been refusing all EU and OHR efforts to reform structures or integrate them** with those of the other ethnic entities.

The EU had imposed a deadline of mid September 2005, by which BiH would have needed to agree on the police reform plan, in order to move forward on a Stabilisation and Association Agreement (SAA) still in 2005. However, in **September 2005 the re-launch of the police reform programme was again rejected by the Republika Srpska National Assembly** (56 against 10 votes). In response to this event, EU commissioner Rehn stated that **BiH has "lost its chance" to open negotiations with the EU on a SAA still in 2005**.

War-crime indictees

Despite **significant recent progress**, efforts to bring those accused of war crimes to justice have had limited success since the end of the war in 1995. In contrast to the nine previous years, at the beginning of 2005, **the Republika Srpska finally also started handing over war-crime indictees to the ICTY** in The Hague. Coordinated efforts with the Serbian government in Belgrade have lead to the transfer of half a dozen Bosnian Serb indictees to The Hague since the start of 2005, the indictees having surrendered mostly in Belgrade. The former Bosnian Serb president, Biljana Plavsic, surrendered voluntarily to the ICTY tribunal and eventually pleaded guilty on one charge of crimes against humanity. She was sentenced to 11 years in prison. In addition, the RS has now acknowledged the 1995 Srebrenica massacre and has also given public prosecutors a list of those believed to have been involved with it and who are currently still in official positions. However, the **two mostly wanted individuals, Radovan Karadžić and Ratko Mladić** are still at large.

On the positive side, the **capacity building and restructuring of courts inside BiH** is about to become a success: the **inauguration of the War Crimes Chamber** of the State Court and the Special Department for War Crimes in the Bosnian Prosecutor's Office on 9 March 2005 is an important event as regards the reform of the judiciary. This will allow the prosecution of highly sensitive war crimes and organised crime cases inside the country in line with international standards.

The role of the EU

As the need for a military presence in the country has receded, **the EU has gradually become the main external player in BiH**, replacing the US in that role. The EU has been **one of the largest donors** to BiH, both during the war and in the post-war reconstruction period. Its presence largely focused on advancing political and economic reform and establishing a framework for the implementation of the EU's Stabilisation and Association Process (Thessaloniki Summit June 2003) and the eventual integration of BiH into the EU. However, by the end of 2004, Bosnia also became the first country where all 'second pillar' instruments of both CFSP and ESDP were deployed on the ground. These comprise a **European Union Special Representative (EUSR)**, an **EU Monitoring Mission (EUMM)**, the **EU Police Mission (EUPM)**, and the EU-led peacekeeping force **EUFOR** that took over from NATO/SFOR at the end of 2004. These measures are obviously strengthening the EU's political leverage in the country. Since May 2002, the High Representative has been 'double hatted' and has also been acting as the EUSR and is increasingly focusing on his second role. Thus, the present OHR will progressively become the Office of the EUSR, taking also up the role of coordinating all the other EU agencies active in the country. This represents a major transition in the international community's presence in Bosnia, and also corresponds to the envisaged OHR's shift from Dayton implementation to the institution and competence building required for future Bosnia's EU integration.

Regular political dialogue between the EU and BiH has been going on for quite some time. In late 2003 the EU responded to BiH's request to start negotiations on a Stabilisation and Association Agreement (SAA) by outlining a list of key reforms that must be put in place before talks can begin. The agenda includes improved co-operation with the ICTY and a number of reforms that require strengthening of the central state institutions, which have become the sore point in BiH's international relations. In 2004 and early 2005, under heavy outside pressure, progress was made on virtually all the key actions, except the police reform (see above).

After the second rejection of the police reform programme by de RS in September 2005, negotiations on a SAA will probably have to wait until at least next year, and full EU-membership remains a distant prospect. The broad involvement of the EU in BiH guarantees however that the **process of stabilisation and association is irreversible**. But both the slow domestic reform progress in BiH as well as an ambiguous internal EU discussion on the broader enlargement process in the aftermath of failed referenda in France and The Netherlands on the EU constitutional treaty, put any accession perspective for BiH rather beyond a short-term perspective.

Different views on the future of BiH and the role of the international community (OHR)

The need for constitutional change remains high on the political agenda in BiH. **All experts agree that there remain serious problems with the present system of federalism** in BiH. The EU's High Representative for CFSP, Javier Solana stated on 16 May 2005, that the time will come when BiH politicians will agree that **constitutional change is required** – but sustainable reform can only happen through BiH institutions and with the agreement of all three ethnic BiH peoples.

As the mandate of the current High Representative, Paddy Ashdown comes to an end, it seems obvious that BiH will still need a high representative / EUSR for some time. At the same time, **most Bosnian and international experts agree that any new mandate will achieve positive results only by taking a somehow different approach.** However, both academic experts and the international community appear uncertain and sometimes divided about the necessary changes to the current and future role of the international community / the OHR.

There is an almost unanimous assessment that the progress achieved in the past decade was to a certain extent built on **very shaky foundations**, with both Bosnians and the international community paying more attention to the surface structures, and less to developing a culture that might support longer-term reconciliation, democracy and governance.

Critics of "Dayton" right from the beginning voiced fears that the two entities came too close to being states in their own right and that the Dayton arrangement rather reinforced separatism and nationalism at the expense of integration.

The debate has been somehow focussed on the role of the OHR, and specifically its **Bonn powers**, but also dwells upon the question of the EU membership perspective, its time frame and implementation.

Some of the (partly) different views are reflected below:

*(a.) **"Clear and immediate EU accession agenda instead of continued Bonn Powers of the OHR ("Enlargement" instead of "Empire" ruling)"***

Some experts such as the European Stability Initiative (ESI) have been rather opposed to a continuing strong role of the OHR and argue that this situation has also become **increasingly at odds with democratic principles.** The international community (through the OHR) not only participates in shaping the political agenda (which has somehow become the norm in transition countries in Central and Eastern-Europe, as governments aspire/d to join the EU). It actually sets that agenda, imposes it, and threatens to punish with sanctions those who refuse to implement it. The OHR can interpret its own mandate and so has essentially unlimited legal powers. The critics' argument is mainly based around these *Bonn powers* (see also Annex II), which were increasingly used since 1997. According to these critics the powers have today become the regular instruments of an **open-ended attempt to develop institutions by decree, instead of the initial function as emergency powers to confront concrete threats to the Dayton peace accords.**

The current High Representative Paddy Ashdown has used the Bonn powers the most. In the three years of his mandate, he has dismissed scores of Bosnian officials and imposed numerous laws and bylaws. According to the critical voices, yet such intensive use of the OHR's powers has created a situation in which **Bosnian politicians actually do not fully participate in the management of the country**, but mainly pay lip service to the OHR. It takes away the reform and participation incentive for local politicians. In addition, the critics of the High Representative see him frequently fail to properly document or explain the OHR decisions, **preventing the development of local democracy in BiH and creating unnecessary tensions**.

In addition, critics of the continuous use of the Bonn Powers see the risk of the strong international presence distorting the institution-building process altogether. They refer to the fact that the international community literally would crowd out domestic institutions, hiring many of the most qualified young people at salaries that neither the public nor the domestic private sector could ever pay and setting the policy agenda without assuming real responsibility for the consequences.

According to Gerald Knaus from the European Stability Initiative (ESI)² the current "ad hoc international arrangement" should be replaced with a much clearer European-driven pre-accession process, even if the country is not yet able to begin full membership negotiations. This should entail a stronger European Commission's presence, a focus on issues of economic and social cohesion and pre-accession financial instruments to target causes of structural underdevelopment and national absorption capacity.

Along the same line, the April 2005 report of an "**International Commission on the Balkans**"³, chaired by former Italian Prime Minister Giuliano Amato, claims the **present constitutional architecture is dysfunctional and needs to be reformed as soon as possible, including the removal of the Bonn powers**. The current status with the OHR would need to be replaced by a sustainable self government **guided by the process of EU accession**. Although very useful in the unstable environment in the wake of the conflict, the **Bonn Powers now block the development of self government**. This self government is increasingly crucial in the region, and a lack of it **would lead to instability**.

According to the *International Commission on the Balkans*, a clear-cut EU accession process would provide the necessary incentives for the strengthening of the state's federal structures and no "second Dayton" was required. The April 2005 report of the International Commission on the Balkans reads: "If the EU does not devise a bold **strategy for accession ...within the next decade**, then it will become mired instead as a neo-colonial power in places like Kosovo, Bosnia, and even Macedonia.... The real choice the EU is facing in the Balkans is: **Enlargement or Empire**."⁴

² see <http://www.esiweb.org/>

³ <http://www.balkan-commission.org/>

⁴ <http://www.balkan-commission.org/>

(b.) "Continued "hard security threats" and weak institutions exclude a rush in winding down the OHR ruling"

On a slightly different line, other experts like Nicholas Whyte from the International Crisis Group⁵ have been arguing that there was a risk to underplay the still remaining hard security threats in the Balkans, not least in BiH. They reject the conclusion that the "emergency" which was the basis for the creation of the OHR and its powers is yet completely over. They also insist that the destruction of Bosnian democracy was caused not by the OHR but by the war in the region. They also note that the presence of the OHR and EU's special representative (in one person) ensure/d that the international community was able to speak with one voice and that local actors were/are not able to go "forum-shopping". At the same time they concede that the International presence in BiH should be looking indeed different towards the end of 2006. They remain however worried that one does not know what the concrete developments will be within BiH and in the region.

On the long term strategic aim of the international community in the Balkans - full integration into the Euro-Atlantic institutions, both the European Union and NATO, there is in any event no different opinion between most international politicians and experts.

Along the line of the position of the International Crisis Group, the current High Representative Paddy Ashdown, and the OHR in general have **to some degree recognised the need to accelerate the transfer of political authority from the international community to local authorities** after a decade of operation, suggesting that the winding-down of the OHR (or its transformation into an EU "outpost") should indeed be accelerated.

However, in Ashdown's perspective BiH has still a long way to go, and the **winding-down should not be rushed**. According to Ashdown, BiH still spends 65 percent of its budget on financing its own diversity of structures and administration and only 35 percent "on citizens". **BiH should have a more flexible power structure on the State level and then trickle down competencies (basic tasks) to the local level**. The key problem for the make-up of BiH is what structure is placed between the State and municipalities. Ashdown has however made also clear that he sees no need for a "Dayton 2" either, and that rather the three ethnicities should reach consensus and decide on the future BiH structure.

(c.) "Focus on EU pre-accession and full membership requirements is setting wrong priorities for the immediate reform challenges"

The European Commission, in its draft for a future Instrument of Pre-Accession Assistance (IPA), assumes that Bosnia will achieve **candidate status around 2010**, and **membership around 2020**.⁶ The Berlin-based Stiftung Wissenschaft und Politik (SWP, Altmann⁷) seems to share such horizon, but asks whether a realistic perspective of 15-20 years before actual full membership is indeed **sufficient to**

⁵ <http://www.crisisgroup.org>

⁶ Commission of the European Communities, *Proposal for a Council Regulation Establishing an Instrument of Pre-Accession Assistance* (Brussels: Com (2004) 627 final, 29 September 2004).

⁷ SWP, Altmann Jan. 2005 - http://www.swp-berlin.org/common/get_document.php?id=1138

motivate politicians or citizen in Bosnia to **intensify reform efforts** and dynamic **political engagement** in the most burning problem areas. An approach which is exclusively focussed on fulfilling the Copenhagen criteria and obligations for full membership, including full alignment with the EU's *acquis communautaire*, may **risk setting the wrong priorities** at a time where **much more basic tasks** in terms of state building and economic restructuring are at stake. The result could be a kind of enlargement trap obliging to take a broad range of measures (including relevant EU assistance) that would only bear fruit in very long term while immediate and urgent tasks of economic reconstruction remain just one among many others.

Franz-Lothar Altman from the SWP in Berlin suggests therefore that **without withdrawing** the (Thessaloniki 2003) **accession perspective**, the EU should seriously **consider intermediate steps for both reforms and assistance**, including the option of "Junior membership" as the next qualitative step after the envisaged Stability and Association Agreement. Such option would not (yet) oblige Western Balkan countries to the fulfilment of all criteria for accession, including the full alignment to the *acquis* and its implementation, but provide better ground for **prioritising of tasks**.

It should be noted that indeed today **Bosnia is not only far from having a functional market economy; its economy still relies to a very large extend on foreign aid**. As an important positive move, as of 1 January 2006 a system of value added tax is to be introduced in Bosnia. An Indirect Taxation Authority (ITA) has been set up, most of the relevant legislation has been put in place and the ITA is currently recruiting staff and introducing procedures to make the collection and distribution of the first direct income of the state of Bosnia possible. In case of success, this could be considered among the most important steps towards **constructing Bosnia's statehood and government ownership** as well as **administrative capacity building**. However, public expenditure is still excessive (56 per cent of GDP) and more than half of the country's companies are still state owned. More worrying, the grey economy is extensive, unemployment ranges from 16 to 41 per cent, depending on methodologies used to calculate it, and an estimated 20 per cent of the population lives below the poverty line (GDP per capita level at about 7% of the EU average).

At the same time, **democratic structures and civil society** remain strongly underdeveloped.



Current constitutional structure

State Government

The state of Bosnia and Herzegovina exists within the boundaries of the former Yugoslav republic of the same name. It includes two entities: the Federation of Bosnia and Herzegovina (which is often referred to simply as the Federation), set up by the Washington Treaty of March 18th 1994, and Republika Srpska (RS). It also includes a selfgoverning district, Brcko, under the sovereignty of the central state government.

The construction of a range of new government structures foreseen by the Dayton agreement entailed the dismantling of parallel systems of governance that had been established during the war and its immediate aftermath. The entire process relied crucially on co-operation between the three main nationalist parties, which remained the dominant political force. However, these three parties (the SDA, SDS and the HDZ BiH) which headed the successive governments in 1996-2000, colluded in blocking the implementation of those aspects of the peace agreement that weakened their respective power bases, and co-operated only with the implementation of issues deemed not to undermine their position. Such tactics, along with the complexity of the peace agreement, led to significant delays in the implementation of its non-peacekeeping elements. International pressure was thus instrumental in maintaining momentum in the slow implementation of the peace agreement.

The Dayton agreement established the ***Office of the High Representative (OHR)***, charged with monitoring the implementation of the agreement and co-ordinating the activities of international organisations. The OHR answers to a biannual gathering of foreign ministries, the Peace Implementation Council (PIC). In December 1997 the powers of the High Representative were extended to include the "Bonn Powers", which allow the OHR to impose legislation, remove officials and vet public office appointments. Successive High Representatives resorted to the use of these measures often, which weakened local authorities' engagement with the reform process and kept BiH a *de facto* international protectorate for the decade following the Dayton agreement.

The central BiH government was granted limited responsibilities, including the establishment of a Constitutional Court, a Commission for Displaced Persons, a Human Rights Commission, a central bank, public corporations to manage and operate transport and telecommunications, a Commission to Preserve National Monuments, and a system of arbitration. Foreign trade agreements are also negotiated by the BiH government. In recent years ministries of justice, security and defence have been created at state level, and the state presidency assumed central command of the armed forces in 2003. Tax and customs administration is to be unified and operational by 2006.

Under the BiH constitution, supreme legislative authority is vested in the bicameral ***parliament of BiH***, which comprises two chambers: the House of Representatives and the House of Peoples. Two-thirds of the members of each house are elected by the Muslims and Bosnian Croats in the Federation, and the remainder by the Bosnian Serbs in the RS. All legislation requires the approval of both chambers, which because of the ethnic composition of the parliament, and the use of a "vital national interest" clause, has caused frequent delays in legislative procedure, often necessitating the High Representative's intervention.

General elections took place on October 6th 2002 to select a new three-member state presidency, the RS president, and state, entity and cantonal parliaments. Next presidential and parliamentary elections are due in 2006.

The head of state is a three-member joint presidency, elected directly, which consists of representatives of BiH's three main ethnic groups. The chairmanship of the presidency rotates every eight months. The current collective consists of Borislav Paravac (Serb; appointed April 2003, current chairman), Sulejman Tihic (Muslim; elected October 2002) and Ivo Miro Jovic (Croat; appointed May 2005). The chairman of the Council of Ministers, which is in effect the central state government, is appointed by the presidency for a four-year term and confirmed by the House of Representatives.

Government of the entities

The entities also have their own governments, parliament and cantons. The Brcko district also has its own parliament. The implementation of the constitutional court's decision that all three peoples are constitutive across BiH has allowed for Bosnian Serb representation in the Federation parliament and Bosnian Croat and Muslim representation in the RS, following the 2002 elections. Consequently, all three ethnic groups are represented in the executive branch of the entity governments.

The Federation has its own constitution, presidency, bicameral parliament and government; the president is nominated by parliament. The Federation is divided into ten cantons organised along ethnic lines, which also have their own governments and parliaments. Following the ruling on the constitutive status of all three people, the special status of the two multi-ethnic cantons Herzegovina-Neretva canton and the Central Bosnia canton was rescinded. The cantons are the true centres of power in the Federation.

The RS has a unicameral National Assembly and a directly elected president. It is administratively organised into regions and municipalities, the latter being in charge of local government. Rather than amending the constitution to allow for the formation of a two-chamber parliament, as in the Federation, the RS opted for the establishment of a Council of Peoples. The Council has an overseeing role within the legislative process to ensure that vital national interests of the constituent peoples are protected.

Framework Dayton Agreement

Articles:

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties"),

- Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region,
- Desiring to contribute toward that end and to promote an enduring peace and stability,
- Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the cease-fire agreements of September 14 and October 5, 1995,
- Noting the agreement of August 29, 1995, which authorized the delegation of the Federal Republic of Yugoslavia to sign, on behalf of the Republika Srpska, the parts of the peace plan concerning it, with the obligation to implement the agreement that is reached strictly and consequently,

Have agreed as follows:

Article I

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

Article II

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at Annex 1-A and Annex 1-B. The Parties shall fully respect and promote fulfilment of the commitments made in Annex 1-A, and shall comply fully with their commitments as set forth in Annex 1-B.

Article III

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as set forth in the Agreement at Annex 2. The Parties shall fully respect and promote fulfilment of the commitments made therein.

Article IV

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfilment of that program.

Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfilment of the commitments made therein.

Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5-9. The Parties shall fully respect and promote fulfilment of the commitments made therein.

Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at Annex 10, and the international police task force, as set forth in the Agreement at Annex 11. The Parties shall fully respect and promote fulfilment of the commitments made therein.

Article IX

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

Article X

The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.

Article XI

This Agreement shall enter into force upon signature.

DONE at Paris, this 14 day of December, 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.

For the Republic of Bosnia and Herzegovina
For the Republic of Croatia
For the Federal Republic of Yugoslavia

Witnessed by:
European Union Special Negotiator
For the French Republic
For the Federal Republic of Germany
For the Russian Federation
For the United Kingdom of Great Britain and Northern Ireland
For the United States of America

Annexes to the Dayton Agreement:

- Annex 1a - Agreement on Military Aspects of the Peace Settlement
- Annex 1b - Agreement on Regional Stabilization
- Annex 2 - Agreement on Inter-Entity Boundary Line and Related Issues
- Annex 3 - Agreement on Elections
- Annex 4 - Constitution
- Annex 5 - Agreement on Arbitration
- Annex 6 - Agreement on Human Rights
- Annex 7 - Agreement on Refugees and Displaced Persons
- Annex 8 - Agreement on the Commission to Preserve National Monuments
- Annex 9 - Agreement on Bosnia and Herzegovina Public Corporations
- Annex 10 - Agreement on Civilian Implementation
- Annex 11 - Agreement on International Police Task Force

(See OSCE website for details, <http://www.oscebih.org/overview/gfap/eng/>)

**The General Framework Agreement for Peace in Bosnia and
Herzegovina**

(Initialled in Dayton on 21 November 1995 and signed in Paris on 14 December 1995)

Annex 4 - Constitution of Bosnia and Herzegovina

Preamble

Based on respect for human dignity, liberty, and equality,

Dedicated to peace, justice, tolerance, and reconciliation,

Convinced that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society,

Desiring to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy,

Guided by the Purposes and Principles of the Charter of the United Nations,

Committed to the sovereignty, territorial integrity, and political independence of Bosnia and Herzegovina in accordance with international law,

Determined to ensure full respect for international humanitarian law,

Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,

Recalling the Basic Principles agreed in Geneva on September 8, 1995, and in New York on September 26, 1995,

Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

Article I: Bosnia and Herzegovina

1. Continuation. The Republic of Bosnia and Herzegovina, the official name of which shall henceforth be "Bosnia and Herzegovina," shall continue its legal existence under international law as a state, with its internal structure

modified as provided herein and with its present internationally recognized borders. It shall remain a Member State of the United Nations and may as Bosnia and Herzegovina maintain or apply for membership in organizations within the United Nations system and other international organizations.

2. Democratic Principles. Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.
3. Composition. Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities").
4. Movement of Goods. Services. Capital. and Persons. There shall be freedom of movement throughout Bosnia and Herzegovina. Bosnia and Herzegovina and the Entities shall not impede full freedom of movement of persons, goods, services, and capital throughout Bosnia and Herzegovina. Neither Entity shall establish controls at the boundary between the Entities.
5. Capital. The capital of Bosnia and Herzegovina shall be Sarajevo.
6. Symbols. Bosnia and Herzegovina shall have such symbols as are decided by its Parliamentary Assembly and approved by the Presidency.
7. Citizenship. There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:
 - a. All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.
 - b. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
 - c. All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.
 - d. Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.
 - e. A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall

be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.

Article II: Human Rights and Fundamental Freedoms

Human Rights. Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina as provided for in Annex 6 to the General Framework Agreement.

International Standards. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

Enumeration of Rights. All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include:

1. The right to life.
2. The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
3. The right not to be held in slavery or servitude or to perform forced or compulsory labor.
4. The rights to liberty and security of person.
5. The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
6. The right to private and family life, home, and correspondence.
7. Freedom of thought, conscience, and religion.
8. Freedom of expression.
9. Freedom of peaceful assembly and freedom of association with others.
10. The right to marry and to found a family.
11. The right to property.
12. The right to education.
13. The right to liberty of movement and residence.

Non-Discrimination. The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Refugees and Displaced Persons. All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with

Annex 7 to the General Framework Agreement, to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.

Implementation. Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms referred to in paragraph 2 above.

International Agreements. Bosnia and Herzegovina shall remain or become party to the international agreements listed in Annex I to this Constitution.

Cooperation. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in Annex I to this Constitution; the International Tribunal for the Former Yugoslavia (and in particular shall comply with orders issued pursuant to Article 29 of the Statute of the Tribunal); and any other organization authorized by the United Nations Security Council with a mandate concerning human rights or humanitarian law.

Article III: Responsibilities of and Relations Between the Institutions of Bosnia and Herzegovina and the Entities

Responsibilities of the Institutions of Bosnia and Herzegovina.

The following matters are the responsibility of the institutions of Bosnia and Herzegovina:

1. Foreign policy.
2. Foreign trade policy.
3. Customs policy.
4. Monetary policy as provided in Article VII.
5. Finances of the institutions and for the international obligations of Bosnia and Herzegovina.
6. Immigration, refugee, and asylum policy and regulation.
International and inter-Entity criminal law enforcement, including relations with Interpol.
7. Establishment and operation of common and international communications facilities.
8. Regulation of inter-Entity transportation.
9. Air traffic control.

Responsibilities of the Entities.

1. The Entities shall have the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.
2. Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.
3. The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.
4. Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

Law and Responsibilities of the Entities and the Institutions.

1. All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.
2. The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and the Entities.

Coordination. The Presidency may decide to facilitate inter- Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

Additional Responsibilities.

1. Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina. Additional institutions may be established as necessary to carry out such responsibilities.

2. Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects.

Article IV: Parliamentary Assembly

The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

House of Peoples. The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).

- a. The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.
- b. Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

House of Representatives. The House of Representatives shall comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

- a. Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.
- b. A majority of all members elected to the House of Representatives shall comprise a quorum.

Procedures.

- a. Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.
- b. Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.
- c. All legislation shall require the approval of both chambers.
- d. All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the

dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

- e. A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat, or Serb Delegates selected in accordance with paragraph l(a) above. Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting.
- f. When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.
- g. The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.
- h. Decisions of the Parliamentary Assembly shall not take effect before publication.
- i. Both chambers shall publish a complete record of their deliberations and shall, save in exceptional circumstances in accordance with their rules, deliberate publicly.
- j. Delegates and Members shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Parliamentary Assembly.

Powers. The Parliamentary Assembly shall have responsibility for:

- a. Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.
- b. Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.
- c. Approving a budget for the institutions of Bosnia and Herzegovina.
- d. Deciding whether to consent to the ratification of treaties.
- e. Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

Article V: Presidency

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

Election and Term.

- a. Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.
- b. The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

Procedures.

- a. The Presidency shall determine its own rules of procedure, which shall provide for adequate notice of all meetings of the Presidency.
- b. The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly, subject to Article IV(3).
- c. The Presidency shall endeavor to adopt all Presidency Decisions (i.e., those concerning matters arising under Article III(1)(a) - (e)) by consensus. Such decisions may, subject to paragraph (d) below, nevertheless be adopted by two Members when all efforts to reach consensus have failed.
- d. A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

Powers. The Presidency shall have responsibility for:

- a. Conducting the foreign policy of Bosnia and Herzegovina.
- b. Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.
- c. Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member.

- d. Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.
- e. Executing decisions of the Parliamentary Assembly.
- f. Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.
- g. Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.
- h. Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.
- i. Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

Council of Ministers. The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

- a. Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III(1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).
- b. No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.
- c. The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly.

Standing Committee.

- a. Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.
- b. The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

Article VI: Constitutional Court

Composition. The Constitutional Court of Bosnia and Herzegovina shall have nine members.

- a. Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.
- b. Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.
- c. The term of judges initially appointed shall be five years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.
- d. For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

Procedures.

- a. A majority of all members of the Court shall constitute a quorum.
- b. The Court shall adopt its own rules of court by a majority of all members. It shall hold public proceedings and shall issue reasons for its decisions, which shall be published.

Jurisdiction. The Constitutional Court shall uphold this Constitution.

1. The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:
 - a. Whether an Entity's decision to establish a special parallel relationship with a neighboring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.
 - b. Whether any provision of an Entity's constitution or law is consistent with this Constitution.

Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

2. The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgment of any other court in Bosnia and Herzegovina.
3. The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court's decision.

Decisions. Decisions of the Constitutional Court shall be final and binding.

Article VII: Central Bank

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

1. The Central Bank's responsibilities will be determined by the Parliamentary Assembly. For the first six years after the entry into force of this Constitution, however, it may not extend credit by creating money, operating in this respect as a currency board; thereafter, the Parliamentary Assembly may give it that authority.
2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.
3. Thereafter, the Governing Board of the Central Bank of Bosnia and Herzegovina shall consist of five persons appointed by the Presidency for a term of six years. The Board shall appoint, from among its members, a Governor for a term of six years.

Article VIII: Finances

1. The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.
2. If no such budget is adopted in due time, the budget for the previous year shall be used on a provisional basis.
3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

Article IX: General Provisions

1. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.
2. Compensation for persons holding office in the institutions of Bosnia and Herzegovina may not be diminished during an officeholder's tenure.
3. Officials appointed to positions in the institutions of Bosnia and Herzegovina shall be generally representative of the peoples of Bosnia and Herzegovina.

Article X: Amendment

1. Amendment Procedure. This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives.
2. Human Rights and Fundamental Freedoms. No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.

Article XI: Transitional Arrangements

Transitional arrangements concerning public offices, law, and other matters are set forth in Annex II to this Constitution.

Article XII: Entry into Force

1. This Constitution shall enter into force upon signature of the General Framework Agreement as a constitutional act amending and superseding the Constitution of the Republic of Bosnia and Herzegovina.
2. Within three months from the entry into force of this Constitution, the Entities shall amend their respective constitutions to ensure their conformity with this Constitution in accordance with Article III(3)(b).

Annex I: Additional Human Rights Agreements To Be Applied In Bosnia And Herzegovina

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
4. 1957 Convention on the Nationality of Married Women
5. 1961 Convention on the Reduction of Statelessness
6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
7. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto

8. 1966 Covenant on Economic, Social and Cultural Rights
9. 1979 Convention on the Elimination of All Forms of Discrimination against Women
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
12. 1989 Convention on the Rights of the Child
13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
14. 1992 European Charter for Regional or Minority Languages
15. 1994 Framework Convention for the Protection of National Minorities

Annex II: Transitional Arrangements

Joint Interim Commission.

- a. The Parties hereby establish a Joint Interim Commission with a mandate to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina and of the General Framework Agreement and its Annexes, and to make recommendations and proposals.
- b. The Joint Interim Commission shall be composed of four persons from the Federation, three persons from the Republika Srpska, and one representative of Bosnia and Herzegovina.
- c. Meetings of the Commission shall be chaired by the High Representative or his or designee.

Continuation of Laws.

All laws, regulations, and judicial rules of procedure in effect within the territory of Bosnia and Herzegovina when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina .

Judicial and Administrative Proceedings.

All proceedings in courts or administrative agencies functioning within the territory of Bosnia and Herzegovina when the Constitution enters into force shall continue in or be transferred to other courts or agencies in Bosnia and Herzegovina in accordance with any legislation governing the competence of such courts or agencies.

Offices.

Until superseded by applicable agreement or law, governmental offices, institutions, and other bodies of Bosnia and Herzegovina will operate in accordance with applicable law.

Treaties.

Any treaty ratified by the Republic of Bosnia and Herzegovina between January 1, 1992 and the entry into force of this Constitution shall be disclosed to Members of the Presidency within 15 days of their assuming office; any such treaty not disclosed shall be denounced. Within six months after the Parliamentary Assembly is first convened, at the request of any member of the Presidency, the Parliamentary Assembly shall consider whether to denounce any other such treaty.

Declaration On Behalf Of The Republic Of Bosnia And Herzegovina

The Republic of Bosnia and Herzegovina approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Republic of Bosnia and Herzegovina

Declaration On Behalf Of The Federation Of Bosnia And Herzegovina

The Federation of Bosnia and Herzegovina, on behalf of its constituent peoples and citizens, approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.

For the Federation of Bosnia and Herzegovina

Declaration On Behalf Of The Republika Srpska

The Republika Srpska approves the Constitution of Bosnia and Herzegovina at Annex 4 to the General Framework Agreement.