



Strasbourg, 11 August 1994

<s:\cd\N(94)\36



COE253650

607
94/2928
Restricted
CDL (94) 36

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**Washington Agreements
(supplement)**

On 11 May 1994, in Vienna, Messrs H.Siladjic, Prime Minister of the Republic of Bosnia and Herzegovina, and K. Zubak, Head of the Bosnian Croat delegation, reached an agreement to add an additional article to the Constitution concerning a special regime for mixed cantons. Agreement on the criteria for the definition of the Cantons was also reached on 11 May 1994. These agreements are reproduced in the present document.

It is reminded that the proposed Constitution of the Federation of Bosnia and Herzegovina (included in document CDL (94) 28) was approved by Parliament on 30 March 1994.

5. Special Regime for [Middle Bosnia] and [Neretva] Cantons

Article 12

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

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

(2) In each Cantonal Legislature, decisions that concern the vital interest of any of the constituent peoples shall require the approval of a majority of the Legislators, including the approval of a majority of the Bosniac Legislators and of a majority of the Croat Legislators. This provision may be invoked by a majority vote of the Bosniac or Croat Legislators. If a majority of the remaining Legislators opposes the invocation of this provision, a Joint Commission of Bosniac and Croat Legislators shall be established to resolve the issue. If the Commission is unable to do so within one week of the provision's invocation, the question shall be determined in an expedited procedure by the highest court of that Canton (with a right of appeal to the Federation Constitutional Court) if it is a matter of exclusively Cantonal competence or by the Federation Constitutional Court if it is not.

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

(b) A person elected as President or Deputy President may not serve more than two successive two-year periods.

(4) The President and Deputy President may be removed from office by a two-thirds majority vote of the Cantonal Legislature, including a majority of the Bosniac Legislators and a majority of the Croat Legislators.

(5) If either the President or Deputy President dies, is removed from office, or, in the opinion of the Cantonal Government acting by consensus, is permanently unable to fulfill the duties of the office, the procedure provided in paragraph (3) above shall be followed within thirty days by the caucus which nominated the person to be replaced, to fill the vacancy for the remainder of the original term. Either the President or the Deputy President shall perform the functions of both offices during the period provided for in the preceding sentence or while, in the opinion of the Cantonal Government acting by consensus, the other is temporarily unable to do so. If both offices become vacant, the Chairman of the Cantonal Legislature shall perform the functions of both offices during the period provided for in the first sentence of this paragraph.

(6) (a) The Cantonal Government shall be nominated by the President with the concurrence of the Deputy President and approved by a two-thirds majority vote in the Cantonal Legislature.

(b) The Cantonal Government shall comprise an equal number of Bosniac and of Croat representatives, as well as representatives of Others nominated and approved in accordance with paragraph (a).

(7) The Cantonal Constitution may include provisions addressing the inability of the Legislature to enact necessary legislation.

**CRITERIA FOR THE DEFINITION OF THE TERRITORY OF THE FEDERATION
OF BOSNIA AND HERZEGOVINA**

The territory of the Federation is to be defined on the basis of the following criteria:

1. According to Article 1, Chapter 1 of the Constitution of the Federation of Bosnia and Herzegovina, the territory of the Federation consists of the areas with the majority Bosniak and Croat population.
2. These areas consist of the municipalities in which the majority population was Bosniak and Croat according to the released data of the 1991 Population Census.
3. Borders of the areas mentioned in point 2 above are to be corrected in the border municipalities by excluding the areas of the inhabited places with the majority Serb population, or by including the areas of the inhabited places with the majority Bosniak and Croat population.
4. The basic interest while defining the territory of the Federation is to include in it by all means the areas with the majority Bosniak and Croat population in Eastern Bosnia - along the Drina river, in the Bosnian Posavina and Western Bosnia.

REMARK:

- a) As a separate technical project, a proposal for corridors will be prepared as a possible basis for the continuation of peace negotiations.
- b) Areas with the majority Bosniak and Croat population outside of the Federation territory will be the subject of the continuation of peace negotiations.
- c) Naturally, refugees and displaced persons will, with the assistance and responsibility of the international community, return to the places of their residence on the entire territory of the Republic of Bosnia and Herzegovina. This is an inseparable part of the overall peace agreement for Bosnia and Herzegovina.

The map of the Federation is a part of these criteria.

Kresimir Zubak

Haris Silajdzic

Vienna, May 11, 1994