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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

# **THE CONSTITUTION OF THE REPUBLIC OF CROATIA**

# THE CONSTITUTION OF THE REPUBLIC OF CROATIA

## I. HISTORICAL FOUNDATIONS

The millennial national identity of the Croatian nation and the continuity of its statehood, confirmed by the course of its entire historical experience in various statal forms and by the perpetuation and growth of the idea of one's own state, based on the Croatian nation's historical right to full sovereignty, manifested itself:

- in the formation of Croatian principalities in the seventh century;
- in the independent medieval state of Croatia founded in the ninth century;
- in the Kingdom of Croats established in the tenth century;- in the preservation of the subjectivity of the Croatian state in the Croatian-Hungarian personal union;
- in the autonomous and sovereign decision of the Croatian Sabor of 1527 to elect a king from the Habsburg dynasty;
- in the autonomous and sovereign decision of the Croatian Sabor to sign the Pragmatic Sanction of 1712;
- in the conclusions of the Croatian Sabor of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the power of the Ban, on the basis of the historical statal and natural right of the Croatian nation;
- in the Croato-Hungarian Compromise of 1868 regulating the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, on the basis of the legal traditions of both states and the Pragmatic Sanction of 1712;
- in the decision of the Croatian Sabor of October 29, 1918, to dissolve state relations between Croatia and Austro-Hungary and the simultaneous affiliation of independent Croatia, invoking its historical and natural right as a nation, with the State of Slovenes, Croats and Serbs, proclaimed on the theretofore territory of the Habsburg Monarchy;
- in the fact that the Croatian Sabor never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (December 1, 1918), subsequently (October 3, 1929) proclaimed the Kingdom of Yugoslavia;
- in the establishment of the Banovina of Croatia in 1939 by which Croatian state identity was restored in the Kingdom of Yugoslavia;
- in laying the foundations of state sovereignty during the Second World War, through decisions of the Antifascists Council of the National Liberation of Croatia (1943), as counter to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the Peoples's Republic of Croatia (1947), and several later constitutions of the Socialist Republic of Croatia (1963-1990).

At the historic turn-point marked by the rejection of communism and the changes in the international order in Europe, the Croatian people, at its first democratic elections (1990), by its freely expressed will, affirmed its millennial statehood. Through the new Constitution of the Republic of Croatia (1990) and its victory in the Liberation War (1991-1995) the Croatian people demonstrated its determination and readiness to establish and preserve the republic of Croatia as an independent, sovereign and democratic state.

Departing from the above-presented historical facts, and from the generally accepted principles in the world today and the inalienability and indivisibility, non transferability and

non consumability of the Croatian people's right to self-determination, including the inviolable right to secession and association, as basic preconditions for international peace and stability, the Republic of Croatia constitutes itself as a national state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others, who are its citizens and who are guaranteed equality with citizens of Croatian nationality and the exercise of national rights in accordance with the democratic standards of the United Nations Organization and the free world countries.

Respecting the will of the Croatian nation and all citizens, resolutely expressed at free elections, the Republic of Croatia is hereby formed and shall develop as a sovereign and democratic state in which the equality and freedoms and rights of man and citizen shall be guaranteed and ensured, and their economic and cultural progress and social welfare promoted.

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