

Statement of Principles

Editor's Note: The following Statement of Principles was agreed upon by the leadership of the three sides to the conflict in Bosnia and Herzegovina in March 1992. However, it was subsequently repudiated by the Bosnian Presidency.

Statement of Principles for New Constitutional Arrangements for Bosnia and Herzegovina
Sarajevo
18th March 1992

A. INDEPENDENCE

1. Bosnia and Herzegovina would be a state, composed of three constituent units, based on national principles and taking into account economic, geographic and other criteria.
2. Bosnia and Herzegovina would continue to have its existing borders and neither the government of Bosnia and Herzegovina nor the governments of the constituent units will encourage or support claims to any part of its territory by neighbouring states.
3. Sovereignty resides in the citizens of the Muslim, Serb and Croat nations and other nations and nationalities, who realise it through their civic participation in the constituent units and the central organs of the republic.

B. GENERAL PRINCIPLES

1. Bosnia and Herzegovina and its constituent units would be governed in accordance with the following constitutional principles, as understood and generally practised among the democratic states of Western Europe and as set out in draft convention under discussion in the conference:
 - a. Respect for human rights at the highest standards as envisaged in the draft convention, respect for private ownership, the market economy and free enterprise;
 - b. The general and equal right to vote, free elections and secret voting;
 - c. Freedom for political and trade union activities;
 - d. A secular state system with full religious freedom and separation of church and state, separation of powers between the branches of government, the rule of law and a democratic and effective system of control and protection of constitutionality and legality;
 - e. International control and jurisdiction for the protection of human rights and freedom.

C. THE ASSEMBLY AND GOVERNMENT OF BOSNIA AND HERZEGOVINA

1. The assembly of Bosnia and Herzegovina would be composed of a chamber of citizens, which would be directly elected, and chamber of constituent units in which each of the constituent units would have an equal number of representatives.
2. The assembly, acting through the chamber of citizens and the chamber of constituent units, and the government, would have competence to legislate, to consider and adjust proposals from the constituent units and to administer in the following fields: central bank and monetary policy, foreign relations, defence, general economic policy, economic relations, including, where any of the following affect more than one constituent unit, transport, energy supplies, pipelines and water management, and other items to be decided. Decisions concerning the flag and emblem, higher education, religion, matters concerning defence, macro-economic policy, important or general matters concerning economic policy, decisions concerning relations between Bosnia and Herzegovina and states neighbouring Bosnia and Herzegovina and other items to be decided would be decided in the chamber of constituent units by a majority of four-fifths of the total number of the representatives in it.

Note:1) Matters concerning the future armed forces of Bosnia and Herzegovina will be defined in

the course of these negotiations. This does not refer to the present army, the question of which will be solved separately.

3. The composition of the civil service and the judiciary of Bosnia and Herzegovina would reflect proportionally the national composition of Bosnia and Herzegovina.

4. In order to resolve constitutional questions between the authorities of Bosnia and Herzegovina of the constituent units, a special tribunal would be established, which would, for a period of not less than five years, include impartial elements drawn from outside Bosnia and Herzegovina and its neighbouring states. This tribunal will have one member from each unit and the same number and one more drawn from outside. It takes decisions by simple majority.

D. THE CONSTITUENT UNITS

1. Within Bosnia and Herzegovina, constituent units would be established, which are defined in part E below.

2. The assembly and the government of the constituent units would have power, subject to any legislation of Bosnia and Herzegovina in the limited fields specified above and in accordance with the procedures set out above, to legislate and to administer in matters of concern to the constituent units, namely, the administration of the services and officials of a constituent unit, expropriation of property for public use, land registries, fire prevention, chambers of commerce, supervision of co-operative trading organizations, saving banks and credit institutions, supervision of charitable institutions, social security, sickness insurance, conservation of the historic, artistic and cultural heritage, cultural institutions, such as libraries, institutions and museums, the use of land, environmental controls, housing, markets, roads, emergency services, mining, hunting and fishing, nature reserves, aquaducts, water management, pipelines, transport within the constituent unit, tourism, agriculture and forests, social assistance, education schools, police, trade and other aspects of economic policy, security at public performances, hygiene, sport and recreation and other items to be decided. Each constituent unit would organise its own institutions. A constituent unit may establish and maintain relations and links with the other republics and with organizations in them provided that these relations and links are consistent with the independence and integrity of Bosnia and Herzegovina.

3. All the institutions (civil service, the judiciary, etc.) established by a constituent unit would reflect proportionally the national composition of the constituent unit.

4. Members of the nations who would be in a minority in a particular constituent unit would receive protection similar to that in article 2(3) of the draft convention.

E. DEFINITION OF THE CONSTITUENT UNITS

A working group will be established in order to define the territory of the constituent units based on national principles and taking into account economic, geographical and other criteria. A map based on the national absolute or relative majority in each municipality will be the basis of work in the working group, and will be subject only to amendments, justified by the above-mentioned criteria. A copy is annexed to this statement.

F. TRANSITIONAL STEPS

1. Subject to the definition of the constituent units for the purpose of the future arrangements in accordance with part E of this statement, a constitutional law to modify the constitution in order to give effect to these principles will be prepared and submitted to assembly as soon as possible, and will have to be confirmed by a referendum of the people under international supervision.

This paper is the basis of further negotiations.

Sarajevo

18 March 1992

ANNEX 1

The leaders of the three main parliamentary parties meeting in Brussels under the auspices of the European Community for the sixth round of talks on future constitutional arrangements for Bosnia and Herzegovina:

. Solemnly undertake to do all in their power to bring down the level of violence in Bosnia and Herzegovina.,

. Urgently appeal to all in Bosnia and Herzegovina, regardless of ethnic origins, religious beliefs and political affiliation, to refrain from violence, provocation of violence and from any other military or political action that might jeopardise the agreements already made by the three parties and cast doubts on a successful outcome of the talks.

They are firmly convinced that a peaceful environment will facilitate understanding, speed up negotiations and allow for the drafting of a new constitution acceptable to all in the shortest possible time.

ANNEX 2

Additional part to be added after part B of the Statement of Principles of 18 March 1992

Human rights

1. The Constitution would include provisions providing for the protection of human rights and rights of minorities as envisaged in article 2 a), b) and d) of the draft convention of the EC Peace Conference on Yugoslavia and full effect would be given to those rights by the authorities of Bosnia and Herzegovina and the authorities of the constituent units.

2. Cases in courts involving allegations of a breach of those rights would be decided, as a final court of appeal by the special tribunal, envisaged in paragraph C4 of the agreed Statement of Principles the jurisdiction of that tribunal would extend to cover such cases.

3. A mixed commission for human rights would be established, composed of one representative of each of the three nations and four representatives including the chairman for the European Community. The mixed commission would consider and make recommendations by majority vote on any question relating to those rights which are brought before it.

4. A monitoring mission including members drawn from the European Community would be established which could, at the request of 2 representatives on the Mixed Commission for human rights, investigate and report on any allegation of infringement of the rights referred to in paragraph 1 above.

ANNEX 3

The working group on definition of the constituent units in Bosnia and Herzegovina

1. The working group will consist of three persons from each of the three parties represented in the talks on future constitutional arrangements for Bosnia and Herzegovina, together with three persons, including a chairman, nominated by the European Community.

2. It will meet as soon as all its members have been nominated and will make recommendations by 15 May 1992 to the chairman of the constitutional talks.

3. The working group will draw a map of the constituent units. While basing its work on national principles, the criteria which the working group will take into account in addition to economic and geographical criteria, include historical, religious, cultural and educational, transport and communications, and the will of inhabitants, to the extent that the members of the working group consider that the application of these criteria are justified.

4. The working group will endeavour to reach unanimous recommendations reconciling the competing claims and considerations presented to it. But, if it is unable to reach agreement its members may present separate recommendations.

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