

The Necessity of Constitutional Reform in Bosnia-Herzegovina

ICDT

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*“The denouement of the Balkan disaster has
always been a spectacle of the right thing
ingloriously done.”¹*
.....

I. Introduction²

- 1. The Constitution of Bosnia-Herzegovina is an Annex (#4) of the General Framework Agreement, and reflects the unsettled political conditions on the ground at the end of the 1992-1995 war. In recognition of this, the drafters included Articles encouraging and requiring reform. The thrust of these Articles is clear: the war had left Bosnia-Herzegovina without a functioning state, and the new state created by the Constitution was to be understood as incomplete thus requiring further development.*
- 2. The constitutional language on this matter is clear and unequivocal. It called for the state of Bosnia-Herzegovina to “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*

¹ *The New Republic*, August 13, 2008; <http://www.tnr.com/article/caught>.

² *This report endorses the recommendations of the Venice Commission on constitutional reform in Bosnia-Herzegovina and the premises on which they were based. The recommendations presented here are not intended to replicate those in the Commission report. Indeed some recommendations found in the Venice Commission report will not be repeated here. Rather the intent is to offer recommendations which, though similar in a number of respects to those found in the Commission report, offer a fresh perspective and rationale on the need for constitutional reform in Bosnia-Herzegovina. See *Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative*, March 11–12, 2005, <[www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp) (accessed December 4, 2005). The author wishes to thank Don Hays, Nida Gelazis and Lejla Gelo for their comments and contributions to this paper. The work of the Dayton Peace Accords Project on Constitutional Reform has been generously funded by the Carnegie Corporation of New York.*

[author's emphasis] 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" (Article III.5 (a)). It was further added that "additional institutions may be established as necessary to carry out such responsibilities," and called upon the Entities to "within six months of the entry into force of this Constitution" to "begin negotiations with a view to including in the responsibilities of the institution of Bosnia other matters..." (Article III.5(b)).

3. *To this day, and despite the negotiations leading up to the failed April Package in 2006, these Articles have never been fully implemented, and this despite the fact that since 1995 the need for reform of the Constitution has only increased with Bosnia-Herzegovina's potential integration into the European Union (EU) and the North Atlantic Treaty Organization (NATO).*

II. *The Problem of Government in Bosnia-Herzegovina*

1. *There are many reasons for the failure to implement these Articles, not least the fear among some that a strengthened State posed a threat to the Entities. But the consequence of this, despite a sustained effort at state building by the international mission, has been a virtual non-state, whose responsibilities have been largely taken up by the Office of the High Representative.*
2. *In addition, in almost every arena in which the State is engaged, it has a competitor in parallel institutions with similar competencies in Entity and other levels of sub-state government. The reason is obvious. Since 1991, Bosnia-Herzegovina government at all levels has grown by some thirty percent. This includes 142 municipalities (up from 108) ten cantons, one autonomous district (Brcko) and two entities. The municipalities themselves are further divided into local communities. Besides entities, cantons, and municipalities, Bosnia and Herzegovina also has four "official" cities: Banja Luka, Mostar, Sarajevo, and East Sarajevo. The territory and government of the cities of Banja Luka and Mostar corresponds to the municipalities of the same name, whereas the cities of Sarajevo and East Sarajevo officially consist of several municipalities. Cities, furthermore, have their own government whose power is situated between that of the municipalities and cantons, and in the case of Republika Srpska, the Entity itself.³*
3. *The multiple layers of governance in Bosnia-Herzegovina were developed in large measure to guard the interest of ethnically based political parties, as opposed to providing citizen*

³ *In addition, the 10 Cantons in the Federation each have their own Constitution, legislative, and taxing powers. The Federation also has limited powers vis à vis the Canton in energy policy, planning, reconstruction and some land use. The Cantons administer all powers not expressly bestowed on the Federation, including police forces, education, culture, housing, zoning, welfare policy and welfare services. A Canton may decide to devolve some of its responsibilities to a municipality, of which there are 80 in total, in its territory, and is "obliged to do so if the majority of the population in the municipality or city is other than that of the Canton as a whole" (Constitution, Art. V.2). There is little or no cooperation between Cantons, which has fostered economic fragmentation and made development initiatives more difficult. In contrast, the Republika Srpska has two levels of government; the Entity and the Municipality. There is no middle tier between the 63 municipalities of the RS and the central government. Local government tasks may be legally entrusted to a city, in effect uniting several municipalities.*

services. It is not hard to see why a third of all government spending goes to salaries and wages, nor why incoherence, inefficiency, and cost ineffectiveness in government are endemic in Bosnia-Herzegovina. The Dayton Agreement's creation of a multi-layered, ethnically based governmental system may have been a necessity for bringing peace to the country, but virtually from its inception the governmental structure it put in place or acquiesced in has proved to be deeply dysfunctional, expensive, often corrupt, and thus incapable of providing essential services to the citizens of Bosnia-Herzegovina.

- 4. At the top of this unbalanced pyramid rests uneasily a State government plagued by a weak executive branch, an underpowered and demoralized public administration, and a legislative branch overburdened with both direct and indirect Entity and Constituent People checks on its power to legislate effectively. The State government thus lacks the capacity, despite some international capacity building initiatives, to carry out effective policy planning and undertake much-needed countrywide programs. The State's competencies are thus easily undermined, rendering it incapable of ensuring compliance with its policies. As a consequence, in its current formulation State government is devoid of legal supremacy and powers of enforcement: both of which now reside in the increasingly weak OHR. And if the OHR is closed under these circumstances, Bosnia-Herzegovina, for all intents and purposes, will be without an effective state government.*
- 5. For all these reasons constitutional reform designed to build a sustainable functioning state respectful of subsidiarity and the role of the Entities is a sine qua non for the existence of a sovereign, territorial integral, political independent Bosnia- Herzegovina. Indeed, it should be viewed as an opportunity to clarify, strengthen, and improve the functionality of the various levels of government and to definitively articulate the interests, not only of constituent peoples, but of all citizens. However, this has not been the prevailing perspective heretofore either in negotiations and discussions of constitutional reform. It is time for the negative political mentality associated with constitutional reform to end.*

III. *Options and Recommendations for Constitutional Reform*

1. *On March 11, 2005, the Venice Commission published a report recommending that the Bosnian government pursue a process of constitutional reform.⁴ The report contended that Bosnia, despite the governmental reforms carried out under the Dayton Peace Accords, remained constitutionally too weak to make sufficient progress toward European integration. It also noted that the current state legislative and executive structures “are not efficient and rational but cumbersome and with too many possibilities of blocking the taking of any decision,” and that the current constitution favors ethnic instead of citizens’ representation.⁵*
2. *If Bosnia-Herzegovina is to survive and prosper as a sovereign state with a future in the European Union, it must have State and Entity governments that are competent and effective. This includes a common address for interfacing with the European Union. This was fully recognized by all the parties participating in the April Package negotiations and, to that end, there was unanimous agreement among them as evidence in the Constitutional Reform legislation presented to Parliament that a reformed and strengthened State government should be centered on an empowered Council of Ministers.*
3. *While political conditions have deteriorated since 2006, the requirements for a functioning State have not. Moreover, there have been no substantive counter proposals put forward to replace the fundamental approach taken in the April Package.⁶ This is partly because the April Package, despite its limitations, still provides a workable basis upon which to build a functioning state government. In the absence of alternative ECHR compatible proposals, it should be adopted with some corrections and modifications and with a view to enhancing*

⁴ *European Commission for Democracy Through Law (Venice Commission), Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative, March 11–12, 2005, <[www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp) (accessed December 4, 2005).*

⁵ *European Commission for Democracy Through Law (Venice Commission), Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative, March 11–12, 2005, <[www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp) (accessed December 4, 2005).*

⁶ *To be sure, there have been some minor institutional changes made at the state level in recent years as prescribed by the Regular Reports of the European Commission and encouraged by the OHR/EUSR. The 2007 changes of parliamentary rules and the Brcko amendment fall into this category.*

Euro-Atlantic integration in particular the adoption and implementation of EU agreements and acquis.⁷

- 4. There are, however, limitations to the April Package which need to be addressed. The list of responsibilities or competencies which belong solely to the State government is rudimentary, while those that the State and Entities government share with the Entities are minimal. Nor does it adequately articulate the specific responsibilities or competencies of the Entities alone. These are significant gaps as that the Entities play a critical role in providing social services and will have substantial implementation responsibilities related to EU integration. And because these various competencies have not been tackled, there has been no discussion of the more vexed question of the essential new agencies and ministries which will be needed to meet these responsibilities.⁸ These issues must be dealt with in any negotiations relating to Constitutional Reform.*
- 5. In the interests of encouraging further engagement on competencies, this report offers here a draft template of potential State and State-Entity competencies. The competencies proposed to belong solely to the State are those which would ensure that it is sufficiently empowered to achieve efficiency and unity of purpose on matters of critical national importance, including the processes of EU and NATO integration. They include:*
 - a) Foreign affairs;*
 - b) Defense, security and armed forces;*
 - c) Citizenship of Bosnia and Herzegovina, immigration, refugees and asylum policy and regulation; extradition;*

⁷ *In fact, prior to the April Reform package, the government had begun to evolve in ways not anticipated in the Constitution. For example, the Presidency is now widely considered to be less powerful than the Council of Ministers. Likewise, the Parliamentary Assembly is more engaged legislatively than it was in the early years after Dayton. This evolution was a factor in the proposed April Reform Package reforms relating to these institutions. The State has also acquired greater powers through Defense and intelligence reform, the establishment of the State Border Service and State Information and Protection Agency (SIPA), and the creation of the Indirect Taxation Authority (ITA) and Value Added Taxes (VAT). It should also be noted that, while it is true that acquis is an unparalleled spur to democratic reform, it is not strong on matters of human rights, hence the importance of the ECHR.*

⁸ *Indeed, without recognition of the responsible role of the Entities the reforms will be incomplete.*

- d) *Passport, residency, registration, and identity cards;*
 - e) *Establishment of the system of state bodies of legislative, executive and judicial authority including a Supreme Court, the rules of their organization and activities, formation of bodies of state authority, state civil service and legal relations of employed by the state institutions;*
 - f) *State property and its management;*
 - g) *Finances of the institutions and of the international obligations of Bosnia and Herzegovina; currency, money and coinage, state taxes and dues, especially those to be collected exclusively or in part or on behalf of the state;*
 - h) *Customs, foreign trade, and economic relations;*
 - i) *Monetary policy as provided in Article VII;*
 - j) *State law on conflict of laws;*
 - k) *International and inter-Entity criminal law enforcement; relations with Interpol, protection of state security, international action to combat crime;*
 - l) *Establishment and operation of common and international communications facilities*
 - m) *Regulation of inter-Entity transportation;*
 - n) *Air traffic control and air transport;*
 - o) *Weights, measures, and determination of standards of time;*
 - p) *Health and safety agencies for international travel and transportation of goods and livestock;*
 - q) *Environment.*
6. *It will be especially important to articulate the role of the State in negotiating, developing, adopting and implementing laws, procedures, and mechanisms, necessary for the fulfillment of European standards, as well as the political and economic conditions linked with EU integration. This includes ensuring compliance with the principles, priorities, and demands set forth by the European Union both before and after accession. The State must also establish the necessary bodies by law for the fulfillment of all criteria for accession and membership in the European Union.*
7. *The following competencies could be jointly shared by the State and Entities:*
- a) *Proceedings before courts, state entity and other government bodies; liabilities and sanctions for violation of freedoms and rights of citizens stipulated by the*

Constitution and for violation of laws; other regulations and general acts; amnesty and pardon for criminal offenses;

- b) Administration of justice, court organization and procedure, legal profession, notaries and provision of legal services;*
- c) Protection of democratic order, security of the state and the entities, co-operation between state and entities on public security, criminal police work;*
- d) Registration of births, deaths and marriages;*
- e) Labor, health and occupational safety, employment agencies, social security and unemployment insurance;*
- f) Education, science, research and technology;*
- g) Agriculture, food, pharmaceuticals, veterinary (under the regulatory oversight of the State);*
- h) Economic policy and matters relating to state corporations, banks, stock exchanges, trade and commerce, mining, industry, energy;*
- i) Management of natural resources, including forests, protection of the environment and ecological safety; specially protected natural reserves; protection of historical and cultural monuments; waste disposal, pollution control, noise control;*
- j) Census;*
- k) Regulation of rules of local self governance insofar as required by international treaties.⁹*

8. In sum, the challenges and complexity of building a constitutionally sound State government capable of providing full services to its citizens and simultaneously meeting the requirements of EU and NATO integration cannot be underestimated or put off by the vagaries of the two year election cycle despite the difficult political circumstances facing Bosnia-Herzegovina. Capacity building at the State level must be a priority.

9. The April Package also introduced important reforms designed to reduce obstructions to legislation in the State Parliament, particularly with respect to the invoking of Vital National Interest by a Constituent People or Entity. These reforms remain essential.

⁹ This includes a state role in the way shared competencies are managed between the Entities and municipalities.

10. *On the other hand, the April Package did not address the issue of Entity block voting in the House of Representatives. While it should not be presumed that Entity block voting has been deployed without exception to promote or protect Entity interests at the expense of the State, this has been the case all too often. And while there are occasions when it may make sense to oppose State sponsored legislation through the use of Entity block voting, each Entity should be required to make clear its criteria for block voting against such legislation. It is therefore recommended that constitutional reform negotiations relating to Parliament address the problem of Entity block voting in the House of Representatives. One possible way forward might be to allow legislation that may be subject to rejection through block voting to be sent back to committee or to the Council of Ministers for amendment and resubmission.*

11. *As already noted, a strengthened EU-ready State Government with clarified sole and joint competencies requires stronger and more structurally balanced partners in the Entity governments. While this has usually been interpreted to mean reforming the two Entities, in particular the Federation of Bosnia-Herzegovina, an alternative way forward, already raised in the Prud discussions, would be to increase the number of Entities or territorial units to four or more, with Sarajevo as a capital district. This concept would have the benefit of bringing Entity government closer to the citizens and more cogently addressing constituent people and citizen interests than the current two-Entity structure and Cantons in the case of the Federation of Bosnia-Herzegovina.¹⁰*

12. *Reforming the Constitution cannot be restricted to the writing of new amendments: it also involves a thorough review and incorporation of all relevant legal decisions made by the OHR bearing on the Constitution, the recognition of responsibilities already transferred to the state, (State Court Defense and indirect taxation), as well as the formal separation of the constitution from the General Framework Agreement once the peace implementation mission is completed. In essence, the Constitution must be ratified as a stand alone national compact and, of course, translated.*

¹⁰ *In so doing it could potentially also provide another avenue for dealing with the Entity voting issue by directly linking it to regional as opposed to its now strong ethnic component. Indeed, it opens the door to the question of whether the House of Peoples might plausibly be replaced by a House of Entities or territorial units, something which has already been raised through the Prud process.*

IV. *Getting there: Articulating a Sustained Process for Constitutional Reform.*

1. *Constitutional reform cannot wait; it is already 13 years overdue. And constitutional reform negotiations, once commenced, cannot be conducted episodically or contingently depending on the election cycle or, for that matter, without mediation and advice by the international community.*
2. *The fact of the matter is that until there is a genuine commitment on the part of the political leadership in Bosnia-Herzegovina to the concept of a more competent and effective State government, all purely domestic negotiations on constitutional reform will founder on the misplaced belief held by some that Bosnia-Herzegovina and a functional state government are somehow incompatible or, more disturbingly, a threat to a Constituent people or Entity.*
3. *Purely domestic negotiations will also have difficulty achieving agreement on Constitutional Reform owing to the absence of common ground by the main government and parliamentary political parties on the core issue of the political identity and fundamental structure of Bosnia-Herzegovina, and fear that the ascendancy of any one vision of the country's future would lead to a winner-take-all scenario for one Constituent People and their parties, at the expense of the others.¹¹*
4. *Hence, the international community must remain committed to engaging the political leaders and civil society in the process of constitutional reform for the foreseeable future and until*

¹¹*The spectrum of viewpoints is quite wide among the main government and parliamentary parties, though there is always some fluidity in their positions. At one end, the two Serb parties, the Alliance of Independent Social Democrats (SNSD) and the Serb Democratic Party (SDS) favor a highly decentralized state in which the Entities retain the majority of government competencies. The Serb Party of Democratic Progress (PDP) has demonstrated some interest in granting certain competencies to the State in exchange for permanent recognition of the Republika Srpska (the latter a position of all the Serb parties), At the other end, lie the main Bosniak parties the Party of Democratic Action (SDA), Party for Bosnia and Herzegovina (SBiH), and the Social Democratic Party of Bosnia-Herzegovina (SDP) all of whom favor to varying degrees a strong, citizen-based state government and subordinated Entities. Somewhere in the middle lie the main Croat Parties, Croatian Democratic Union of Bosnia and Herzegovina and Croatian Democratic Union 1990 (HDZ 1990) which favor a more federalized State government, parity of Constituent Peoples in the State government, but reject the current two Entity structure in favor of multiple Entities or territorial units (the latter is also viewed with some favor by the main Bosniak parties).*

there is a shift in the political mentality toward reform on the part of the political leaders in the country.¹² That engagement should, however, be restricted to technical assistance in a process that it is not bilateral in nature. For their part, the political leaders of Bosnia-Herzegovina must understand that the dichotomy between “foreign” and strictly domestic engagement in constitutional reform is anachronistic in a globalized world, as there is much to be gained from engagement of outside expertise.

5. Despite the different and often divergent positions of the political parties, there already exists, as evidenced in their public positions over the past year, potential near or full consensus on a process for conducting Constitutional Reform negotiations which could only be helped by technical assistance from the international community. The elements of that process are:

- a) That Constitutional Reform a complex and long-lasting process and must be the result of consensus and compromise, since Bosnia and Herzegovina itself is the result of compromise;*
- b) That Constitutional Reform requires a dialogue, involving a frank and mutual relationship and understanding of everything that preceded the Dayton arrangements in Bosnia and Herzegovina;*
- c) That the parties shall exchange concrete proposals on Constitutional Reform;*
- d) That the improvement of the Constitution of Bosnia-Herzegovina by amendments should be performed gradually;*
- e) That the starting point for constitutional amendments must be the Dayton Agreement and basic principals of Annex IV, the Constitution of Bosnia and Herzegovina;*
- f) That the process of Constitutional Reform must be conducted transparently;*
- g) That the Constitution of Bosnia and Herzegovina may be exclusively amended by the Parliamentary Assembly of Bosnia-Herzegovina;*
- h) That any constitutional changes must reflect and affirm European values and principles;*

¹² *The international mission is sometimes viewed critically from a post-colonialist perspective. However, there seems no cogent comparison between the nature and purpose of the international community’s engagement in Bosnia-Herzegovina and that of European colonialism in the late 19th and early 20th centuries.*

- i) *The process of constitutional change must be conducted transparently and subject to public debate.*
6. *Given the range of issues and diversity of constitutional perspectives noted above, constitutional reform is likely to be an ongoing process. For that reason, consideration should also be given to formalizing the process through the establishment of a standing Bosnia-Herzegovina, EU-US condominium to continue negotiations and begin planning for implementation once legislation on Constitutional Reform has been passed.*
7. *Although it is neither possible nor appropriate to remove politics from Constitutional Reform, the process of negotiation would be better conducted and more likely to receive the careful and sustained legal, structural, and administrative attention it requires if the actors were able to conduct negotiations in an atmosphere less subject to the day-to-day influences of politics in Bosnia-Herzegovina. The process would likewise benefit from greater participation of municipal officials and civil society leaders, and the constructive engagement of Bosnian and international community experts on such a commission.¹³*
8. *Until a reformed and truly functional State government is in place, the Dayton Peace Implementation mission will not be completed, as the absence of a government capable of asserting and enforcing its legal supremacy poses a profound threat to the security and stability of Bosnia-Herzegovina. Accordingly, the Peace Implementation Council should maintain the Office of the High Representative and the Bonn Powers in reserve until Constitutional Reform legislation establishing a functional State government is passed and implemented.*
9. *To do otherwise would constitute a de facto declaration by all the signatories that the Peace Agreement, and its requirements for security and stability is fully implemented and judged to be sustainable. This would also require a determination that the sustainability of the processes of EU integration and membership in NATO would not be jeopardized. The signatories would be further asserting that they are now finished with any collective*

¹³ *Although not directly linked to Constitutional reform, a vibrant civil society is a key missing ingredient in the political environment of Bosnia-Herzegovina. Despite international efforts to strengthen and empower the NGO sector, civil society institutions remain a insignificant factor in efforts to advance citizens' rights and responsive government at every level.*

obligations for implementation of the civil aspects of the Peace Agreements and have no further obligations or responsibilities.

V. Conclusion

- 1. History has repeatedly demonstrated that a common sense of national identity and purpose can emerge from shared challenges and interests, and a commitment to universal political principles that transcend and incorporate the demands of the local and particular.*
- 2. Despite the long delays and continued difficulties in launching a sustainable Constitutional Reform effort, since 2005 the political leaders of Bosnia and Herzegovina have done what many once thought impossible: they have begun a national dialogue, however hotly contested, on making necessary amendments to the Dayton Constitution. In so doing, they have put their country on the road to EU and NATO accession. This is progress and it should be supported by the international community without reservation.*
- 3. There can be no doubt about the common challenges facing the people of Bosnia-Herzegovina: post-war reconciliation, the need for economic development and improved education and health care and, of course, the omnipresent challenge of a powerful and prosperous neighbor in the European Union of which Bosnia-Herzegovina will likely become a member state in the not too-distant future.*
- 4. Such challenges are best met, not by go-it-alone strategies at the expense of a functioning state, but by a constitutional compact based on the values and interests shared by all, irrespective of where they live or how they identify themselves. And it is on such a compact that the identity and purpose of Bosnia-Herzegovina will ultimately be based.*
- 5. Put simply, Bosnia-Herzegovina's future as a sovereign state, to which all of its citizens ascribe, and as a member of the European Union and North Atlantic Treaty Organization, must be founded on a loyalty to its Constitution, particularly in lieu of a shared sense of nationhood.*
- 6. Indeed, if Bosnia-Herzegovina aspires to become a "normal country" in Europe, and not a permanently dysfunctional state comprised of nationalist Serb, Bosniak, and Croat autonomous enclaves, its citizens and political leaders must grasp the promise of the European Union, and commit themselves, once and for all, to a country defined by shared constitutional principles. There is no viable alternative to a unified, democratic Bosnia inside Europe.*

Annex I.



Source: <http://www.un.org/Depts/Cartographic/map/profile/bosnia.pdf>

Annex II.

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

- 1. 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.*
- 2. 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.*
- 3. 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:*
 - a. The right to life.*
 - b. The right not to be subjected to torture or to inhuman or degrading treatment or punishment.*
 - c. The right not to be held in slavery or servitude or to perform forced or compulsory labor.*
 - d. The rights to liberty and security of person.*
 - e. The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.*
 - f. The right to private and family life, home, and correspondence.*
 - g. Freedom of thought, conscience, and religion.*
 - h. Freedom of expression.*
 - i. Freedom of peaceful assembly and freedom of association with others.*
 - j. The right to marry and to found a family.*
 - k. The right to property.*
 - l. The right to education.*
 - m. The right to liberty of movement and residence.*
- 4. 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.*
- 5. 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.*
- 6. 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.*
- 7. International Agreements.** *Bosnia and Herzegovina shall remain or become party to the international agreements listed in Annex I to this Constitution.*

8. **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

1. Responsibilities of the Institutions of Bosnia and Herzegovina.

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

- a. Foreign policy.
- b. Foreign trade policy.
- c. Customs policy.
- d. Monetary policy as provided in [Article VII](#).
- e. Finances of the institutions and for the international obligations of Bosnia and Herzegovina.
- f. Immigration, refugee, and asylum policy and regulation.
- g. International and inter-Entity criminal law enforcement, including relations with Interpol.
- h. Establishment and operation of common and international communications facilities.
- i. Regulation of inter-Entity transportation.
- j. Air traffic control.

2. Responsibilities of the Entities.

- a. 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.
- b. 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.
- c. 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.
- d. 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.

3. Law and Responsibilities of the Entities and the Institutions.

- a. All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.
- b. 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.

4. 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.

5. Additional Responsibilities.

- a. 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.

- b. 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.

1. **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.
2. **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.
3. **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 1(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.*
- 4. **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.

- 1. **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.*
- 2. **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 V\(3\)\(a\) - \(e\)](#)) 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.*
- 3. **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.*
4. **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.*
5. **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

1. **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.*
2. **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.*

3. **Jurisdiction.** *The Constitutional Court shall uphold this Constitution.*
- a. *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:*
 - *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.*
 - *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.

- b. *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.*
 - c. *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.*
4. **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

1. **Joint Interim Commission.**

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- 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.*
2. **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 .
3. **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.
4. **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.
5. **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.

For the Republika Srpska

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