

THE OWEN-STOLTENBERG PLAN

AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA

THE UNDERSIGNED,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration of the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,

Recalling the Statement of Principles by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session, *Considering* the decisions of the United Nations Security Council relating to the former Yugoslavia, Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

(a) The constitutional Agreement of the Union of Republics of Bosnia and Herzegovina is set out in Appendix I hereto. The three parties agree that it shall enter into force one week of the Security Council has taken into account the present Agreement, has confirmed that the Union of Republics of Bosnia and Herzegovina will continue as a member of the United Nations as specified in Security Council Resolution 859 (1993) and has authorized United Nations support for the implementation of the present Agreement.

(b) The three parties understand that the Security Council will consider the broader question of sanctions in respect to an overall solution of the outstanding questions related to the former Yugoslavia. Nevertheless they understand that the Security Council, taking into account the present Agreement, will, in parallel with implementation of the peace plan, authorize a phased lifting of those sanctions applied to the Federal Republic of Yugoslavia (Serbia and Montenegro) specifically in respect to the situation in Bosnia and Herzegovina, provided there is clear evidence of the good faith implementation of all aspects of the present Agreement, in particular the withdrawal of forces to the agreed boundaries of the three Constituent Republics as shown in Annex A, Part I.

(c) Agreed arrangements concerning the Constitutional Agreement are set out in Parts 1 and 2 of Appendix II hereto.

II. TERMINATION OF THE CONFLICT

The parties reaffirm the Agreement for a Complete Cessation of All Combat activities signed by their military commanders on 30 July 1993 set out in Part 1 of Appendix III hereto, and the Military Agreement for Peace in Bosnia and Herzegovina signed by their military commanders on 11 August 1992 set out in Part 2 of Appendix III, and decide that the latter shall be amended as set out in Part 3 of Appendix III and shall enter into force in the day after the Security Council has authorized United Nations support for the implementation of the present Agreement.

III. COOPERATION IN RESPECT OF HUMANITARIAN EFFORTS

(a) Maximum cooperation shall be extended to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, The United Nations Protection Force, the European

Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

(b) Full cooperation shall also be extended to the United Nations High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

IV. PRELIMINARY AGREEMENT WITH THE REPUBLIC OF CROATIA FOR IMPLEMENTING THE 1965 CONVENTION ON THE TRANSIT TRADE OF LAND-LOCKED COUNTRIES

As soon as the Constitutional Agreement enters into force, the Union of Republics of Bosnia and Herzegovina shall conclude with the Republic of Croatia the Preliminary Agreement for implementation the 1965 Convention on the Transmit Trade of Land-Locked Countries set out in Appendix IV hereto.

V. AGREEMENT FOR THE EXCHANGE OF TERRITORIES

(a) A separate agreement has been reached between the Muslim and the Serb parties that the road linking Gorazde to Zepa referred to in paragraph 2 of Part I of Annex A to the Constitutional Agreement shall be three kilometres wide and shall have two crossovers between points within the Serb majority Republic. There have also been agreed adjustments to the map as shown in Annex A, Part I.

(b) It has been further agreed between the Muslim and the Serb parties to form a working group for outstanding matters related to the territorial delimitation between the two Republics in the envisaged Union of Republics of Bosnia and Herzegovina, including the areas of Brcko, Bosanska Krajina, the Neretva Valley, Eastern Bosnia and the Ozren mountain, including the natural right of the two Republics to access to the sea. This is in addition to the commitment already made to find a permanent solution to the governance of the Sarajevo District within two years. After reaching a mutually acceptable resolution to the territorial delimitation of the three Constituent Republics within the Union, and during the initial two-year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union on the question of whether citizens of any particular Constituent Republic agree to remain in the Union or to leave the Union. In the case of a dissolution of the Union, all rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

(c) The Croat and Muslim parties have also agreed to form a working group for matters related to the territorial delimitation between the two Constituent Republics in the Union of Republics of Bosnia and Herzegovina as a matter of common developmental interest.

VI. ACCESS TO THE SEA

Separate agreements have been reached:

(a) between the Muslim and Croat parties for the establishment of an exit to the sea for the Muslim majority Republic through he Croat majority Republic via the Access Authority Throughway from Poplat to Neum and for the Muslim majority Republic to hold a tract of land on the shore of the Adriatic on the isthmus of Kosa (Klek) and establish a Joint Authority between the two republics to develop the tourist industry in that area;

(b) between the Croat and Muslim parties that a port facility for the Muslim majority Republic shall be between Visici and Celjevo on the Neretva capable of taking vessels trans-shipping from Ploce and also directly from other ports in the Adriatic, and that the southern border of the Muslim majority Republic shall be moved down from Recice to just above Visici. Initially there shall be an Access Authority Throughway along the road from Recice to Tasovcici and to the turn-off to Celjevo. The land for the part shall be defined as being south of the houses along the road to Celjevo, west of the houses along the road to Vesici, to the north of the built-up area of Visici and than following the east bank of the Neretva River. If the port is developed the Muslim majority Republic will be expected to build a flyover at the Celjevo crossroad and a new road along an agreed route to Recice avoiding as far as possible existing settlements, and this road, with the land one half kilometre on either side, and the port area will be part of the Muslim majority Republic;

(c) the Republic of Croatia has agreed to a 99-year lease for a separate port facility of the Muslim majority Republic at the port of Ploce, and the details governing this port facility shall be set out in the agreement between the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina set out in Appendix VII hereto;

(d) that as soon as relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) are normalised there shall be a treaty covering an exchange of territory involving also the Union of Republics of Bosnia and Herzegovina to take account of the need for strategic assurances for Dubrovnik and of the strategic importance of Prevlaka to the Bay of Kotor, the need for the Serb majority Republic to have access to the sea in the area between Ostri Rt and Molunat, and the need for the Republic of Croatia to be compensated with territory so that there shall be no net loss of territory to the Republic of Croatia.

VII. POLITICAL AGREEMENTS

It is agreed by all three parties that the first elections in the Constituent Republics shall take place, under the supervision of the United Nations and the European Community, no later than two years after the entry into force of the Constitutional Agreement. All elections to the legislative bodies of Constituent Republics and of opstinas shall be by proportional representations. All political parties registered in any of the Constituent Republics may organize themselves and act freely throughout the territory of the Union of Republics of Bosnia and Herzegovina, provided their activities are in accordance with the Constitutional Agreement.

[The undersigned are A. Izetbegovic, R. Karadzic, M. Bohan, M. Bulatovic, S. Milosevic, and F. Tudjman; and, as witnesses, T. Stoltenberg and D. Owen.]

APPENDIX I

CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples. The Union of Republics of Bosnia and Herzegovina will be a member state of the United Nations, and as a member state it shall apply for membership of other organisations of the United Nations system.

Article 2

The flag and emblem of the Union of Republics of Bosnia and Herzegovina shall be specified by a law adopted by the Union Parliament.

Article 3

- (a) Citizenship of Bosnia and Herzegovina shall be determined by a law adopted by the Union Parliament.
- (b) Every person who on the entry onto force of this Constitutional Agreement was entitled to be a citizen of the Republic of Bosnia and Herzegovina shall be entitled to be a citizen of a Constituent Republic as well as of the Union of Republics of Bosnia and Herzegovina.
- (c) Dual citizenship shall be allowed.
- (d) Decision about citizenship shall be made by the designated organs of the Constituent Republics, subject to the competent courts.

Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

II. THE CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES

Article 1

- (a) The boundaries of the Constituent Republics shall be as set out in Annex A, Part I. Except as provided in (b) boundaries of the Republics may only be changed by the procedure provided for amending this Constitutional Agreement.
- (b) Marginal changes in the boundaries set out in Annex A may be made by the Presidency on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five persons appointed by the Secretary-General of the United Nations, of whom three shall be persons recommended by representatives of the three constituent peoples.
- (c) The areas specified in Annex A, Part II, even though within the territory and under the jurisdiction of a Constituent Republic, shall be vested as specified in Article VII.2 (b) for the purpose of ensuring continued access to buildings of the Union in Sarajevo, to the sea at Neum and to the Sava River.

(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Article 2

(a) Each of the Constituent Republics shall adopt its own constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these constitutions may be inconsistent with this Constitutional Agreement.

(b) The initial elections in each Constituent Republic shall be supervised by the United Nations and the European Community.

Article 3

All governmental functions and powers, except those assigned by this Constitutional Agreement to the Union of Republics of Bosnia and Herzegovina or to any of its institutions, shall be those of the Constituent Republics.

Article 4

All acts taken by a competent governmental authority of any of the Constituent Republics shall be accepted as valid by the other Constituent Republics.

III. THE COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

(a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.

(b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman shall represent the Union of Republics of Bosnia and Herzegovina.

(c) The presidency shall take all its decisions by consensus.

Article 2

(a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.

(d) Other Minister may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Minister, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other function and institutions that the union Parliament may from time to time specify by law.

Article 3

(a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

(b) The Union Parliament may by a simple majority of the members from each Constituent Republic adopt laws within the competence of the Union of Republics of Bosnia and Herzegovina.

Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

(i) A Supreme Court, composed of four judges appointed by the Presidency, no two of whom shall be from the same peoples, which, except as specified in para. (iii), shall be the final court of appeals from the courts of the Constituent Republics.

(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the permanent Court of Arbitration, one each of whom shall be elected by the President of each of the Constituent Republics and two of whom shall be elected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community.

(iii) A Court of Human Rights to be established in accordance with Resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed Annex B.

Article 5

Joint authorities between two or more of the Constituent Republics may be established by agreement of the Republics concerned if approved by a law adopted by the Union Parliament.

IV. INTERNATIONAL RELATIONS

Article 1

(a) The Union of Republics of Bosnia and Herzegovina shall apply for membership of European and international institutions and organisations, as decided by the Presidency.

(b) Any Constituent Republics may apply for membership of an international organization if such membership would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from the entry into force of this Constitutional Agreement and shall only remain on force if the Union Parliament so decides.

(b) The Union of Republics of Bosnia and Herzegovina shall continue all diplomatic relations until the Presidency decides to continue or discontinue them.

(c) Union of Republics of Bosnia and Herzegovina may become a party to international treaties if such participation is approved by the Union Parliament. The Parliament may by law provide for participation in certain types of international agreements by decision of the Presidency. To the extent such participation would involve responsibilities that are to be carried out by the Constituent Republics, their advance approval must be secured, except in respect of the treaties referred to in Article V. 3.

(d) Any Constituent Republic may, if eligible, become a party to an international treaty if such participation would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 1

(a) Subject to Article V.2, all persons within the territory of the Union of Republics of Bosnia and Herzegovina shall be entitled to enjoy the rights freedoms provided for in the instruments listed in Annex C.

(b) Should there be any discrepancy between the rights and freedoms specified in any of these instruments, or between any of these and the rights and freedoms specified in any other legal provision in force, the provision providing the greater protection for human rights and fundamental freedoms shall be applied.

Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform the rights and freedoms specified in the instruments listed in Parts I and IV of Annex C. The rights specified in the instruments listed in Parts II and III of Annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republican Governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable or implementing such rights and in otherwise carrying out the functions of these organs.

Article 3

The Union of Republics of Bosnia and Herzegovina shall as soon as possible become a party to each of the international treaties listed in Annex C.

Article 4

All organs of the Union and Republican Governments shall cooperate with the supervisory bodies established by any of the instruments listed in Annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Article 5

(a) All citizens have the right to settle in any part of the territory of the Union of Republics of Bosnia and Herzegovina. They shall have the right to have restored to them any property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them.

(b) The Union Parliament, as well as the legislature of the Constituent Republics, shall enact laws to assist in implementing these rights.

Article 6

To assist in implementing the rights and freedoms specified in this Chapter and in particular in Article V. 5 (a), ombudsmen shall be appointed and carry out functions initially as specified in Annex D and thereafter as specified in a law adopted by the Union Parliament.

VI. FINANCES

Article 1

- (a) The Union Parliament shall each year, on the proposal of the Prime Minister and with the subsequent approval of the Presidency, adopt a budget covering the expenditures required to carry out only those functions of the Union of Republics of Bosnia and Herzegovina relating to the maintenance of its common institutions and compliance with its international obligations, as well as such other functions as may from time to time be agreed by the Union Parliament.
- (b) If no such budget is adopted in due course, the budget for the previous year shall be used on a provisional basis.

Article 2

- (a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.
- (b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

VII. THE CONSTITUTIONAL AGREEMENT

Article 1

- (a) This Constitutional Agreement may be amended by decision of the Union Parliament, when such amendment has been approved by each of the Constituent Republics according to its constitutional processes.
- (b) No amendments may be adopted that abolish or diminish any of the rights or freedoms specified in Chapter V.

Article 2

- (a) This Constitutional Agreement may not be abolished and none of the Constituent Republics may withdraw from the Union of Republics of Bosnia and Herzegovina without the prior agreement of all of the Republics. Such a decision may be appealed to the Security Council by any of the Constituent Republics, and the Council's decision shall be final.
- (b) Should any of the Constituent Republics withdraw from the Union of Republics of Bosnia and Herzegovina, the areas specified in Annex A, Part II that are within the territory of such Republic shall remain a part of the Union of Republics of Bosnia and Herzegovina. Should the Union be dissolved or should both the Serb and the Croat majority Republics withdraw from the Union, then the areas specified in Annex A, Part II that are within the territories of those Constituent Republics shall become part of the Muslim majority Republic.

Article 3

This Constitutional Agreement shall enter into force when approved as part of the over-all peace settlement by representatives of the three constituent peoples, and on a date specified by them.

Annex A, Part I
The Boundaries of the Constituent Republics

1. The boundaries of the Constituent Republics shall be as indicated on the map below, subject to any changes that may be made in accordance with Article II. 1(b) of the Constitutional Agreement. The Boundary Commission shall ensure that the territory of the Muslim majority Republic shall not be less than 30% of the entire territory of the Union of Republiks of Bosnia and Herzegovina.
2. The road marked on the Map that links Gorazde to Zepa shall constitute part of the Muslim majority Republic, which shall be responsible for its upkeep and policing.
3. As much as possible of the town of Gomji Vakuf shall be in the Muslim majority Republic, subject to the Croat majority Republic retaining road access to Prozor from the north of Gomji Vakuf, and to Novi Travnik along the road running north from the village of Ploca towards the road junction to the north of Bistrica. Construction of new roads may be necessary, and the Special Representative of the UN Secretary-General (SRSG), after appropriate consultations, shall arbitrate in the case of disputes.
4. Similarly, the SRSG shall be charged with arbitrating the boundary between the Muslim majority Republic and the Croat majority Republic where it follows a line drawn south of the River Lasva in Travnik, in order that as many Croatian villages as is feasible are included in the Croat majority Republic.
5. At the request of any Constituent Republic, the Presidency may decide that a religious or cultural building located in another Constituent Republic shall be under the special protection and responsibility of the requesting Republic.

Annex A, Part II
Areas Vested in the Union of Republiks of Bosnia and Herzegovina

1. The area defined by the present opstina of Neum, and that part of the present opstina of Stolac that lies below the southern border of the Muslim majority Republic.
2. That part of the railway line from Tuzla that passes across Brcko to the railway bridge on the Sava.
3. Those public buildings in the Sarajevo District and in the surrounding area that are designated by the Presidency to be used by the Union Parliament, the Council of Ministers, the Supreme, Constitutional and Human Rights Courts, and the administrative institutions of the Union.

Annex B
Composition and Competence of the Human Rights Court

Article 1

The Human Rights Court of Bosnia and Herzegovina (the "Court") shall operate within the framework of the mechanism established by the Council of Europe by Resolution 93 (6) of its Council of Ministers, as that Resolution may be amended from time to time.

Article 2

- (a) The Court shall initially consist of nine judges.
- (b) The Presidency shall appoint four of the judges of the Court, one from each recognized group: Muslims, Serbs, Croats and Others. These judges shall enjoy tenure and shall not require reappointment.
- (c) The Committee of Ministers of the Council of Europe shall appoint five of the judges of the Court in accordance with the above-cited resolution. These judges may not be citizens of the Union of Republics of Bosnia and Herzegovina nor of neighbouring States.
- (d) If the Court concludes that its business requires the participation of more judges to avoid undue delays in the disposition of cases, the Government shall make arrangements with the Council of Europe for the appointment of additional judges, in accordance with the above-specified proportion of national and foreign judges.

Article 3

- (a) The Court shall regulate its own procedure and its organisation.
- (b) Each panel of the Court is to have the composition specified for the Court in Article 2(b)-(c) of this Annex.
- (c) The equality of the parties shall be ensured in every proceeding.
- (d) The Court shall allow written and oral pleadings in every proceeding pursuant to Articles 5-7 of this Annex.

Article 4

The competence of the Human Rights Court shall extent to any question concerning a constitutional or other legal provision relating to human rights or fundamental freedoms or to any of the instruments listed in Annex C to the Constitutional Agreement.

Article 5

Any party to a proceeding in which another court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics has pronounced a judgment that is not subject to any other appeal (for a reason other than the lapse of time limit for which the moving party is responsible), may appeal such judgment to the Court on the basis of any question within its competence. The decision of the Court in such an appeal shall be final and binding.

Article 6

- (a) An appeal may also be taken to the Court if a proceeding is pending for what it considers an unduly long time in any other court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics.
- (b) The Court shall decide whether to accept such an appeal after a preliminary consideration of whether the proceeding in the other court has been pending too long and whether the subject of the appeal is within its competence.

Article 7

Any appellate court of the Union of Republics of Bosnia and Herzegovina or of any of its Constituent Republics may, at the request of any party to a proceeding pending before it, or on its own motion in relation to such a proceeding, address to the Court a question arising out of the proceeding if the question related to any matter within the competence of the Court. The response of the Court is binding on the requesting court.

Article 8

The Court shall continue to function until the Union of Republics of Bosnia and Herzegovina becomes a party to the European Convention on Human Right and Fundamental Freedoms, unless the Council of Europe mechanism referred to in Article 1 of this Annex ceases at some earlier date to be in force in respect of the Union of Republics of Bosnia and Herzegovina.

Annex C
Human Rights Instruments Incorporated into the Constitutional Agreement

A. General Human Rights, especially Civil and Political Rights

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide;
2. 1948 Universal Declaration of Human Rights, Articles 1-21;
3. 1949 Geneva Conventions I-IV on the Laws of War, and the 1977 Geneva Protocols 1-11 thereto;
4. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto;
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto;
6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
7. 1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols thereto;
8. 1979 International Convention on the Elimination of All Forms of Discrimination against Women;
9. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;
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.

B. Protection of Groups and Minorities

13. 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of minorities, paras. 10-13;
14. 1992 [UN] Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities.

C. Economic, Social and Cultural Rights

15. 1948 Universal Declaration of Human Rights, Articles 22-27;
16. 1961 European Social Charter and the Protocol 1 thereto;
17. 1966 International Covenant on Economic, Social and Cultural Rights.

D. Citizenship and Nationality

18. 1957 Convention on the Nationality of Married Women;
19. 1961 Convention on the Reduction of Statelessness.

Annex D
Initial Appointment and Functions of the Ombudsmen

I. GENERAL PROVISIONS

Article 1

- (a) The Ombudsmen are to protect human dignity, rights and liberties as provided in the Constitutional Agreement and in the instruments listed in Annex C thereto, and in the constitutions and legislations of the Constituent Republics, and in particular shall act to reverse the consequences of the violation of these rights and liberties and especially of ethnic cleansing.
- (b) In carrying out their function, the Ombudsmen must be guided by law and by the principles of morality and justice.

Article 2

Each Ombudsman shall exercise his functions individually, except as otherwise provided herein. Two or more Ombudsmen may cooperate in carrying out any of their functions.

Article 3

The Ombudsmen are independent in carrying out their functions and no governmental organ or any other person may interfere with such functions.

Article 4

- (a) There shall be four Ombudsmen, one from each recognized group: Muslims, Serbs, Croats and Others. Until the Parliament adopts a law relating to the appointment and functioning of the ombudsmen, they shall be appointed and may be removed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, after consultations with the members of the Presidency.
- (b) Each of the Ombudsmen shall, with the approval of the presidency, appoint one or more Deputies.
- (c) The terms of service of the Ombudsmen and their Deputies shall be the same respectively as those of the President and of judges of the Supreme Court.
- (d) Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefore by the Parliament or initially by the Presidency.

II. THE COMPETENCE AND THE POWERS OF THE OMBUDSMEN

The Ombudsmen may follow the activities of any common institution of the Union of Republics of Bosnia and Herzegovina or of any organ of a Constituent Republic or of governmental units subordinate thereto, as well as of an other institution or person by whom human dignity, rights or liberties may be negated or ethnic cleansing may be accomplished or its effects preserved.

Article 6

In the course of carrying out his functions an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files and require any person (including any official) to cooperate, in particular by transmitting relevant information, documents and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs and enter and inspect any place where persons deprived of their liberty are confined or work.

Article 7

The Ombudsmen, their Deputies and any other person who carries out inquiries pursuant to Article 6, are required to maintain the secrecy of whatever they learned in the course of such inquiry, and must treat all documents and files in accordance with the applicable rules.

III. REPORTS OF THE OMBUDSMEN

Article 8

- (a) Each Ombudsman shall present an annual report to the Presidency of the Union of Republics of Bosnia and Herzegovina, to the president of each of the Constituent Republics and the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.
- (b) An Ombudsman may also present at any time special reports to any competent authorities.

IV. REGULATIONS OF THE OMBUDSMEN

Article 9

Each Ombudsman shall draw up, or the Ombudsmen may collectively draw up, Regulations that specify their organization and the method of exercising their function, which shall be promulgated in the Official Journal of the Union of Republics of Bosnia and Herzegovina, as well as in the official journals of the Constituent Republics. These Regulations may be changed by a law adopted by the Parliament.

APPENDIX II

AGREED ARRANGEMENTS CONCERNING THE CONSTITUTIONAL AGREEMENT OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

PART 1

1. The name of each Constituent Republic will be determined by the competent authorities of that Republic.

2. Access Authority:

(a) Pursuant to Article III.5 of the Constitutional Agreement there shall be established, immediately on the entry into force of that Agreement, an access Authority, charged with assisting in the implementation of Article 11.1 (d) of the Agreement requiring free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

(b) The purpose of the Authority will be to guarantee full freedom of movement in certain essential areas between and within the Constituent Republics, and also to and from these Republics to the Republic of Croatia and the Republic of Serbia.

(c) The members of the Authority shall be three persons appointed by the Presidency, one from each Constituent Republics. Its headquarters shall be in or around the city of Sarajevo.

(d) Even though the Authority is to be in operation as soon as possible following the entry into force of the Constitutional Agreement, inevitably there will be an initial period when UNPROFOR will have sole responsibility for freedom of movement along designated "Blue Routes" around Sarajevo and "Throughways" ensuring freedom of movement along the key roads and railway lines throughout the country. Thereafter there will be a period of overlapping responsibility for the Authority's designated routes will be phased out, and these responsibilities assumed by the traffic police of the Authority. This transfer of responsibility requires the agreement of all members of the Authority. The traffic police will be seconded to the Authority from the police force of the Constituent Republics.

(e) The following shall be the routes to be controlled by the Access Authority:

(i) The road and railway line from Metkovic on the border of Croatia to the centre of the city of Sarajevo;

(ii) The railway from the city of Sarajevo to Doboj and Samac;

(iii) The so-called "Una" railway from Bosanski Novi through Bihać southwards to the border of Croatia;

(iv) The road from Nevesinje to Mostar airport;

(v) The road from Srebrenica to Kladanj;

(vi) The road from Gorazde through Cajnice to the border of Montenegro;

(vii) Sarajevo Airport;

(viii) The so-called "Transit Road" through the south of the city of Sarajevo;

- (ix) The road between Sarajevo and the crossing-point north of Tmovo which gives access to Gorazde;
- (x) The road between Bosanski Brod (via Derventa, Doboj, Zenica) and Sarajevo;
- (xi) The road from the border of the Republic of Croatia near Velika Kladusa (via Cazin, Bihac, Kljuc, Jajce, Donji Vakuf) to Mostar;
- (xii) The road between Donji Vakuf (via Travnik) and Zenica;
- (xiii) The road from Poplat to Neum.

A. Sarajevo District

1. For an interim period, specified in paragraph 2 below, there shall be established the Sarajevo District the outer boundary of which shall be as delineated in the attached map. This boundary shall be subject to adjustment by the Boundary Commission in accordance with Article 11.1 (b) of the Constitutional Agreement. The Commission shall first of all consider the areas Cekrcici, Ratkovci, Catici and Drazevici for inclusion in the Sarajevo District and shall thereafter also consider the inclusion of the opstinas of Kiseljak and Kresevo.
2. The period of UN participation in the governance of the Sarajevo District is planned for two years. The parties commit themselves to finding a permanent solution during this period. The period of UN presence can therefore be shortened if so recommended by the Presidency, it being understood that the participation of the United Nations in the governance of that District shall at all times be as determined by the Security Council of the United Nations.
3. Sarajevo District shall have the governmental functions and powers specified for Constituent Republics in the Constitutional Agreement, except that it shall not be represented in the Presidency. The opstinas within the Sarajevo District shall have those governmental functions and powers that opstinas have under current legislation, subject to the authority of the UN Administrator, to be used only in exceptional circumstances. Laws adopted by the Union Parliament shall apply also within Sarajevo District.
4. Sarajevo District shall be governed by a UN Administrator appointed by the Secretary-General of the United Nations. The UN Administrator shall work under the over-all supervision of the Special Representative of the Secretary General and in close operation with the Joint Commission for the Sarajevo District established by the Military Agreement for Peace in Bosnia and Herzegovina. The UN Administrator shall be advised by an Advisory Body, which shall be composed of 4 representatives of the Muslim people, 3 representatives of the Serb people, 2 representatives of the Croat people, and 1 representative of the District's minorities; the latter shall be nominated by the Co-Chairmen. The Advisory Body shall make its recommendations by consensus.
5. The UN Administrator shall establish courts of first instance and an appellate court in each opstina included in Sarajevo District. Appeals from these courts may be taken to the courts of the Union of Republics of Bosnia and Herzegovina in the same way as appeals from courts of the Constituent Republics.
6. Within Sarajevo District the Boundary Commission shall propose new opstina boundaries, taking into account the following factors:

- (a) The boundaries existing of 1 January 1991;
- (b) The tentative changes in boundaries that were implemented after 1 January 1991;
- (c) The ceasefire line;
- (d) Population distribution, as reflected in census figures and other data;
- (e) The wishes of those specifically affected, determined by a plebiscite or otherwise;
- (f) The view of the Advisory Body and the UN Administrator. The proposals of the Boundary Commission for the opstina boundaries shall be submitted for decision to the Presidency.

B. Mostar City Opstina

1. For an interim period, specified in paragraph 2 below, there shall be established the Mostar City Opstina the outer boundary of which shall be as determined in accordance with the procedure specified in the attachment hereto. This boundary shall be subject to adjustment by the Boundary Commission in accordance with Article II.1 (b) of the Constitutional Agreement.
2. The period of European Community participation in the governance of the Mostar City opstina is planned for two years. The parties commit themselves to finding a permanent solution during this period. The period of European Community presence can therefore be shortened if so recommended by the Presidency, it being understood that the participation of the European Community in the governance of the Mostar City Opstina shall at all times be as determined by the Council of Ministers of the European Community.
3. Mostar City Opstina, which shall have within it the buildings for the capital of the Croat majority Republic, shall have the governmental function and powers specified for Constituent Republics in the Constitutional Agreement. The Mostar City Opstina shall have those governmental functions and powers that opstinas have under current legislation, subject to the authority of the EC Administrator, to be used only in exceptional circumstances. Laws adopted by the Union Parliament shall apply also within Mostar City Opstina.
4. Mostar City Opstina shall be governed by an EC Administrator appointed by the President of the European Council. The EC Administrator shall work in close consultation with the Special Representative of the Secretary-General and in close cooperation with the Regional Joint Commission established by the Military Agreement for Peace in Bosnia and Herzegovina. The EC Administrator shall be advised by an Advisory Body, which shall be composed of 3 representatives of the Croat people, 3 representatives of the Muslim people, 2 representatives of the Serb people, and 1 representative of the City's minorities; the latter shall be nominated by the Co-Chairmen. The Advisory Body shall make its recommendations by consensus.
5. The EC Administrator shall establish courts of first instance and an appellate court on the Mostar City Opstina. Appeals from these courts may be taken to the courts of the Union of Republics of Bosnia and Herzegovina in the same way as appeals from courts of the Constituent Republics.
6. Mostar City Opstina shall be demilitarized under the arrangements of a Regional Joint Commission in accordance with the Military Agreement for Peace in Bosnia and Herzegovina. UNPROFOR as all other UN agencies shall operate in the City as in the rest of the Country.

C. Police Forces

1. Each existing or new opstina in the Sarajevo District and the Mostar City Opstina shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic

composition and shall be subjected to supervision by respectively the Administrator for the Sarajevo District or the Mostar City Opstina.

2. Each Constituent Republic shall organize and control its own uniformed police force, which shall have a proportionally balanced ethnic composition, any necessary coordination shall be the responsibility of the Presidency.

3. The parties understand that as part of the UNPROFOR deployment in Bosnia and Herzegovina there is to be a large civilian police element, whose principal task will be to monitor the police of the Constituent Republics and of the opstinas in the Sarajevo District and the Mostar City Opstina, so that each: has an appropriately balanced ethnic composition; does not oppress members of minority ethnic groups; contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carries out the judgements of courts, in particular the Human Rights Court; assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors; and that the numbers and equipment of the police are in keeping with normal European standards.

D. Protection of Human Rights and the Reversal of Ethnic Cleansing

1. The right is established of a refugee or displaced person to freely return as part of an overall process of normalisation. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

2. The parties understand that there is to be an International Human Rights Monitoring Mission, to be established by the Secretary-General of the United Nations, which is to be headed by a Human Rights Commissioner for Bosnia and Herzegovina based in Sarajevo. Deputy Commissioners are to be based in various parts of the country. The Commissioner is to be supported by international human rights monitors, deployed throughout the territory of the Union of Republics of Bosnia and Herzegovina; in order to provide protection in urgent cases, they may intercede with the Presidency and the governments of the Constituent Republics, with the Administrators of Sarajevo District and Mostar City Opstina and with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General, who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

ATTACHMENT

A. The Outer Boundary of the Sarajevo District

The outer boundary of the Sarajevo District shall be as indicated on the map below, subject to any changes that may be made in accordance with paragraph A. 1 of Part 2 of the present Appendix.

B. The Outer Boundary of the Mostar City Opstina

It has been suggested that the Mostar City Opstina be defined as including the six mjesna zajednica of Aleksa Santic, Carina, Cernica, Brankovac, Donja Mahala and Luka I. This needs however, to be determined by consultation in Mostar with all interested parties, which is to be done locally as soon as circumstances permit. If there is failure to agree in the delimitation of the Mostar City Opstina it is agreed that the Special Representative of the Secretary-General of the United Nations shall make the final determination.

APPENDIX III

MILITARY AGREEMENTS

Part 1

Agreement for a Complete Cessation of All Combat Activities Among the Parties in Conflict¹

THE UNDERSIGNED MILITARY COMMANDERS, as representatives of their respective Parties in conflict,

Respecting the recent decisions of their commanders-in-chief in Geneva, made under the auspices of the International Conference on the Former Yugoslavia,

Mindful of their obligation under relevant Security Council resolutions, including to ensure UNPROFOR's safety and freedom of movement,

Recognizing the absolute urgency of the present situation and pledging their full efforts to see that their Agreement is honoured,

Have agreed as follows:

Article I Cessation of all Combat Activities

1. Beginning upon signature of this Agreement, all forces of the three Parties shall cease firing and shall freeze all military activities, including military movements, deployments of forces and establishment of fortifications.

2. Written orders mandating such cessation of combat activities shall be issued, as soon as possible following signature of this Agreement, by each of the undersigned military commanders.

Article II Humanitarian Aid and Freedom of Movement

Written orders shall be issued by the undersigned military commanders, as soon as possible following signature of this Agreement, permitting:

- (a) free passage for UNPROFOR;
- (b) free passage for UNPROFOR convoys and convoy escorts, subject to routine control of numbers of personnel and weapons entering and leaving territory under the control of a Party; and
- (c) free passage for humanitarian aid convoys, subject to reasonable control of the contents and personnel that are part of the convoy at one checkpoint. UNPROFOR acknowledges that each Party has legitimate concerns over movements within territories under its control. UNPROFOR shall provide notification of convoy movements.

Article III Verification of Compliance with this Agreement

1. The undersigned military commanders shall confirm to UNPROFOR the issuance of orders required by this Agreement, and their acknowledgement by subordinate commanders. Full assistance shall be extended to UNPROFOR to permit it to monitor the implementation of this Agreement. UNPROFOR officers in the field may be consulted to provide assistance in implementation of this Agreement.

2. The undersigned military commanders, or their authorized representatives, shall continue to meet daily at a specified time while their commanders-in-chief are meeting in Geneva or, when necessary, on the request of any of the Parties. In accordance with the recommendation made in Geneva by the commanders-in chief of the Parties, the draft "Military Agreement on the Cessation of Hostilities" shall be discussed among other issues.

3. For urgent matters, the military commanders shall make available through reliable communications on a 24-hour a day basis, a representative who is authorized to take decisions or reach those with such authority. This Agreement, done pursuant of the commanders-in-chief of the Parties in Geneva, shall enter into force upon its signature.

DONE AT Sarajevo airport, on the 30th day of July, 1993, in two versions, one in English and the other in the language of the Parties. Where there are differences of interpretation between the versions, the English version shall control.

[The undersigned are Gen. Rasim Delic, Lt. Gen. Ratko Mladic, and Gen. Milivoj Petkovic; and, as UNPROFOR witnesses, Gen. Jean Cot, Force Commander, and Lt. Gen. Francis Briquemont, Commander, B & H Command.]

Part 2
Military Agreement for Peace in Bosnia and Herzegovina

THE UNDERSIGNED MILITARY COMMANDERS, as representatives of the Parties in conflict, Pursuant to Section II of the Agreement relating to Bosnia and Herzegovina to be concluded in Geneva,
Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree as follows:

Article I
Measures for Compliance

1. The Parties shall comply in good faith with all provisions in this Agreement. If a dispute arises, UNPROFOR shall be notified and may make a determination on the merits of the dispute.
2. The Parties shall adhere to the Target Time-Table from implementing this agreement, attached as Appendix I, except when UNPROFOR deems that changes are necessary.
3. The Parties shall full support monitoring and control measures to verify compliance with this Agreement, including:
 - (a) establishment of the Joint Commission, which shall operate in accordance with the procedure set out in Appendix II;
 - (b) establishment of Regional Joint Commissions, which shall operate in accordance with the procedures set-out in Appendix II;
 - (c) establishment of "hot lines" between commanders in conflict areas, and between commanders and UNPROFOR;
 - (d) ensuring military observers full freedom of movement and access to military installations; and
 - (e) monitoring and movement by helicopter, in accordance with clearance arrangements to be determined by the Joint Commission.

Article II
Separation of Forces

1. Principles for Initial Separation of Forces
 - (a) Separation of forces shall be achieved progressively and shall include monitoring by UNPROFOR on infantry and heavy weapons on both sides of confrontation lines that are within range of the confrontation lines.
 - (b) The concepts of separation of forces and withdrawal of heavy weapons shall be linked. Heavy weapons shall be defined as weapons having a calibre of 12.7 or more millimetres.
 - (c) Details of implementation, including items "to be agreed", shall be resolved in the Joint Commissions.
 - (d) Special priority shall be given to Sarajevo.

2. Ceasefire

In accordance with Article I of the Agreement for a Complete Cessation of All Combat Activities of 30 July 1993, the forces of the Parties shall:

- (a) cease firing and make no offensive actions;
- (b) freeze their positions on existing lines;

- (c) make no forward deployments of personnel or materiel. Rotations of units shall be permitted on a one-for-one basis, under UNPROFOR monitoring; and
- (d) make no establishment or enhancement of fortifications.

3. Declaration of Forces

The Parties shall provide to UNPROFOR the following information:

- (a) numbers and locations of all heavy weapons that are within range of the confrontation lines;
- (b) maps and other detailed documentation on all mines, that surround or are within the confrontation lines;
- (c) traces depicting the position of front lines;
- (d) positions and descriptions of fortifications; and
- (e) positions and numbers of soldiers.

4. Withdrawal of Forces

- (a) UNPROFOR, in consultation with the Joint Commission, shall mark the confrontation lines.
- (b) The forces of the Parties shall withdraw, in a balanced manner but one that is consistent with their different composition. The manner and extent of withdrawal shall be worked out by UNPROFOR, in consultation with the Joint Commission.
- (c) The Areas of Separation shall be increased over time but the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilisation.
- (d) The forces of the Parties shall be prohibited from entering the Areas of Separation, except while conducting joint patrols with UNPROFOR or clearing mines. Areas of Separation shall be open to civilian movement, under UNPROFOR control.

5. Withdrawal of Heavy Weapons

- (a) In accordance with locations and a time schedule to be agreed within the Joint Commission, the heavy weapons of the Parties shall be withdrawn from their current positions and concentrated in new locations. Such locations shall be agreed in light of their suitability for monitoring and the range of the heavy weapons.
- (b) UNPROFOR shall monitor the process of withdrawal. Heavy weapons that are withdrawn to locations that are out of range of position of the other parties shall be monitored by UNPROFOR; heavy weapons that remain within range of such positions shall be controlled by UNPROFOR.
- (c) Ammunition shall be stored and monitored separately from heavy weapons. The distance between ammunition and heavy weapons shall be agreed within the Joint Commission.

6. Confinement of Infantry to Barracks

As selected infantry forces are withdrawn from the lines of confrontation, a number of such forces, to be determined by UNPROFOR in consultation with the Joint Commission, shall be confined to barracks.

7. Clearing mines

Designated units of the Parties shall, within areas of separation and elsewhere clear all mines they have laid, in accordance with mutual agreement in the Joint Commission.

Article III Monitoring of Borders

1. The borders of the Union of Republics of Bosnia and Herzegovina shall be monitored in accordance with the agreement of the political representatives of all Parties and relevant Security Council resolutions.

Article IV Restoration of Infrastructure

1. Principles for Restoration of Infrastructure

- (a) Inferring with the supply of water, gas, or electricity as a weapon or mean of pressure is unacceptable. Infrastructure shall not be attacked or degrading in any way, and shall not be used for any military purpose.
- (b) Restoration of infrastructure shall not be conditioned on implementation of the military provisions in this Agreement or of other provisions in the Agreement Relating to Bosnia and Herzegovina.
- (c) Infrastructure shall be restored for the benefit of all civilians, irrespective of ethnic origin, and shall be re-established across international borders, in accordance with agreements reached by the civil authorities.
- (d) UNPROFOR and other international agencies, as appropriated, may provide guidance and assistance in restoration of infrastructure.
- (e) Special priority shall be given to restoration of infrastructure for all the citizens of Sarajevo.

2. Identifying Priorities and Making Repairs

- (a) The Infrastructure Management Group, composed of representatives of each party, shall identify infrastructure repair priorities according to needs, local resources and the resources of aid agencies. Repairs shall be executed in conjunction with civilian authorities and relevant local agencies of all Parties.
- (b) The Parties shall provide and fulfill guarantees of security to make such repairs. Access shall be guaranteed by the Parties.
- (c) Parties shall provide access to infrastructure sites consistent with security. Parties shall provide liaison repair teams, after local agreement by joint committees. A common instruction for passage down chains of command shall be developed to demonstrate equal endorsement of support for restoration of infrastructure and to allow free access for reconnaissance, workers and expert teams.

3. Infrastructure sites shall include:

- (a) Power grids;
- (b) Steam power stations, coal mines, and hydroelectric power stations;
- (c) Bridges;
- (d) Gas lines;
- (e) Telecommunications;
- (f) Railway lines;
- (g) Routes; and
- (h) Water supply.

Article V Providing Freedom of Movement

1. Principles for Freedom of Movement

- (a) UNPROFOR and international humanitarian organisations, especially aid convoys, shall have freedom of movement and priority use of roads and transportation facilities. UNPROFOR may provide escort for convoys and other vehicles as it deems necessary.

(b) The Parties shall ensure the security and freedom of movement of civilian and commercial traffic. Special attention shall be paid to ensure a traffic through way to the Bihać area, and right of passage to enclaves in Eastern Bosnia, and access to commercial ports on the Adriatic.

(c) In consultation with the Joint Commission, UNPROFOR may monitor, patrol and establish checkpoints to enhance freedom of movement. UNPROFOR may conduct joint patrols with each Party of the territory that it controls.

2. Special Measures to open Specified Routes

As a first step in establishing freedom of movement, special measures shall be taken to open the routes specified in paragraph 3 of this Article. Such measures shall be agreed upon in joint commissions and shall include the following:

- (a) UNPROFOR may conduct recess and facilitate repairs;
- (b) Military movements of the parties shall be permitted only in coordination with UNPROFOR, as well as with the commanders of the Parties;
- (c) UNPROFOR shall maintain a heightened presence, including establishing checkpoints at the entrance and exit of such routes and elsewhere where it deems necessary in order to ensure safe passage;
- (d) UNPROFOR may conduct inspections at UNPROFOR checkpoints and seize war-related materials carried during unauthorized movements. The Parties may be present during such inspections; and
- (e) A corridor extending 500 meters to the left and right of the specified routes shall be demilitarized, in accordance with measures agreed by the Joint Commission.

3. Routes with Special Measures shall be established between or to the following destinations:

- (a) The road and railway line from Metkovic on the border of the Republic of Croatia to the centre of the city of Sarajevo;
- (b) The road from Sarajevo city to Zenica, via Rajlovac-Ilijas-Visiko;
- (c) The road and railway from the city of Sarajevo to Samac via Doboj, and from Doboj to Tuzla;
- (d) The road from Bihać to Livno;
- (e) The road from Nevisinje to Mostar;
- (f) The road from Zepa/Srebrenica to Kladanj;
- (g) The road from Visegrad to Sarajevo via Gorazde and Pale;
- (h) The road from Stolac to Trebinje via Ljubinje;
- (i) The Road from Doboj to Teslic;
- (j) Sarajevo Airport;
- (k) Banja Luka Airport;
- (l) Tuzla Airport;
- (m) Mostar Airport.

This Agreement:

- (a) shall enter into and remain in force in accordance with the Agreement Relating to Bosnia and Herzegovina to be concluded in Geneva; and
- (b) shall supersede and replace the Agreement for Peace Bosnia and Herzegovina set out in Appendix III to the Agreement to be concluded in Geneva.

DONE AT Sarajevo Airport, on the eleventh day of August, 1993, in two versions, the English version being the authentic one.

[The undersigned are Gen. Rasim Delic, Lt. Gen. Ratko Mladić, Gen. Milivoj Petković, and Lt. Gen. Francis Briquemont.]

APPENDIX I

TARGET TIME-TABLE FOR IMPLEMENTING THIS AGREEMENT

D Day = Seven days after midnight of the day the Agreement relating to Bosnia and Herzegovina is signed in Geneva.

Phase One: D - 7 to D Day

Cessation of All Combat Activities, in accordance with the Agreement of 30 July 1993, continues to be observed.

Phase Two: D Day to+ 7

1. Full Ceasefire observed (Article II, paragraph 1).
2. Declaration of forces provided (Article II, paragraph 2).
3. Joint Commission, hot lines, and other monitoring and control measures established (Article I).
4. Principles for Freedom of Movement observed (Article V, paragraph 1).

Phase Three: D + 8 to D + 29

1. Lines of confrontation marked (ARTICLE II, paragraph 4 (a)).
2. Infrastructure restoration begins (Article IV).
3. Routes with Special Measures to Ensure Safe Passage are opened (Article V, paragraphs 2 and 3).
4. Withdrawal of Forces and Heavy Weapons begins (Article II, paragraphs 4 (b) and 4 (d), and Article II).
5. Confinement of Infantry to Barracks begins (Article IV, paragraph 6).
6. Monitoring of Borders begins (Article III).

Phase Four: D + 29 to D + 60

Continued withdrawal of forces to their respective regions. Demobilization of units. Area of Separation expanded (Article II, paragraph 4 (c)).

APPENDIX II

PROCEDURES FOR THE JOINT COMMISSION

1. The Joint Commission shall operate under the chairmanship of UNPROFOR. Each party shall designate the representative of its choosing, whether civil or military, to the Joint Commission. Deputies and assistants, civilian or military, may be present to assist their representatives.
2. Other than authorized members of each delegation, meetings of the Joint Commission shall be closed. Media may be present only by express agreement of each Party.
3. Each Party's representative shall be authorized to act fully on behalf of that Party and to take decisions with respect to implementation of this Agreement.
4. The Joint Commission shall meet when and where UNPROFOR decides, in consultation with the Parties.

5. Decision of the Joint Commission shall be taken by consensus. UNPROFOR may decide certain matters that it deems principally within its competence, in consultation with the concerned Parties.
6. UNPROFOR shall report on the proceedings of the Joint Commission to the United Nations, through the Special Representative of the Secretary-General for the Former Yugoslavia.
7. These procedures shall guide the operation of Regional Joint Commissions and other implementing bodies. Amendments to these procedures may be made by UNPROFOR in consultation with the Parties.

Part 3

Amendments to the 11 August 1993 Military Agreement for Peace in Bosnia and Herzegovina

The Military Agreement for Peace in Bosnia and Herzegovina, which was concluded by the military commanders of the parties in Sarajevo on 11 August 1993 and which is set out in Part 2 of the Present Appendix, is hereby amended as follows:

1. Article/, sub-paragraph 3 (b), to read as follows: (b) establishment of a Joint Commission for the Sarajevo District and other Regional Joint Commissions, which shall operate in accordance with the procedures set out in Appendix II;
2. Article//, sub-paragraph 4(c), to read as follows: (c) The Areas of Separation shall be increased over time by the continued withdrawal of the forces of the Parties to their respective regions, in consultation with UNPROFOR in the Joint Commission. As this progressive withdrawal takes place, a number of units shall demobilize. Sarajevo District and Pale Opstina shall be demilitarized. UNPROFOR, in consultation with the Joint Commission, shall monitor the process of agreed demobilization and demilitarization.
3. Entry-Force Clause: delete paragraph (b).
4. Appendix/, first paragraph, to read as follows: D Day = Seven days after midnight (New York time) of the day on which the Security Council approves the arrangements implementing the Military Agreement of 11 August, as amended.
5. Appendix/, second paragraph, paras. 1 and 2 to read as follows: 1. Full Ceasefire observed (Article II, paragraph 2,) 2. Declaration of forces provided (Article II, paragraph 3.)
6. Appendix/, third paragraph, para. 4, to read as follows: 4. Withdrawal of Forces and Heavy Weapons begins (Article II, paragraphs 4(b), 4 (d) and 5.)

APPENDIX IV

PRELIMINARY AGREEMENT BETWEEN THE REPUBLIC OF CROATIA AND THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA FOR IMPLEMENTING THE 1965 CONVENTION ON TRANSIT TRADE OF LAND-LOCKED STATES

The Republic of Croatia and The Union of Republics of Bosnia and Herzegovina,

Considering that, as successors of the Socialist Federal Republic of Yugoslavia which had been party to the Convention of Transit Trade of Land-Locked States concluded in New York on 8 July 1965 (hereinafter the "Convention"), the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina should apply between them the provisions of the Convention,

Further considering that the Union of Republics of Bosnia and Herzegovina is to be considered a "land-locked State" within the meaning of that Convention and that with respect to Bosnia and Herzegovina the Republic of Croatia is a "transit State" within the meaning of the Convention,

Desiring to conclude an agreement, on a basis of reciprocity - in accordance with Article 3(1) (a) of the Convention on the High Seas quoted in the Preamble of the Transit Trade Convention and with Article 15 of that Convention – to establish, as foreseen in paragraph 2 of Article 2 of the Convention, the rules governing traffic in transit and the use of means of transport passing across Croatian territory between the territory of the Union of Republics of Bosnia and Herzegovina and the Adriatic Sea, and when passing across territory of the Union of Republics of Bosnia and Herzegovina in transit between places of entry and exit which are both on Croatian territory, as well as to regulate other matters foreseen in the Convention,

Hereby agree as follows:

Article 1

- (a) Freedom of transit under the terms of this Preliminary Agreement shall be granted to both Parties on the basis of reciprocity.
- (b) The Croatian ports of Ploce and Rijeka are designated as those to which the Union of Republics of Bosnia and Herzegovina is to have access, as foreseen in the Convention, and the routes, by road and as appropriate by rail, between Ploce and Sarajevo and between Rijeka and Bihać are the ones as to which special rules are to be adopted.
- (c) The roads on the territory of the Union of Republics of Bosnia and Herzegovina:
 - (i) between the Croatian border near Velika Kladusa (via Cazin, Bihać, Kljuc, Jajce, Dinji Vakuf, Bugonjo, Jablanica and Mostar) and the Croatian border on the south, as well as the road between Bonji Vakuf (via Travnik) and Zenica where this road links with the road under (ii) below;
 - (ii) between Bosanski Brod (via Dervanta, Doboj, Zenica, Sarajevo and Mostar and the Croatian border in the south; shall be the ones to which the freedom of transit, in accordance with the Convention, shall be granted to the Republic of Croatia.
- (d) The same freedom of transit shall be granted to the Republic of Croatia on the so-called "Una railway line" on the territory of the Union of Republics of Bosnia and Herzegovina between Bosanski Novi (via Bihać) and the Croatian border on the south in the direction of Knin.
- (e) The reference to specific ports of Croatia and the roads and railway line within the Union of Republics of Bosnia and Herzegovina, and specific points of entry from Croatia and the Union of Republics of Bosnia and Herzegovina and from Bosnia and Herzegovina to Croatia, are not intended to exclude the facilitation by both states of transit trade through other ports of entry.

Article 2

The Parties shall immediately start negotiating, with a view to concluding by 1 December 1993, an agreement relating to all aspects of the implementation of the Convention and this Preliminary Agreement, covering in particular the following subjects:

1. Specification of the primary routes, by road as well as by rail, from the ports to the cities specified in Article I (a);
2. Rules governing the means of transport over the routes and the railroad specified in Article I (Art. 2 (2) of the Convention);
3. Facilities existing, or to be built, within the specified ports that are to be specially dedicated to traffic of the Union of Republics of Bosnia and Herzegovina might be permitted to operate and develop with the consent of the Republic of Croatia;
4. Possible imposition of special transit dues, tariffs or charges (Arts. 3 and 4 of the Convention)
5. Special customs and other measures to facilitate transit trade (Art. 5 of the Convention);
6. Condition of storage of goods in transit (Art. 6 of the Convention);
7. Possible establishment of free zones in the designated ports (Art. 8 of the Convention);
8. Exceptions on grounds of public health, security and protection of intellectual property (Art 11 of the Convention);
9. Exceptions of the Agreement in time of war (Art. 13 of the Convention);
10. Application of the Agreement in time of war (Art. 13 of the Convention);
11. Settlement of disputes pursuant to Article 16 of the Convention.

Article 3

Pending the conclusion of the Agreement referred to in Article 2, the Republic of Croatia and the Union of Republics of Bosnia and Herzegovina shall facilitate, as far as it is possible, their mutual transit trade, as defined in this Agreement.

DONE this --- day of --- 1993, in , in three copies, each in the English, Croatian and Serbian languages, which shall be equally authentic.

APPENDIX V

JOINT DECLARATION

Momir Bulatovic, Alija Izetbegovic, Radovan Karadzic and Slobodan Milosevic,

Accepting the principles of the London Conference and taking into account the solutions proposed by the Geneva Peace Conference on the constitutional arrangement of the future Union of Bosnia and Herzegovina,

Determined to immediately arrive at the cessation of hostilities and to create the conditions for peace in Bosnia and Herzegovina,

Convinced that the solution of this crisis has to be found through political, not military, means,

Prepared to immediately approach the normalization of relations with the Croatian people in the light of the solutions proposed by the Peace Conference in Geneva,

Have hereby agreed to:

|

1. Provide for the prompt cessation of all hostilities and military conflicts between the units of the Army of Bosnia and Herzegovina and the Bosnian Serb Army in accordance with the Agreement of 30 July, 1993, immediately and by no later than September 18, 1993 at 12.00 hours, and establish direct communication (hot lines) between military commanders at all levels.
2. Provide for the bilateral and unconditional disbanding of all detainee camps and for the release of detainees in territories under the control of the Army of Bosnia and Herzegovina and the Bosnian Serb Army immediately, commencing with the release of those detained in Tarcin (207 detainees) and Kula (207 detainees), and by no later than September 21, 1993, at 12.00 hours, and bilaterally assume the responsibility for their protection and care.
3. Create bilaterally the conditions for free and unhindered passage of all relief convoys and activities of humanitarian organisation, and the free and unhindered movement of all civilians.
4. Form a working group for the supervision and safeguarding of human rights in territories under the control of the Army of Bosnia and Herzegovina and the Bosnian Serb Army in accordance with the principles and proposed solutions of the Peace Conference on Bosnia and Herzegovina.
5. Form a working group for outstanding matters related to the territorial delimitation between the two Republics in the envisaged Union of Bosnia and Herzegovina, including the areas of Brcko, Bosanski Krajina, the Neretva Valley, Eastern Bosnia and the Ozren mountain, including the natural rights of the two Republics to access to the sea. This is in addition to the commitment already made to find a permanent solution to the governance of the Sarajevo District within two years. After reaching a mutually acceptable resolution to the territorial delimitation of the three republics within the Union, and during the initial two year period of the Union's existence, there shall be a provision for a referendum to be held on a mutually agreed date within the Republics of the Union of the question of whether citizens of any particular republic agree to remain in the Union or to leave the Union. In the case of a dissolution of the Union, all the rights of the Union of the Republics of Bosnia and Herzegovina, including membership of the United Nations, shall be automatically vested in the Republic with a predominantly Muslim majority.

II

In order to arrange stable relations and as a common contribution to regional peace the signatories have decided to form:

1. A working group to deal with humanitarian, status, material and other questions related to the position of refugees and displaced persons from Bosnia and Herzegovina;
2. A working group for the drawing up of agreements, including agreements in the use of power and port facilities, traffic arteries, communications and other economic potentials.

III

For the sake of a prompt, comprehensive and credible implementation of all the measures and activities envisaged in this Joint Declaration, the signatories have decided to appoint trustees having full authority and responsibility for the complete implementation of the accords envisaged in this Declaration.

Alija Izetbegovic has appointed as his trustee Haris Silajdzic.
Radovan Karadzic has appointed as his trustee Momcilo Krajisnik.

The signatories and the trustees will seek and secure the assistance and cooperation of international political, humanitarian and other organisations and factors for the sake of the comprehensive implementation of all measures envisaged in this Declaration, and in the interest of the establishment of permanent peace and stability in this part of the world.

To this end, it is agreed that the three Bosnian Parties will be invited by the Co-Chairmen of the International Conference on the Former Yugoslavia to meet on Tuesday 21 September at 11 am at Sarajevo Airport to consider signing the peace package as a whole, which includes The Agreement Relating to Bosnia and Herzegovina (Geneva, September 1993), with this Joint Declaration and the Joint Declaration signed on Tuesday 14 September by the Croats and the Muslims annexed to the Peace Package. The Co-Chairmen will, in the intervening days, seek further agreement by shuttling among the parties in the former Yugoslavia.

[Done at Geneva on 16 September 1993. The undersigned are Momir Bulatovic, Alija Izetbegovic, Radovan Karadzic, and Slobodan Milosevic: and, as witnesses, Thorvald Stoltenberg and David Owen.]

APPENDIX VI

JOINT DECLARATION

The Presidents of the Republic of Croatia Dr. Franjo Tuđman and of the Presidency of the Republic of Bosnia and Herzegovina Mr. Alija Izetbegović,

Accepting the principles of the London Conference and taking into account the solutions proposed by the Geneva Peace Conference on the constitutional arrangement of the future Union of Bosnia and Herzegovina,

Taking into account the historical interests of the Croatian and Muslim peoples,
Determined to immediately arrive at the cessation of hostilities and to create the conditions for peace in Bosnia and Herzegovina,

Convinced of the need for a continuous strengthening of confidence between the Croatian and Muslim peoples, and for efficient steps in that regard,

Prepared to immediately approach the normalisation of relations with the Croatian people in the light of the solutions proposed by the Peace Conference in Geneva,

Have hereby agreed to:

I

1. Provide for the prompt cessation of all hostilities and military conflicts between the units of the Army of Bosnia and Herzegovina and the HVO in accordance with the Agreement of 30 July, 1993, immediately and by no later than September 18, 1993 at 12.00 hours.
2. Provide for the bilateral and unconditional disbanding of all detainee camps and for the release of detainees in territories under the control of the Army of Bosnia and Herzegovina and HVO immediately, and by no later than September 21, 1993, at 12.00 hours and bilaterally assume the responsibility for their protection and care.
3. Create bilaterally the conditions for free and unhindered passage of all relief convoys and activities of humanitarian organisations.
4. Form a working group for the supervision and safeguarding of human rights in territories under the control of the Army of Bosnia and Herzegovina and the HVO in accordance with the principles and proposed solutions of the Peace Conference on Bosnia and Herzegovina.
5. Form a working group for matters related to the territorial delimitation between the two Republics in the envisaged Union of Bosnia and Herzegovina, including the access to the sea, as a matter of common developmental interest.
6. Form a working group for drawing up and monitoring the implementation of comprehensive measures for building and enhancing confidence and coexistence between the Croatian and Muslim peoples, including media and other activities and programmes aimed at overcoming distrust.

II

In order to arrange stable relations between the two states as a common contribution to regional peace, the President Dr Franjo Tuđman and Mr Alija Izetbegović have decided to form:

1. A working group to deal with humanitarian, status, material and other questions related to the position of refugees and displaced persons from Bosnia and Herzegovina in the Republic of Croatia, and their return to Bosnia and Herzegovina;
2. A working group for the drawing up of interstate agreements, including agreements in the use of power and port facilities, traffic arteries, communications and other economic potentials. The two Presidents have agreed that they would bring their influence to bear in providing for the appropriate support of international political and financial organisations in the reconstruction and development of the two States.

III

For the sake of a prompt, comprehensive and credible implementation of all the measures and activities envisaged in this Joint Declaration, the Presidents Dr Franjo Tudjman and Mr Alija Izetbegovic have decided to appoint their personal trustees having full authority and responsibility for the complete implementation of the accords envisaged in this Declaration.

The President Dr. Franjo Tudjman has appointed, as his trustee, Dr. Mate Granic, Vice Premier and Minister of Foreign affairs of the Republic of Croatia.

The President Mr. Alija Izetbegovic has appointed as his trustee Haris Silajdzic, Minister of Foreign Affairs of Bosnia and Herzegovina.

The Presidents and their personal trustees will seek and secure the assistance and cooperation of international political, humanitarian and other organizations and factors for the sake of the comprehensive implementation of all measures envisaged in this Declaration, and in the interest of the establishment of permanent peace and stability in this part of the world.

[Done at Geneva on 14 September 1993. The undersigned are the President of the Republic of Croatia, Dr. Franjo Tudjman, and the President of the Presidency of Bosnia and Herzegovina, Mr. Alija Izetbegovic. The Declaration was agreed upon and adopted in the presence of, on behalf of the Republic of Croatia, Mr. Hrvoje Sarinic, Dr. Zeljko Matic, Dr. Miomir Zuzul, and Mr. Hidajet Biscevic; and, on behalf of the Republic of Bosnia and Herzegovina, Dr. Haris Silajdzic, Dr. Ejup Ganie, Dr. Muhamed Filipovic, and Dr. Ivo Komsic.]

APPENDIX VII

AGREEMENT BETWEEN THE REPUBLIC OF CROATIA AND THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA GRANTING THE UNION ACCESS TO THE ADRIATIC THROUGH THE TERRITORY OF THE REPUBLIC OF CROATIA

The Republic of Croatia and The Union of Republics of Bosnia and Herzegovina,

Considering that it is desirable that the Union of Republics of Bosnia and Herzegovina (hereinafter the "Union") and in particular the Muslim majority Republic have assured and unrestricted access to the Adriatic Sea on the surface and in the air through and over the territory of the Republic of Croatia (hereinafter "Croatia"),

Hereby agree as follows:

Article I

- (a) Croatia shall lease to the Muslim majority Republic for the duration of this Agreement the plot of land within the Port of Place, including the docks and the parts of the harbour pertaining thereto described in Annex A hereto (hereinafter referred to as the "Leased Area").
- (b) Croatia agrees that the Leased Area shall enjoy the status of a free zone in which no duties or taxes imposed by Croatia shall apply.

Article 2

- (a) Croatia shall allow access to and from the Leased Area:
 - (i) By ships from the Adriatic Sea, through the territorial waters of Croatia, subject to such ships complying with any applicable international regulations;
 - (ii) By ships or barges up the Neretva River up to the point where that River enters the territory of the Muslim majority Republic;
 - (iii) By railroad on the line between Place to Sarajevo up to the point where that railroad line enters the territory of the Union;
 - (iv) By road between Place to Sarajevo up to the point where that road enters the territory of the Union.
- (b) Ships, barges, railroad cars and trucks and other road vehicles using the routes referred to in paragraph (a) that carry the flag of the Union or are marked by an emblem of the Union or of the Muslim majority Republic shall not be entered or inspected by any public authority of Croatia.
- (c) Limits in the sizes and specification of the characteristics of the ships, barges, railroad cars, and trucks and other road vehicles referred to in paragraph (b) and of the volume of traffic in the routes referred to in paragraph (a) may be set by the Joint Commission established in accordance with Article 4.
- (d) Should the limits set in accordance with paragraph (c) restrict the volume of traffic that the Muslim majority Republic considers it necessary to maintain, then it may, at its cost and in accordance with plans approved by the Joint Commission, arrange for the capacity of the routes referred to in paragraph (a) to be increased.
- (e) With respect to any traffic or persons or goods carried out pursuant to this Article, - all responsibilities for compliance with international laws and obligations shall be assumed by the Muslim majority Republic or the Union.

Article 3

Croatia grants to the Union and in particular to the Muslim majority Republic the right to authorize any types of aircraft to overfly the territory of Croatia, including its territorial waters, along the

corridor specified in Annex B hereto, subject to such aircraft complying with any applicable international air traffic regulations.

Article 4

- (a) The Parties hereby establish a Joint Commission to assist in implementing the present Agreement by:
- (i) establishing any rules and standards required for implementing the Agreement, and in particular Article 2 (c), including for any construction;
 - (ii) arrange for any monitoring required to prevent abuses of the Agreement;
 - (iii) settle, subject to Article 6, any disputes regarding the interpretation or the application of the Agreement.
- (b) Croatia and the Muslim majority Republic shall appoint three members each to the Joint Commission and they shall by joint agreement appoint three more members, one of whom shall be the Chairman, if no agreement can be reached on one or more of the joint appointments within three months, the Secretary General of the United Nations shall make those appointments at the request of either party.
- (c) The Joint Commission shall adopt its own rules of procedure. Its decisions shall require five concurring votes.

Article 5

The present agreement is without prejudice to any rights or obligations flowing from the Preliminary Agreement between the Parties hereto for implementing the 1965 Convention on the Transit Trade of Land-Locked States or any agreement that may be concluded between the Parties to implement or to supersede that Preliminary Agreement.

Article 6

Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party to the International Court of Justice.

Article 7

- (a) This Agreement shall remain in force for a period of 99 years, except as otherwise agreed by the Parties.
- (b) Should the Union be dissolved, it shall be succeeded as a Party to this Agreement by the Muslim majority Republic.

DONE this --- day of --- 1993, in ---, in three copies, each in the English, Croatian and Serbian languages, which shall be equally authentic.