

Protocol on the Organization of Sarajevo - Sarajevo, 25/10/96

Federation Forum Meeting

Protocol on the Organization of Sarajevo

We, the undersigned, have agreed upon the following basic principles concerning the future organizational structure of Sarajevo. These principles shall, before being introduced at Assembly level, serve as a basis for discussions within a broader group consisting of the representatives of parliamentary parties in the Canton of Sarajevo and the representatives of the Sarajevo Serbs in accordance with the Rome Statement of 18 February 1996.

1. In line with paragraph 11 of the Petersberg Declaration of 25 April 1996, in the overarching Canton of Sarajevo will be formed the City of Sarajevo and the State District, the latter being under the direct governance of Bosnia and Herzegovina.
2. The Canton of Sarajevo is composed of the nine Municipalities of Stari Grad, Centar, Novo Sarajevo, Novi Grad, Hadzici, Ilijas, Ilidza, Trnovo and Vogosca. The City of Sarajevo, as a self-governing unit is composed of the four Municipalities of Stari Grad, Centar, Novo Sarajevo and Novi Grad.
3. The State District shall comprise the premises of the institutions of Bosnia and Herzegovina, especially the Presidency, Government (Council of Ministers), Parliamentary Assembly, Constitutional Court, Central Bank and Commission on Human Rights. The inclusion of areas of the Republika Srpska into the District shall be discussed with the representatives of the Republika Srpska. The District shall not be subject to the jurisdiction of either Entity. It shall be governed by the State institutions of Bosnia and Herzegovina. Its statute shall be adopted by the Parliamentary Assembly of Bosnia and Herzegovina. It shall have its own small State police force for securing the institutions of Bosnia and Herzegovina in the District.
4. The City of Sarajevo shall, in accordance with the principles outlined in Amendment XVII to the Federation Constitution have the following competencies: city finances, public services/infrastructure (such as water, sewage, garbage collection, heating, gas, markets, public parks, fire brigade, local health services, sports installations, graveyards), urban planning/ local land use, public transport, culture, primary and secondary education, local business, charitable organizations, local radio and television, and local tourism. The City shall be responsible for all executive aspects of housing policy (such as allocation of apartments, planning, building and maintenance of publicly owned buildings, as well as the decision on the level of rents).
5. Bosniaks, Croats and the group of the Others shall each be guaranteed a minimum of 20 % of seats in the City Council, regardless of election results. The City Council shall be constituted within two weeks after signature of this Protocol. At least one Deputy of the Mayor and of the Chairman of the City Council shall be a Croat and a representative of the Others. In the City Government, Bosniaks, Croats and the group of the Others shall each receive a guaranteed minimum of 15 to 20 % of positions. On lower levels, the distribution of posts must be done in an equally equitable manner, so as to secure the special multiethnic character of the City of Sarajevo also in its administration.
6. In the City Council, the following issues shall be of 'vital national interest': culture, education, religion and national monuments. In these fields, paragraph 7, sentence 2, and paragraph 8 shall apply. There are no automatic 'vital national interest' in other fields. As an exceptional rule, in the fields of housing affairs, infrastructure/ public services and local land use, a specific

decision might effect the 'vital national interest' of the Bosniaks, Croats and the group of the Others. In such a case, the group concerned has to present convincing substantiated evidence for its 'vital national interest' being infringed upon. On the basis of such evidence, paragraph 7, sentence 2, and paragraph 8 shall apply in an analogous way.

7. The Municipal Councils of the Municipalities forming the City shall each nominate 7 delegates to the City Council. Legislative decisions in the City Council in a field of 'vital national interest' shall require a majority including at least 4 Council members from the Bosniaks, Croats and the group of the Others, respectively.
8. If there is no agreement whether or not a decision is of 'vital national interest' as defined in paragraph 6, a commission of three eminent persons shall take a binding majority decision on the matter within 24 hours. The commission shall be composed of one representative of each constituent people, to be elected by the Croat and Bosniak members, respectively, of the City Council at the beginning of each legislative period, and of an eminent judge, jointly to be chosen by the two elected members within 48 hours after their own election. If, within this time frame, they cannot reach agreement on the election of the third member, the Constitutional Court of the Federation of Bosnia and Herzegovina shall, within a further period of 48 hours, choose the third member.
9. The following competencies shall be at the level of the present four Municipalities within the City: activities in the field of social affairs, the land registry (cadastre), the registry of births, deaths, marriages as well as certain functions that may eventually be transferred from the Federation Ministry of the Interior, e.g. the registration of persons.
10. In order to ensure the proper functioning of the City public services and enterprises, which comprise to a large extent objects situated in Ilidza and other Municipalities, outlying Municipalities shall be obliged by legislation not to hinder or to interfere with the operation of these services and enterprises by the City. This shall pertain to public services dealing with the water supply, sewage, public transport and other public services. The City undertakes to supply neighbouring Municipalities with such services as agreed upon. The Municipalities will participate in the financing of these services to the extent that they benefit from them.
11. At the level of Municipalities within the Sarajevo Canton, a representative of the second strongest population group shall be Chairman of the Municipal Council, provided that this population group counts at least 10 % of the total population of the Municipality.
12. At the Canton level, the President and the Vice President, as well as the Chairman of the Assembly and his Deputy, shall not come from the same constituent people. In the Ministries of Interior and Housing Policy, the Minister and his Deputy shall not come from the same constituent people. These Ministers and their respective Deputies have the obligation to work together and to closely consult each other before taking any important decision. There shall be equitable representation from all peoples living in Sarajevo throughout all levels of the Cantonal judiciary and executive.
13. The Federation partners shall jointly present the draft law on Internal Affairs elaborated by the International Police Task Force (IPTF), as endorsed by the President and the Vice President of the Federation, and the Principal Deputy High Representative, to the Cantonal Assembly for adoption without further delay. Cantonal legislation on Housing Affairs shall be elaborated jointly by the competent Ministers, their Deputies and the Office of the High Representative, to be adopted by the Assembly without delay.
14. The basic principles of the organizational structure of Sarajevo shall be contained in Amendment XXIV to the Federation Constitution, to be passed by the Federation Assembly. Details shall be regulated by the Cantonal Constitution, by Cantonal legislation and by the City Statute. The constitutions shall be amended and the City Statute adopted within one month after signature of this Protocol.
15. These arrangements shall be reviewed by the Federation partners at the end of the current Cantonal legislation period. Should they fail to reach agreement on a permanent solution until

the constitution of the next elected Cantonal Assembly, the issue will be submitted to the Co-chairmen of the Special Group for final decision. Any Federation partner may, at any time, if he judges that this solution has led to an institutional blockade at the city level, submit the issue to the Co-chairmen of the Special Group for reconsideration.

Sarajevo, 25 October 1996

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of Bosnia and Herzegovina

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Ambassador Michael Steiner
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