

PART THREE:
COMMON PROVISIONS

Chapter XI Human Rights and Fundamental Freedoms

Article XI.1 General

The application of the highest level of internationally recognized human rights and fundamental freedoms provided in the Constitution of the Republic of Croatia, in the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, and in the instruments listed in Annex B shall be ensured throughout Croatia. In particular:

1. All persons within the Republic of Croatia shall enjoy the rights:

(a) To life;

(b) To liberty, with arrest and detention authorized only by law;

(c) To equality before the law;

(d) To freedom from discrimination based on race, colour, sex, language, religion or creed, political or other opinions, and national or social origin;

(e) To fair criminal proceedings;

(f) To freedom from torture and cruel or inhuman treatment or punishment;

(g) To privacy;

(h) To freedom of movement;

(i) To asylum;

(j) To protection of the family and of children;

(k) To property;

(l) To fundamental freedoms: free speech and press; freedom of thought, conscience, and belief; freedom of religion, including private and public worship; freedom of assembly; freedom of association, including to form and belong to labour unions and the freedom not to associate; and freedom to work;

(m) To education;

(n) To social protection;

(o) To health;

(p) To nutrition;

(q) To shelter; and

(r) To protection of minorities and vulnerable groups.

2. All citizens of the Republic of Croatia shall enjoy the rights:

(a) To form and belong to political parties;

- (b) To participate in public affairs;
- (c) To have equal access to public service; and
- (d) To vote and stand for election.

Article XI.2 Return of Refugees and Displaced Persons

All refugees and displaced persons have the right to return freely to their homes of origin.

Article XI.3 Citizenship

1. Any person who was a citizen of the Socialist Republic of Croatia within the Socialist Federal Republic of Yugoslavia on 21 December 1990 shall as of that date be considered as a citizen of the Republic of Croatia.

2. Dual citizenship shall be allowed:

(a) No citizen of the Republic of Croatia shall, without his consent, be deprived of that citizenship merely by acquiring the citizenship of the Federal Republic of Yugoslavia;

(b) No citizen of the Federal Republic of Yugoslavia shall solely by reason of that citizenship be prevented from acquiring the citizenship of the Republic of Croatia or be required to renounce the former citizenship as a condition of acquiring the latter.

Article XI.4 Restoration of or Compensation for Lost Property

All persons shall have the right, to be implemented in accordance with legislation of the Republic of Croatia and, as applicable, the Krajina, to have restored to them any property of which they were deprived in the course of ethnic cleansing or other unlawful acts and to be compensated for any property which cannot be restored to them. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as null and void.

Article XI.5 Compliance of Governmental Organs

All governmental organs and administrative agencies of the Republic of Croatia and of the Krajina shall apply and conform to the rights and freedoms provided in the Constitution and the Constitutional Law referred to in Article XI.1, and to those otherwise specified in the present Chapter, or in instruments listed in Annex B.

Article XI.6 Human Rights Treaties

1. The Republic of Croatia shall as soon as possible become a party to each of the international treaties listed in Annex B.

2. All governmental organs and administrative agencies of the Republic of Croatia and of the Krajina shall cooperate with any supervisory bodies established by any of the instruments listed in Annex B.

Article XI.7 Human Rights Court

The Republic of Croatia shall make arrangements with the Council of Europe for the establishment of a Human Rights Court of Croatia in accordance with Resolution 93(6) of the Committee of Ministers of the Council and as specified in Annex C hereto.

Article XI.8 Ombudsmen

The Government of the Republic of Croatia shall provide for the appointment of Ombudsmen to assist in implementing the rights and freedoms specified in this Chapter. For an initial period of at least three years and as long as appropriate legislation has not yet been adopted by the Croatian Sabor with the concurrence of the Serb Caucus of the Sabor, the provisions relating to the initial appointment and functions of the Ombudsmen shall be as set out in Annex D.

Chapter XII Self-Government and Administration of Areas with Minority Populations

Article XII.1 Minority Population Areas

Wherever in a village, municipality or town the majority of the population is Croat within the Krajina or Serb within any Part Two Area (herein a "minority population area"), the provisions set out in this Chapter shall apply in order to ensure the maximum degree of self-government for such local majority.

Article XII.2 Boundaries of Minority Population Areas

1. Notwithstanding any provision of the Law on Local Self-Government and Administration of 29 December 1992 (herein the "Self-Government Law") or the Law on the Territories of Counties, Cities and Municipalities of the Republic of Croatia of 29 December 1992, the boundaries of a minority population area shall be drawn so as to include as many members of the group for which the area is to be established without thereby reducing their proportion below 60%.
2. A minority population area may not consist of two or more non-contiguous areas.
3. In establishing the boundaries of minority population areas, account shall be taken of the views of persons who might be included or excluded from the area in question.
4. The boundaries of minority population areas may be changed as a result of an official census.
5. Disputes concerning the boundaries of minority population areas shall be resolved by the Special Constitutional Court established by Article XIII.1.

Article XII.3 Provisions Governing Minority Population Areas

1. The Self-Government Law shall apply to minority population areas, with the following exceptions:

(a) All minority population areas shall be considered as units of local government and self-government;

(b) All references to the Constitutional Court of the Republic of Croatia shall be deemed to be to the Special Constitutional Court established by Article XII.1.

(c) All appointment of officials of or serving in minority population areas, including teachers, shall be made as specified in the Constitution and applicable laws of Croatia, provided that when

such appointments are not made by the authorities of that area, then such authorities may file a reasoned objection with the appointing authority and if no solution satisfactory to both authorities can be found then the matter may be referred by either to the Special Constitutional Court. Appointments shall as far as feasible be made from among domiciliaries of the minority population area in which they are to serve, and the ethnic composition of each group of such officials shall as far as feasible reflect that of the area.

(d)Article 65 of this Law shall apply only if the local unit is part of the same minority population area as the municipality or town or city referred to in that Article.

(e)Articles 71 and 82, and the third paragraph of Article 83, of the Law shall not apply.

(f)The dismissal of the representative body of a local self-government unit in accordance with Article 81 or of a municipal prefect or mayor in accordance with the third paragraph of Article 83 may be appealed by those concerned to the Special Constitutional Court and if so appealed shall not take effect until that Court has so decided.

(g)The suspension of a general act pursuant to Article 80 of the Law may only be ordered, as a provisional measure, by the Special Constitutional Court.

(h)Disputes referred to in the second sentence of the second paragraph of Article 87 shall be submitted to the Special Constitutional Court.

2. Before submitting a dispute or matter to the Special Constitutional Court pursuant to paragraph 1 above, the authorities or parties concerned shall make an effort to resolve any difference by common agreement. The Court may at any time require that further efforts be made to that end.

Chapter XIII Special Constitutional Court for the Krajina and the Part Two Areas

Article XIII.1 Establishment, Competence and Procedures

1. There shall be established a Special Constitutional Court for the Krajina and the Part Two Areas (herein the "Special Constitutional Court" or the "Court") to which shall be submitted for final disposition all disputes arising under the present Agreement (excepting matters decided pursuant to paragraph 2 of Article XVII.1), including any disputes relating to the interpretation or implementation of any of the provisions of the Constitution of the Republic of Croatia, the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, or any other law and legislative decree amended or supplemented pursuant to the present Agreement or required for its implementation.

2. Except as otherwise provided by the present Agreement, disputes may be submitted to the Special Constitutional Court by the President of the Republic of Croatia or by its Prime Minister, by the President or the Legislature of the Krajina and by the Chairman of the Serb Caucus of the Sabor.

3. The Special Constitutional Court shall establish its own procedures, which may include provisions for the establishment of chambers and for the hearing of appeals from the decisions of such chambers.

4. All costs of the Special Constitutional Court, including that of the salaries of the Judges, which shall not be lower than those of the judges of the Constitutional Court of Croatia, shall be borne by the Republic of Croatia.

Article XIII.2 Composition

1. The Special Constitutional Court shall consist of:

(a) Two judges of the Constitutional Court of Croatia, designated by the President of that Court;

(b) Two judges of the highest or senior appellate court of the Krajina, designated by the President of that Court;

(c) Three judges who shall not be citizens of the Republic of Croatia or of any neighbouring state, appointed by the President of the Court of Justice of the European Union{6}.

2. The President of the Special Constitutional Court shall be elected by a majority of all the Judges of the Court, from among those appointed pursuant to subparagraph 1(c).

Chapter XIV Prosecutions Relating to Present Conflict

Article XIV.1 Domestic Prosecution

1. Neither the Republic of Croatia nor the Krajina shall prosecute, except as provided in paragraph 2, any person for crimes allegedly committed in connection with the conflict in Croatia after 1 August 1990.

2. Subject to paragraph 2 of Article XIV.2, prosecutions shall, however, be undertaken against any person accused of grave breaches of the Geneva Conventions of 1949, violations of the laws and customs of war, genocide or crimes against humanity{7} under any provisions of domestic law that permit such prosecution.

3. Trials of persons accused pursuant to paragraph 2 shall exclusively be conducted in a War Crimes Tribunal for Croatia which shall be established by and operate under the supervision of the Special Constitutional Court. Prosecution in the Tribunal may be conducted by prosecutors appointed for that purpose by either the Government of the Republic of Croatia or of the Krajina.

Article XIV.2 International Prosecution

1. All organs of the Governments of the Republic of Croatia and of the Krajina shall cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 established by resolution 827 (1993) of the Security Council of the United Nations, in collecting or allowing the Prosecutor of the International Tribunal to collect evidence of crimes within the jurisdiction of that Tribunal, in making available witnesses and accused persons, and in any other way requested by the competent authorities of the Tribunal.

2. Should the International Tribunal formally so request, the War Crimes Tribunal for Croatia shall defer to the competence of the latter Tribunal in respect to any proceeding.{8}

Chapter XV Amendment of Constitution and Laws of Croatia

Article XV.1 Adoption of Amendments

1. The Constitution of the Republic of Croatia, the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, as well as other laws and legislative decrees shall be amended or supplemented as specified in Annex E, in order to implement the provisions of the present Agreement.

2. The amendments and legislation required to be adopted by paragraph 1 shall enter into force no later than six months after the signature of the present Agreement.

Article XV.2 Further Changes in Amendments

The amendments and legislation adopted pursuant to Article XV.1, as well as existing provisions of the instruments referred to in paragraph 1 of Article XV.1 that are required for the implementation of the provisions of the present Agreement, shall not be amended or repealed without the approval of the Legislature of the Krajina and the concurrence of the Serb Caucus of the Sabor.

Chapter XVI Indivisibility of Croatia

Article XVI.1 No Change Intended

Nothing in the present Agreement shall be deemed to alter the indivisible nature of the Republic of Croatia specified in Article 1 of its Constitution.

Chapter XVII Final Clauses

Article XVII.1 Entry into Force and Implementation

1. The present Agreement shall enter into force after its signature on behalf of both parties, on a date one month after the entry into force of the amendments and legislation required to be adopted by paragraph 1 of Article XV.1 and the completion of the arrangements with the Council of Europe specified in Article XI.7.

2. Any questions concerning the time-table for or the methods of implementing the provisions of the present Agreement may be decided by an Implementation Commission consisting of one representative each of the Russian Federation, of the United States of America, of the United Nations and of the European Union, the latter two to be appointed by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.{9}

Article XVII.2 Languages

The present Agreement shall be concluded in the English, Croat and Serb languages. In cases of inconsistencies, the English text shall prevail.

DONE THIS _____ day of _____ 1995, at _____, in three copies.{10}

A N N E X A

MAP 1: BOUNDARIES OF THE KRAJINA (Article I.1)

Article 1 Map

The boundaries of the Krajina shall be as indicated on the Map below.{11}

Article 2 Boundary Demarcation Commission

1. A Boundary Demarcation Commission shall be established for the physical demarkation of those parts of the boundaries of the Krajina that do not constitute an international border.

2. Not later than six months after the entry into force of the present Agreement, the President of the Republic of Croatia and the President of the Krajina shall each appoint one member of the Boundary Demarcation Commission. A third member, who shall be the Chairman of the Commission, shall be appointed by the two Presidents acting jointly or, if they are unable to agree, by the President of the Special Constitutional Court at the request of the President of either the Republic of Croatia or of the Krajina; the Chairman of the Commission shall not be a citizen of the Republic of Croatia.

MAP 2: BOUNDARIES OF THE Eastern Area
(Article IX.1, paragraph 1)

Article 1 Map

The boundaries of the Eastern Area shall be as indicated on the Map below.

A N N E X B

LIST OF HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED
INTO THE PRESENT AGREEMENT
(Article XI.1)

- 1.1948 Convention on the Prevention and Punishment of the Crime of Genocide
- 2.1948 Universal Declaration of Human Rights
- 3.1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
- 4.1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Protocols thereto
- 5.1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
- 6.1957 Convention on the Nationality of Married Women
- 7.1961 European Social Charter and the Protocol 1 thereto
- 8.1961 Convention on the Reduction of Statelessness
- 9.1965 International Convention on the Elimination of All Forms of Racial Discrimination
- 10.1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols thereto
- 11.1966 International Covenant on Economic, Social and Cultural Rights
- 12.1979 International Convention on the Elimination of All Forms of Discrimination against Women
- 13.1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief
- 14.1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment

15.1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

16.1989 Convention on the Rights of the Child

17.1990 Convention on the Rights of Migrant Workers and Members of their Families

18.1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Part IV

19.1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10-13

20.1992 [UN] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

21.1992 European Charter for Regional and Minority Languages

A N N E X C

COMPOSITION AND COMPETENCE OF THE HUMAN RIGHTS COURT OF CROATIA (Article XI.7)

Article 1 Council of Europe resolution

The Human Rights Court of Croatia (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 Composition

1. The Court shall initially consist of nine Judges:

(a) Two of the Judges shall be appointed by the High Judiciary Council of Croatia;

(b) One of the Judges shall be appointed by the corresponding organ of the Krajina;

(c) One of the Judges shall be appointed by the President of the Special Constitutional Court after consultation with representatives of other national and ethnic communities or minorities.

(d) Five of the Judges shall be appointed by the Committee of Ministers of the Council of Europe in accordance with the above-cited resolution. These Judges may not be citizens of the Republic of Croatia nor of neighbouring States.

2. The Judges appointed under sub-paragraphs 1(a)-(c) shall serve until age 70 and may only be removed, for cause, by a consensus of all the other Judges of the Court.

3. If the Court concludes that its business requires the participation of more Judges to avoid undue delays in the disposition of cases, the Government of the Republic of Croatia shall make arrangements with the Council of Europe for the appointment of additional Judges, in accordance with the above-specified procedures and proportions.

Article 3 Procedures and Organization

1. The Court shall regulate its own procedures and organization.
2. Each panel of the Court is to have the composition specified for the Court in paragraphs 1 and 2 of Article 2 of the present Annex.
3. The equality of the parties shall be ensured in every proceeding.
4. The Court shall allow written and oral pleadings in every proceeding pursuant to Articles 5 to 7 of the present Annex.

Article 4 Competence

The competence of the Court shall extend to any question concerning a constitutional or other legal provision of the Republic of Croatia or of the Krajina relating to human rights or fundamental freedoms, including those in the present Agreement or in any of the instruments listed in Annex B hereto.

Article 5 Submission of Appeals

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

Article 6 Appeals of Protracted Proceedings

1. 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 Republic of Croatia or of the Krajina.
2. The Court shall decide whether to accept such an appeal after a preliminary consideration of whether the proceeding in such other court had been pending too long and whether the subject of the appeal is within its competence.

Article 7 Stated Questions

Any appellate court of the Republic of Croatia or of the Krajina 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 relates to any matter within the competence of the Court. The response of the Court is binding on the requesting court.

Article 8 Duration

The Court shall continue to function until the Republic of Croatia becomes a party to the European Convention on Human Rights and Fundamental Freedoms, unless the Council of Europe mechanism referred to in article 1 of the present annex ceases at some earlier date to be in force in respect of the Republic of Croatia.

A N N E X D

Initial Appointment and Functions of the Ombudsmen (Article XI.8)

I. GENERAL PROVISIONS

Article 1 Functions of Ombudsmen

1. The Ombudsmen are to protect human dignity, rights and freedoms as provided in any constitutional or other legal provision of the Republic of Croatia or of the Krajina relating to human rights or fundamental freedoms, including those in the present Agreement or in any of the instruments listed in Annex B hereto, and in particular shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.
2. In carrying out their functions, the Ombudsmen must be guided by law and by the principles of morality and justice.

Article 2 Individual Functioning

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 Independence

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

Article 4 Appointment

1. There shall be four Ombudsmen: two Croat, one Serb, and one for other national or ethnic communities or minorities. Until the Croatian Sabor adopts, with the concurrence of the Serb Caucus of the Sabor, a law relating to the appointment and functioning of the Ombudsmen, these shall be appointed and may be removed by the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE).
2. Each of the Ombudsmen shall, with the approval of the High Judiciary Council of Croatia, appoint one or more deputies.
3. 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 of Croatia.
4. Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefor by the High Judiciary Council of Croatia.

II. THE COMPETENCE AND THE POWERS OF THE OMBUDSMEN

Article 5 Organs and Entities Subject to Monitoring

The Ombudsmen may follow the activities of any organ of the Government of the Republic of Croatia and of the Government of the Krajina, or of any governmental units subordinate thereto, as well as of any 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 Powers

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 Maintenance of Confidentiality

The Ombudsmen, their deputies and any other person who carries out inquiries pursuant to article 6 above, are required to maintain the secrecy of whatever they learn 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 Annual and Special Reports

1. Each Ombudsman shall present an annual report to the President of the Republic of Croatia and to the President of the Krajina, to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and the Chairman-in-Office of CSCE. These reports shall be published.
2. An Ombudsman may also present at any time special reports to any competent authorities.

IV. REGULATIONS OF THE OMBUDSMEN

Article 9 Adoption of Regulations

Each Ombudsman shall draw up, or the Ombudsmen may collectively draw up, regulations that specify their organization and the method of exercising their functions, which shall be promulgated in the Official Journal of the Republic of Croatia. These regulations may be changed by a law adopted by the Croatian Sabor with the concurrence of the Serbian Caucus of the Sabor.

A N N E X E

Texts of Agreed Amendments to Croatian Constitution and
of Legislation to Implement the Present Agreement
(Article XV.1)

[To be prepared, in the course of negotiating the Agreement]

A N N E X F

Transitional Governance of the Eastern Area
(Article IX.1, para. 1)

1. No military forces except those of the United Nations or of any other international agency invited by the Security Council shall be in the Eastern Area. Any military forces in the Area at the

time of the establishment of the UN administration shall immediately be disbanded. The UN Administrator shall, in accordance with paragraph 7 below, organize the police to function in the Area.

2. The Secretary-General of the United Nations shall, after consultation with the parties hereto, appoint an Administrator for the Eastern Area, whom the Secretary-General may replace at any time.

3. The Administrator shall exercise all executive functions in respect of the Eastern Area, in addition to such other functions as are specified herein.

4. The Administrator shall establish an Advisory Council, to which he may initially appoint local official functioning in the area and the representatives of refugees and displaced persons from the area, which shall be replaced, as soon as feasible, by persons elected according to a procedure that the Administrator shall determine. He shall consult with such Council in carrying out his responsibilities.

5. The Administrator shall establish, and may from time to time change, the boundaries of local administrative districts, as well as the system of local governance, including courts and administrative agencies, taking account as far as he considers appropriate of the relevant provisions of the Constitution and legislation of the Republic of Croatia.

6. Except as otherwise determined by the Administrator, the law applicable during the period of UN administration shall be that applicable in other parts of the Republic of Croatia.

7. In accordance with the provisions of the present Agreement, to help facilitate the return of refugees and displaced persons in security, the Administrator shall organize and control a uniformed police force, which shall as soon as possible come to have a proportionally balanced ethnic composition; for this purpose the Administrator shall employ, as soon as feasible, as many non-Serb (Croat and other) police as necessary. He may in this respect be assisted by police forces or advisers made available at the request of the United Nations.

8. The international border of the Eastern Area shall during the period of UN administration be monitored by Croatian customs officials working in cooperation with military and police forces under the control of the Administrator.

9. The costs of any international elements of the UN administration shall be borne by the United Nations. All other costs of governance shall be borne by the Republic of Croatia or by the resources of the Eastern Area, for which purpose the Administrator may raise appropriate taxes and other revenues. During the period of UN administration, the Republic of Croatia may raise, with the consent of the Administrator, taxes in the Eastern Area and from its domiciliaries, for the expenses of the Eastern Area and for other purposes, provided that the proportional tax burden in the Area and on its domiciliaries does not exceed that in other parts of the Republic of Croatia.

FOOTNOTES*****

{1} This territory will be a single continuous territory comprising the Serb majority areas of the United Nations Protected Areas (UNPAs) Sectors North and South, as defined in the 1991 census, with due consideration to geographic and economic factors.

{2} Although the Croatian term for "county" is "zupanja", the Krajina Government shall not be obliged to use the latter term.

{3} In accordance with paragraph 2 of Article VI, the Krajina will be entitled to six members of the Chamber of Counties; the transitional arrangement here proposed would temporarily add two seats for Sector East and one seat for Sector West.

{4} This provision conforms to the final paragraph of Article 18 of the Constitutional Law on

Human Rights, etc. of Croatia.

{5} It is understood that neither the Croatian Government nor that of the Krajina can object to the deployment of UN forces.

{6} The President of that Court would have to be approached before the present Agreement is completed to determine whether he will assume that task. If not, other officials who might be approached are the President of the ICJ, the President of the European Court of Human Rights or the Chairman-in-Office of CSCE.

{7} These are the same crimes to which the competence of the International War Crimes Tribunal for Former Yugoslavia extends pursuant to Articles 2-5 of the Tribunal's Statute.

{8} Based on paragraph 2 of Article 9 of the Statute of the International War Crimes Tribunal for Former Yugoslavia.

{9} It is envisaged that the Implementation Commission may be a continuation of the existing group that cosponsored the 29 March 1994 ceasefire agreement negotiations and the negotiating process for subsequent stages, including the preparation of this text.

{10} One each for the two parties and one for the United Nations.

{11} As indicated in footnote 1, the territory of the Krajina is to be a single continuous territory comprising the Serb majority areas of UNPAs Sectors North and South, as defined in the 1991 census, with due consideration to geographic and economic factors.