

*"Together for Yugoslavia" Coalition & Democratic Opposition of  
Serbia (DOS)*

*Proceeding Points for a Joint Platform on Constitutional Restructuring  
of the Federal Republic of Yugoslavia*

A new constitutional order based on the sovereign will of the citizens of Montenegro and Serbia should provide a durable and legitimate foundation for their future coexistence in the common state. Also, it is to establish a federal and democratic polity and create conditions for the freedoms and rights of citizens to be exercised, the protection of national minorities guaranteed and for two member states to be equal. The new constitutional order shall also create all prerequisites for the common state to join regional and European integration processes.

The common state of Montenegro and Serbia shall be based on the following principles of legitimacy:

- the sovereign will of the citizens of Serbia and Montenegro,
- the historic statehood tradition of Serbia and Montenegro,
- century-old long cultural, political and economic ties between Montenegro and Serbia,
- the commitment of citizens to build their common state on the principles of the rule of law, in which basic rights and freedoms, along with the rights of national and ethnic communities, shall be consistently protected and power limited by legal principles and rules,
- the commitment of Montenegro and Serbia to achieve full international affirmation of both the common state and the member states through the harmonised activity of the common state, which will also pave the way for its efficient entry into the modern regional and European integration trends.

The common state shall have the form of a federation, composed of two member states that shall have the status of federal units.

Proceeding from these principles of legitimacy, a viable constitutional system of the common state is to be established for the welfare and benefit of all its citizens.

*1. Powers of the Common State*

The common state of Montenegro and Serbia (the Federal Republic of Yugoslavia) shall have the powers stemming from the consensual will of the member states, expressed in the Federal Constitution. The following powers are proposed:

- guarantees for the basic rights and freedoms of citizens and protection of special rights of national and ethnic communities,
- a single foreign policy and the possibility provided for by the Constitution that the member states can establish international cooperation on an individual basis,
- a single defense system and shared border control, with the parliamentary control of defense forces,
- single market, customs, monetary and foreign trade systems,
- transportation and communications in accordance with the defense system and international conventions.

## ***2. Institutions of the Common State***

### *-Federal Assembly*

The Federal Assembly shall be a representational and legislative body of the common state. It shall be composed of two chambers:

The Chamber of Member States shall have the equal number of representatives from the two federal units. The way of electing representatives to the Chamber of Member States shall fall within the jurisdiction of the member states.

The Chamber of Citizens shall be composed of representatives of the citizens of the common state. The Constitution shall proscribe the minimal number of representatives of a member state to the body, as well as the way in which the representatives are elected.

The Federal Assembly shall make decisions in a bicameral procedure, where a proposal shall require the approval of both chambers. A decision requires a majority of all representatives in both chambers, unless the Constitution specifies otherwise.

### *-President of the Republic*

The President of the Republic shall represent the common state in the country and abroad. The President of the Republic shall be elected and

recalled by the Federal Assembly. The President of the Republic shall be recalled solely on the basis of the Federal Court's opinion that he/she violated the Constitution. Either of the two chambers can institute the recall proceedings.

The President of the Republic shall propose to the Federal Assembly the election of senior state officials in the executive branch and judiciary. The President of the Republic and the Federal Prime Minister shall not be from the same member state.

The President of the Republic heads the Supreme Defense Council. Apart from the President of the Republic, the Council shall include the presidents of the two member states.

#### *-Federal Government*

The Federal Government shall be the holder of executive power in the common state. The Federal Government shall be composed of the Federal Prime Minister and ministers, who cover the federal powers in their respective departments. The Federal Prime Minister shall be elected by the Federal Assembly, at the proposal of the President of the Republic. The Federal Prime Minister shall elect the ministers. The Government shall work on the basis of a collegial and departmental principle. The Government shall be responsible to the Federal Assembly. It is both chambers that shall call for a vote of no confidence in the Federal Prime Minister.

#### *-Federal Court*

The Federal Court shall unify the constitutional court operations and regular court functions. The Federal Court shall exercise the constitutional review of constitutionality and legality and decide on extraordinary legal instruments when all legal instruments in the judicial systems of the member states are exhausted. If the rights of legal and physical persons are not adequately protected in the common state, they can institute proceedings for the protection of their rights before international courts, on the basis of international conventions accepted by the common state.

#### *-National Bank*

The National Bank shall secure the functioning of a single monetary system.

### *-Ombudsperson*

The Ombudsperson shall be installed to protect the basic rights of citizens and special rights of national and ethnic communities.

### ***3.The Way of Exercising Federal Powers***

The powers of the common state shall be divided into exclusive and mixed powers. The exclusive powers will be the sole responsibility of institutions of the common state. In the sphere of mixed powers, the Federal Assembly shall endorse the basic elements of a system, while the Assemblies of the member states shall regulate a specific matter further. In that case, all decisions shall be implemented by executive and administrative organs of the member states.

Exclusive federal powers shall be as follows:

- foreign policy
- shared defense and border control
- monetary system
- customs system
- The Law of Contracts and Torts, securities, court and administrative proceedings.

Mixed federal powers shall be:

- the basic rights and freedoms and the protection of national and ethnic communities in accordance with international standards
- property relations
- tax system
- banking system
- foreign trade system
- transportation and communications
- pension, property and personal insurance.

In the domain of their autonomous powers, the member state can consensually govern the fields of mutual interest without arbitration by organs of the common state.

### ***4.Constitutional Amendments***

Amendments to the constitutional provisions governing the powers of the common state, the composition and election of federal institutions shall require consent from the member states. Other constitutional amendments require a two-third majority of all representatives in both chambers of the Federal Assembly.