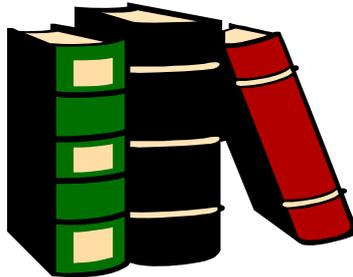




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## **Department for Legal Affairs**



# **AMENDMENTS VII-LII TO THE CONSTITUTION OF ZENICA-DOBOJ CANTON**

**“Official Gazette of Zenica-Doboj Canton”, 8/04**

Pursuant to Article 88 of the Constitution of the Zenica-Doboj Canton (“Official Gazette of the Federation of Bosnia and Herzegovina”, no. 7/96, “Official Gazette of the Zenica-Doboj Canton”, nos. 1/96 and 10/00), in conjunction with Amendment LII 11 d., the Assembly of the Zenica-Doboj Canton, at the session of 29 June 2004, passed

## **AMENDMENTS VII – LII TO THE CONSTITUTION OF ZENICA-DOBOJ CANTON**

### **Amendment VII**

The Preamble of the Constitution of the Zenica-Doboj Canton shall be amended to read:

“Bosniaks, Croats and Serbs as constituent peoples, along with Others, and citizens of the Zenica-Doboj Canton, determined to ensure full national equality, democratic relations and the highest standards of human rights and freedoms, pursuant to Article V 1 (4) of the Constitution of the Federation of Bosnia and Herzegovina, hereby pass the Constitution of the Zenica-Doboj Canton.”

### **Amendment VIII**

In Article 3, the word: “and” shall be replaced with a comma punctuation mark, and after the word: “Croats”, the words: “and Serbs” shall be added, after the word: “rights”, the remaining text shall be deleted and replaced with the following text: “in the Canton, Federation of Bosnia and Herzegovina and Bosnia and Herzegovina, in accordance with this Constitution, Constitution of the Federation of Bosnia and Herzegovina and Constitution of Bosnia and Herzegovina.”

### **Amendment IX**

Article 5 shall be amended to read:

“The constituent peoples and the group of Others shall be proportionally represented in the public institutions of the Canton.

Proportional representation shall reflect the 1991 census until full implementation of Annex 7 (hereinafter: proportional representation).

Public institutions, for the purpose of this Article, shall be the ministries of the Cantonal Government, municipal authorities, Cantonal Court, municipal courts and Prosecutor’s Office.”

### **Amendment X**

In Article 9, paragraphs 1 and 2 shall be amended to read:

“Official languages in the Canton are Bosnian language, Croatian language and Serbian language.

Official alphabets are Latin and Cyrillic alphabets.”

### **Amendment XI**

In Article 10, paragraph 1, new item c) shall be added to read:

“c) Ensures that the constituent peoples and members of the group of Others are proportionally represented in the ministries of the Canton.”

#### **Amendment XII**

Chapter “III – COOPERATION WITH THE OMBUDSMEN”, articles 15 and 16 shall be deleted.

#### **Amendment XIII**

In Article 19, paragraph 1, item f) shall be amended to read:

“implementation of laws and other regulations on citizenship and travel documents of the citizens of Bosnia and Herzegovina from the territory of the Federation and on stay and movement of aliens.”

Item g) shall be deleted.

#### **Amendment XIV**

In Article 23, after the word “Canton” the word “shall” shall be replaced with word “may”, and after the word “together with other cantons”, the words “that have Bosniak majority” shall be deleted.

#### **Amendment XV**

In Article 27, word “two-year” shall be replaced with word “four-year”.

#### **Amendment XVI**

In Article 30, paragraph 2 shall be amended to read:

“Incompatibility of functions of the delegates with other functions and duties shall be regulated by law.”

#### **Amendment XVII**

In Article 32, after the word “chairman”, the full stop punctuation mark shall be deleted, and the words: “and deputy chairmen” shall be added.

After the paragraph 1, new paragraphs 2 and 3 shall be added to read:

“The Chairman represents the Cantonal Assembly and is responsible for:

- Nomination of the candidates for the post of the Prime Minister of the Canton, in consultation with Deputy Chairmen of the Cantonal Assembly;
- Observing the implementation of policies of the Assembly and regulations of the Assembly;
- Situation in exercise of cooperation with the legislative bodies of other cantons, Federation of Bosnia and Herzegovina and bodies of Bosnia and Herzegovina.

Other responsibilities of the Chairman and Deputy Chairmen of the Assembly shall be determined by the Rules of Procedure of the Cantonal Assembly.”

### **Amendment XVIII**

After Article 32, new Article 32a shall be added to read:

“Article 32a

Cantonal Assembly shall, by a majority vote, adopt its rules of procedure.

The Rules of Procedure shall in further detail regulate the operation of the Cantonal Assembly, confirmation of the candidates for the posts of the Chairman and Deputy Chairmen of the Assembly and other issues important for the operation of the Assembly.”

### **Amendment XIX**

After Article 32a, new Article 32b shall be added to read:

“The caucus of a constituent people shall be established provided that at least one delegate of the constituent people concerned is elected to the Assembly of Canton.

Each caucus referred to in paragraph 1 of this Article shall propose one candidate from amongst its members for election of the Chairman or Deputy Chairman, which shall be verified by the Assembly of Canton.

If a constituent people are not represented in the Assembly of Canton, the office of a Deputy Chairman shall remain vacant.

Three candidates verified by the Assembly of Canton shall decide amongst them who will be the Chairman.”

### **Amendment XX**

Article 36 shall be amended to read:

“Delegates to the Assembly of Canton shall not be subject to criminal accountability or contractual and tort liability for activities made in the exercise of their duties in the Assembly of Canton.”

### **Amendment XXI**

In article 37, in paragraph 1, item c) shall be amended to read:

“c) confirms the candidates for the position of the Chairman and/or Deputy Chairmen of the Assembly”.

Item d) shall be amended to read:

“d) confirms the Cantonal Government”.

In item k), after the word “reviews”, the word “special” shall be added.

Items b) and f) shall be deleted, and items c, d, e, g, h, i, j, k, l, m and n shall become items b, c, d, e, g, h, i, j, k and l.

### **Amendment XXII**

In Article 38, paragraph 1, item b), the comma shall be replaced with a full stop, and the item c) shall be deleted.

### **Amendment XXIII**

After the Article 38, new subtitle “Mechanism to Protect the Vital National Interest” shall be added, and articles 38a and 38b shall be added to read:

#### “Article 38a

The vital national interests of the constituent peoples protected in the Canton shall be concerning the following:

- Exercise of the rights of the constituent peoples to be proportionally represented in the Assembly, executive and judiciary authorities;
- Identity of a constituent people;
- Constitutional amendments;
- Organization of the public authority power;
- Equal rights of the constituent peoples in the process of decision making;
- Education;
- Religion;
- Language;
- Promotion of culture, tradition and cultural heritage;
- Territorial organization;
- Public information system; and
- Other issues if so claimed by two-third majority of one of the caucuses of the constituent peoples in the Assembly of the Canton.

If the Chairman or one Deputy Chairman of the Cantonal Assembly claim that a law, other regulation or by-law falls within the list of vital interests as defined in paragraph 1 of this Article, the adoption of such law shall require majority votes of each caucus of constituent peoples represented in the Cantonal Assembly.

The Chairman and Deputy Chairmen of the Cantonal Assembly shall be required to decide within seven days if any law, regulation or by-law falls within the list referred to in paragraph 1 of this Article.

If the Chairman or one Deputy Chairman of the Cantonal Assembly claims that a law, regulation or by-law falls within the list of vital interests, two-third majority of respective caucus of any constituent people in the legislature concerned may declare that the issue falls within the list of vital national interests.

#### Article 38b

If a two-third majority of any caucus of constituent people in the Assembly of the Canton decides that a law, regulation or by-law relates to a vital national interest, the adoption of such law, regulation or by-law shall require majority votes of each caucus of constituent people represented in the Assembly of the Canton.

If the majority referred to in paragraph 1 of this Article cannot be reached, the issue shall be referred to the Constitutional Court of the Federation of Bosnia and Herzegovina, which will issue final decision whether the law, regulation or by-law concerned relates to a vital interest of a constituent people.

If the Court decides that an issue involves the vital national interest, it shall be considered that the law, regulation or by-law was not adopted, and such document will be returned to the proponent that should start a new procedure.

In a new procedure the proponent cannot submit the original text of the law, general or individual regulation.

If the Constitutional Court decides that the issue does not involve the vital interest, the law, general or individual regulation shall be considered as adopted/shall be adopted by a simple majority.”

#### **Amendment XXIV**

In the Chapter “B – The Cantonal Executive Bodies”, the subtitle “1. President of Canton” shall be deleted, and instead of it, the words: “Prime Minister of Canton” shall be inserted.

#### **Amendment XXV**

In Article 39, the word: “President” shall be deleted, and instead of it, the words: “Prime Minister of Canton” shall be inserted.

After paragraph 1, paragraphs 2 and 3 shall be added to read:

“The Prime Minister of Canton represents and acts for the Canton.

The Prime Minister of Canton shall be responsible to the Cantonal Assembly.”

#### **Amendment XXVI**

Article 40 shall be deleted.

#### **Amendment XXVII**

In Article 41, the word: “President” shall be deleted, and instead of it, the words: “Prime Minister of Canton” shall be inserted, and the word: “2 years” shall be replaced with words: “four years”.

#### **Amendment XXVIII**

In Article 42, the word: “President” shall be deleted, and instead of it, the words: “Prime Minister of Canton” shall be inserted, the full stop shall be deleted, and the following text shall be added: “or released from duty on the basis of resignation by the decision of the Assembly”.

#### **Amendment XXIX**

Article 43 shall be amended to read:

“If the post of the Prime Minister of the Canton remains vacant, the Chairman of the Assembly shall nominate a new candidate within 30 days.

In Case that the Prime Minister of the Canton is temporarily unable to exercise his duty, duties of the Prime Minister of the Canton shall exercise one of the ministers authorized by the Prime Minister of the Canton in consultation with the Chairman of the Cantonal Assembly.”

### **Amendment XXX**

Amendment I of the Constitution shall be amended to read:

“The Prime Minister of the Canton shall be responsible for:

- implementing cantonal policy and execution of cantonal regulations, including ensuring of execution of court decisions;
- proposing the removals of the ministers to the Cantonal Assembly, in accordance with the law;
- signing international agreements on behalf of the Canton, which are approved by the Cantonal Assembly and with the prior consent of the Parliament of the Federation of Bosnia and Herzegovina, in accordance with the law;
- filing requests with the Constitutional Court for the purpose of ascertaining that the proposed law, or the law which has been adopted by the Cantonal or municipal authority is in accordance with the Constitution of the Federation of Bosnia and Herzegovina;
- ensuring cooperation with the authorities of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, other cantons and municipalities;
- chairing the sessions of the Government;
- other issues set forth by this Constitution and law; and
- conducting other duties entrusted to him by the Cantonal Assembly.

The Prime Minister of the Canton shall be responsible to the Cantonal Assembly for the work of the Government.”

### **Amendment XXXI**

Article 45 shall be deleted.

### **Amendment XXXII**

Amendment II of the Constitution shall be amended to read:

“The Government of the canton shall consist of the Prime Minister and ministers whose number shall be determined by the Law.

The Government of the Canton shall be confirmed by the Assembly of the Canton by majority vote.

The Government shall assume duty after it is confirmed by the Cantonal Assembly.”

### **Amendment XXXIII**

Amendment III to the Cantonal Constitution shall be deleted, and the Paragraph 2 of Article 47 of the Constitution shall also be deleted.

### **Amendment XXXIV**

Amendment IV of the Constitution shall be amended to read:

“The Government shall resign if, at any time, a vote of no confidence is passed by the Cantonal Assembly.

Decision on removal of the Cantonal Prime Minister shall entail resignation, i.e. the decision on removal of ministers, unless the Assembly decides otherwise.

Any vacant post shall be filled under the same procedure.”

#### **Amendment XXXV**

After Article 48, Article 48a shall be added to read:

“Article 48a

The ministers shall bear the full responsibility for the functioning of their respective ministries.

The ministers shall be responsible to the Prime Minister of the Canton and Cantonal Assembly.

A minister may tender his resignation to the Cantonal Assembly, and shall remain in office until the day on which the decision on release from duty is made.”

#### **Amendment XXXVI**

In Article 50, paragraph 1, item b), the words: “every Federal and Cantonal Court” shall be replaced with word: “courts”.

Items e) and g) shall be deleted.

#### **Amendment XXXVII**

In Article 51, paragraph 1, item g), the word: “President” shall be deleted, and instead of it, the words: “Prime Minister” shall be inserted, and in item h) the word: “President” shall be deleted, and instead of it, the words: “Prime Minister” shall be inserted.

#### **Amendment XXXVIII**

Amendment V to the Cantonal Constitution shall be amended to read:

“Prime Minister of the Canton and members of the Government shall not be subject to contractual and tort liability for any activity made in the exercise of their duties in the Government of the Canton.”

#### **Amendment XXXIX**

In Article 54, the word: “Cantonal” shall be written with capital initial letter, and after it, the word: “Court” shall be added.

#### **Amendment XL**

Article 59 shall be amended to read:

“The Cantonal Court shall have appeal competence in relation to municipal courts in the Canton and first-instance competence in matters that do not fall within the competence of those courts, and other competences set by law.”

### **Amendment XLI**

In Article 60, paragraphs 1 and 2, and in Article 61, paragraph 2, the words: “cantonal courts”, in corresponding grammatical cases, shall be replaced with words: “Cantonal Court” in corresponding grammatical cases.

### **Amendment XLII**

Article 63 shall be amended to read:

“The High Judicial and Prosecutorial Council shall select and appoint judges of the Cantonal Court, including the president, as well as conduct disciplinary proceedings against them and dismiss them, in accordance with law.”

### **Amendment XLIII**

Article 64 shall be amended to read:

“Judges of Cantonal Court, apart from reserve judges, shall be appointed for life, unless they resign, retire or the High Judicial and Prosecutorial Council dismiss them with a good reason in accordance with the Law on the Federation.

Judges of Cantonal Court may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of Cantonal Court during the transitional period to be defined in the law.

The mandatory retirement age for Judges of Cantonal Court shall be defined by Law of the Federation.

The salary and other allowances cannot be reduced during their term of office as judges, except as a result of a disciplinary procedure in accordance with the law.”

### **Amendment XLIV**

Article 65 shall be deleted.

### **Amendment XLV**

Article 66 shall be amended to read:

“Terms of service, including immunity, of the Judges of Cantonal Courts shall be determined by the law of the Federation of Bosnia and Herzegovina.”

### **Amendment XLVI**

In Article 67, paragraph 1, after item b), new item c) shall be added to read:

“c) Ensure that the constituent peoples and Others are proportionately represented in municipal authorities.”

### **Amendment XLVII**

In Article 73, the word “two” shall be replaced with word “four”.

### **Amendment XLVIII**

In Article 82, paragraph 1, the item e) shall be deleted.

#### **Amendment XLIX**

Article 86 shall be amended to read:

“The High Judicial and Prosecutorial Council of the Federation shall select and appoint judges of the municipal courts, including the presidents, as well as conduct disciplinary proceedings against them and dismiss them, in accordance with law.”

#### **Amendment L**

Article 87 shall be amended to read:

“Judges of the municipal courts, apart from reserve judges, shall be appointed for life, unless they resign, retire or the High Judicial and Prosecutorial Council dismiss them with a good reason in accordance with the Law on the Federation.

Judges of the municipal courts may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of Cantonal Court during the transitional period to be defined in the law.

The mandatory retirement age for Judges of the municipal courts shall be defined by Law of the Federation.

The salary and other allowances cannot be reduced during their term of office as judges, except as a result of a disciplinary procedure in accordance with the law.”

#### **Amendment LI**

In Article 88, the words: “the Cantonal President” shall be deleted.

#### **Amendment LII**

Amendments VII to LII shall enter into force on the day of their enactment, and they shall be published in the “Official Gazette of the Zenica-Doboj Canton”.