



Emerika Bluma 1, 71000 Sarajevo  
Tel. 28 35 00 Fax. 28 35 01

## **Department for Legal Affairs**



# **AMENDMENTS XIX–XLV TO THE CONSTITUTION OF THE BOSNIAN PODRINJE CANTON – GORAZDE**

**“Official Gazette of the Bosnian Podrinje Canton –  
Gorazde”, 5/03**

Pursuant to Chapter IV, Section (A), Article 23, Chapter VIII and Article 62 of the Constitution of the Bosnian Podrinje Canton Goražde (“Official Gazette of the Bosnian Podrinje Canton Goražde” No. 8/98), the Assembly of the Bosnian Podrinje Canton Goražde, at the session of 10 June 2003 adopted:

**AMENDMENTS XIX–XLV  
TO THE CONSTITUTION OF THE BOSNIAN PODRINJE CANTON –  
GORAŽDE**

**Amendment XIX**

Article 1 shall be amended to read:

“Bosniaks, Croats and Serbs as the constituent peoples, together with the Others, and citizens of the Bosnian Podrinje Canton Goražde, which is the integral part of the Federation of Bosnia and Herzegovina and sovereign State of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations and the highest standards of human rights and freedoms, hereby pass the Constitution of the Bosnian Podrinje Canton Goražde.”

**Amendment XX**

Article 3 shall be amended to read:

“The composition of all the bodies in the Bosnian Podrinje Canton Goražde and municipalities of the Bosnian Podrinje Canton Goražde shall ensure the representation of the constituent peoples, together with the Others, in accordance with the Population Census 1991 until the full implementation of Annex 7 to the Dayton Agreement.”

**Amendment XXI**

Article 4 shall be amended to read:

“Bosniaks, Croats and Serbs, being the constituent peoples, together with the Others, and the citizens of the Canton, exercise their sovereign rights in the State of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and the Bosnian Podrinje Canton Goražde, in accordance with the Constitution of Bosnia and Herzegovina and its ANNEXES, the Constitution of the Federation of Bosnia and Herzegovina and its ANNEX, and this Constitution.”

**Amendment XXII**

In Article 8, paragraph 1 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 XXIII**

Article 21 shall be amended to read:

“The Assembly of the Bosnian Podrinje Canton Goražde shall be a one-chamber representative body consisting of 25 (twenty-five) delegates. The election of the delegates to the Assembly of the Bosnian Podrinje Canton Goražde shall be carried out in accordance with the Election Law of Bosnia and Herzegovina.  
Term of office of a delegate in the Assembly of the Bosnian Podrinje Canton Goražde shall be four years.”

### **Amendment XXIV**

In Article 23, items c), d) and h) shall be deleted, and the item n) shall be amended to read:

“Confirms the candidates for the posts of the Speaker and Deputy Speaker of the Assembly of the Bosnian Podrinje Canton Goražde and carries out selection and appointment of other office holders of the Assembly of the Bosnian Podrinje Canton Goražde in accordance with the law and Rules of Procedure of the Assembly.”

### **Amendment XXV**

Article 24 shall be amended to read:

“The Assembly of the Bosnian Podrinje Canton Goražde shall enact the Rules of Procedure that regulate the manner of work of the Assembly of the Bosnian Podrinje Canton Goražde.

The Assembly shall hold their sessions publicly, except in extraordinary circumstances which are identified in their Rules of Procedure. The reports on sessions and decisions made shall be published in public media.

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 the Bosnian Podrinje Canton Goražde.

Each caucus shall propose one candidate from amongst its members for election of the Speaker or Deputy Speaker, which shall be confirmed by the Assembly of the Bosnian Podrinje Canton Goražde.

The Assembly of the Bosnian Podrinje Canton Goražde shall confirm candidates in accordance with its Rule of Procedure. If a constituent people are not represented in

the Assembly of the Bosnian Podrinje Canton Goražde, the office of a Deputy Speaker shall remain vacant.

Three candidates confirmed by the Assembly of the Bosnian Podrinje Canton Goražde shall decide amongst them who will be the Speaker.

Notwithstanding the provisions of the previous paragraph, in the event that in the Assembly of the Bosnian Podrinje Canton Goražde there are no delegates of other two constituent peoples, the Assembly of the Bosnian Podrinje Canton Goražde shall confirm the Speaker.”

#### **Amendment XXVI**

Article 25 shall be amended to read:

“Delegates to the Assembly of the Bosnian Podrinje Canton Goražde 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 the Bosnian Podrinje Canton Goražde.”

#### **Amendment XXVII**

In Article 28, paragraph 2, item d), and paragraph 3 shall be deleted.

#### **Amendment XXVIII**

After the Article 28, new articles 28a and 28b shall be added to read:

#### **“Mechanism to Protect the Vital National Interest**

##### **Article 28a**

The list of vital national interests to be protected in the Bosnian Podrinje Canton Goražde shall be identical to the list in Article IV.5.17a of the Constitution of the Federation. Caucuses referred to in Article IV.5.17a of the Constitution of the Federation shall be in the Assembly of the Canton formed in accordance with Article V.2.7 paragraph 2 of the Constitution of the Federation.

If more than one Speaker or Deputy Speaker of the legislature in the Canton claim that a law falls within the list of vital interests as defined in IV.5.17a of the Constitution of the Federation, the adoption of such law shall require:

- majority votes of each caucus of constituent peoples represented in the Assembly of the Bosnian Podrinje Canton Goražde.

The Speaker and Deputy Speakers of the legislature of the Bosnian Podrinje Canton Goražde shall be required to decide within seven days if any law, regulation or by-law falls within the list referred to in paragraph 2 of this Article.

If only one speaker or deputy speaker 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, the Assembly of the Bosnian Podrinje Canton Goražde may declare that the issue falls within the list of vital national interests.

### **Article 28b**

If a two-third majority of any caucus of constituent people in the Assembly of the Bosnian Podrinje Canton Goražde 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 Bosnian Podrinje Canton Goražde.

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.

In the case referred to in this Article, the Constitutional Court of the Federation shall proceed in the manner provided for in Article IV.6.18.a of the Federation Constitution.

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 that case the proponent cannot submit the original text of the law, regulation or by-law.

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

### **Amendment XXIX**

Articles 30, 31 and 32 shall be deleted.

### **Amendment XXX**

Article 33 shall be amended to read:

“The constituent peoples and the group of Others shall be proportionally represented in the Government of the Bosnian Podrinje Canton Goražde.

Such representation shall reflect the 1991 census until full implementation of ANNEX 7 in accordance with Article IX.11a of the Constitution of the Federation.

The Speaker of the Assembly of the Bosnian Podrinje Canton Goražde shall nominate a candidate for the position of Prime Minister of the Bosnian Podrinje Canton Goražde in consultation with Deputy Speakers. Exceptionally, in case that it is not possible to select the Deputy Speaker of the Assembly, the candidate for the position of Prime Minister shall be appointed by the Speaker of the Assembly. The candidate for the position of Prime Minister of the Bosnian Podrinje Canton Goražde shall nominate ministers. The ministers shall not have deputies.

Prime Minister and the ministers shall comprise the Government of the Bosnian Podrinje Canton Goražde. The Government of the Bosnian Podrinje Canton Goražde shall be confirmed by the Assembly of the Bosnian Podrinje Canton Goražde.

The Government of the Bosnian Podrinje Canton Goražde shall assume duties after it is confirmed by the Assembly of the Bosnian Podrinje Canton Goražde.

The Government of the Bosnian Podrinje Canton Goražde shall take all decisions by a simple majority of present members who vote.”

#### **Amendment XXXI**

After the Article 33, new Article 33a shall be added to read:

“Prime Minister of the Bosnian Podrinje Canton Goražde shall be competent for:

- a) representation and acting on behalf of the Canton within the country and abroad;
- b) making contracts and other acts for taking over the rights and obligations for Canton up to the amount of KM 500,000 (five hundred thousand KM), provided that for the contracts exceeding KM 500,000 (five hundred thousand KM) and contracts from the area of international cooperation, a consent of the Assembly must be obtained;
- c) putting requests to the Constitutional Court of the Federation and Constitutional Court of Bosnia and Herzegovina;
- d) consideration of the reports of the Ombudsmen and other international human rights organizations that ensure undertaking of necessary measures in protection of human rights and fundamental freedoms;
- e) ensuring the cooperation with the bodies of Bosnia and Herzegovina and Federation;
- f) appointments and dismissals specified by this Constitution and laws;
- g) proposing the enactment of regulations falling within the competence of the Assembly;
- h) proposing of the budget of the Canton and of the instruments necessary for its execution;
- i) proposing the measures of economic and development policy of the Canton;
- j) signing acts that promulgate the Constitution and laws; and
- k) carrying out other tasks specified by this Constitution and other regulations of the canton.”

#### **Amendment XXXII**

Article 34 shall be amended to read:

“The ministers shall be responsible to the Prime Minister and Assembly of the Bosnian Podrinje Canton Goražde.

The Prime Minister shall also be responsible to the Assembly of the Bosnian Podrinje Canton Goražde.

The ministers shall bear the ultimate responsibility for the work of their ministries. The Government of the Bosnian Podrinje Canton Goražde shall resign if at any time the Assembly of the Bosnian Podrinje Canton Goražde votes a no confidence vote to the Government.”

### **Amendment XXXIII**

In Article 35, paragraph 1, item d) shall be amended to read:

Supervision over the Cantonal Police.

In Article 35, paragraph 1, item f) shall be amended to read:

Ensuring that the national structure of the police reflects the national structure of the population of the Canton and municipalities of the Canton from the 1991 Population Census until the full implementation of Annex 7 of the Dayton Agreement.

In Article 35, paragraph 2 shall be deleted.

### **Amendment XXXIV**

Article 37 shall be amended to read:

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

### **Amendment XXXV**

Article 39 shall be amended to read:

“The judicial power in the Bosnian Podrinje Canton Goražde shall be independent and separate from the executive and legislative powers and shall be carried out on the basis of the Constitution of Bosnia and Herzegovina, Constitution of the Federation of Bosnia and Herzegovina, Constitution of the Bosnian Podrinje Canton Goražde and laws.

The High Judicial and Prosecutorial Council of the Federation of Bosnia and Herzegovina ensure the autonomy, independence, impartiality, competence and efficiency of the judicial and prosecutorial services in the Federation. The responsibilities of the High Judicial and Prosecutorial Council shall include, inter alia, the appointment, conduct of discipline proceedings and removal of judges.

Constituent peoples and members of the Others shall be proportionally represented in the cantonal and municipal courts. Such representation shall reflect the 1991 census until full implementation of ANNEX 7 in accordance with Article IX.11a of the Constitution of the Federation.”

#### **Amendment XXXVI**

Article 45 shall be amended to read:

“The High Judicial and Prosecutorial Council of the Federation 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.

Judges of the Cantonal Court, apart from reserve judges, shall be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law. Judges of the Cantonal Court may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of the Cantonal Court during the transitional period as defined in the Law establishing the High Judicial and Prosecutorial Council of the Federation. The mandatory retirement age for Judges of the Cantonal Court shall be defined by Law of the Federation. 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 XXXVII**

Articles 46 and 47 shall be deleted.

#### **Amendment XXXVIII**

In Article 51, after the paragraph 1, new paragraph shall be added to read:

“Municipalities in the territory of the Bosnian Podrinje Canton Goražde shall ensure that the constituent peoples and members of the Others are proportionally represented in the municipal bodies of authority. Such representation shall reflect the 1991 census until full implementation of ANNEX 7 in accordance with Article IX.11a of the Constitution of the Federation.”

Paragraph 2 shall become paragraph 3.



### **Amendment XXXIX**

In Article 53, paragraph 2 shall be amended to read:

“Term of office and election procedure for the members of the Municipal Council shall be specified by the Election Law of Bosnia and Herzegovina.”

Paragraph 4 shall be deleted.

### **Amendment XL**

In Article 56, paragraph 2, item e) shall be deleted.

### **Amendment XLI**

Article 57 shall be amended to read:

“Municipal courts that may be established for the territory of one or more municipalities shall have jurisdiction over all civil and criminal matters, unless the Constitution of the Bosnian Podrinje Canton Goražde or the Law of the Federation or the Law of the Bosnian Podrinje Canton Goražde designated such jurisdiction to another court.

Municipal courts shall be established by the Law of the Bosnian Podrinje Canton Goražde and they shall be financed by the Cantonal authority.

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.

Judges of the municipal courts shall be appointed for life subject to resignation, retirement or removal for cause by the High Judicial and Prosecutorial Council in accordance with the law.

Judges of the municipal courts may likewise exceptionally cease to hold office pursuant to a selection process following restructuring of the municipal courts during the transitional period as defined in the Law establishing the High Judicial and Prosecutorial Council.

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

The Law of the Federation shall establish terms of service, including immunity for judges of the municipal courts. 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 XLII**

In Article 59, paragraph 2 shall be amended to read:

“The property of the Bosnian Podrinje Canton Goražde shall be managed by the Assembly of the Bosnian Podrinje Canton Goražde. The Government of the Bosnian Podrinje Canton Goražde can dispose of the property within the framework of authorizations that the Assembly of the Bosnian Podrinje Canton Goražde delegates by a special regulation.”

### **Amendment XLIII**

In Article 61, paragraph 1, the words “Governor of the Bosnian Podrinje Canton Goražde” shall be replaced with words “Government of the Bosnian Podrinje Canton Goražde”.

In paragraph 3, the words after the comma punctuation mark shall be replaced with words: “but the Government of the Bosnian Podrinje Canton Goražde shall be obliged to regularly inform the Assembly of the Bosnian Podrinje Canton Goražde about that.”

### **Amendment XLIV**

In Article 62, paragraph 1 shall be amended to read:

“Amendments on the Constitution can be proposed by the Government of the Bosnian Podrinje Canton Goražde and majority of delegates in the Assembly of the Bosnian Podrinje Canton Goražde.”

### **Amendment XLV**

Articles 64, 65, 66, 67, 68, 69, 70 and 71 shall be deleted.