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AMENDMENTS XI TO LXIII TO THE CONSTITUTION OF CENTRAL BOSNIA CANTON

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Pursuant to Article 41, paragraph 1, subparagraph a) and Article 90 of the Constitution of the Central Bosnia Canton (“Official Gazette of the Central Bosnia Canton”, no. 1/97, 5/97, 6/97, 2/98, 7/98 - Corrigendum, 8/98 and 10/2000), at the proposal of the Government of the Central Bosnia Canton, the Assembly of the Central Bosnia Canton, at its IV session of 26 June 2003, passed

AMENDMENTS XI TO LXIII TO THE CONSTITUTION OF CENTRAL BOSNIA CANTON

Amendment XI

In the preamble of the Constitution of the Central Bosnia Canton (hereinafter: Constitution), the words: “Croats and Bosniaks, and other citizens of BiH” in Croat language, and “Bosniaks and Croats, and other citizens of Bosnia and Herzegovina” in Bosnian language, shall be replaced with words: ““Bosniaks, Croats, and Serbs, as constitutive nations, with others, and citizens of the Central Bosnia Canton””.

Amendment XII

Article 1 shall be amended to read:

“Croats, Serbs and Bosniaks as the constituent peoples, together with the Others, and citizens of the Central Bosnia Canton, in exercise of their sovereign rights, by this Constitution, in the Canton, Federation of Bosnia and Herzegovina (hereinafter: Federation), Bosnia and Herzegovina in accordance with the this Constitution, Constitution of the Federation of Bosnia and Herzegovina (hereinafter: Federation Constitution) and Constitution of Bosnia and Herzegovina.”

Amendment XIII

Article 4 shall be amended to read:

“The structure of all bodies in the Canton and the local self-government units must reflect national structure of the population of the Canton, i.e. of the local self-government units in accordance with the 1991 population census until full implementation of Annex 7 (hereinafter: 1991 census until full implementation of Annex 7) in accordance with in accordance with the Law on Civil Service of Bosnia and Herzegovina.”

Amendment XIV

Paragraph 2 of Article 6, amended by Amendment IX to the Constitution of the Central Bosnia Canton shall be deleted.

Amendment XV

Paragraph 3 of Article 7 shall be amended to read:

“As for the acceptance of symbols, a majority of the votes in the Assembly of the Central Bosnia Canton (hereinafter: Cantonal Assembly), including the majority of votes within each of the caucuses of the constituent peoples shall be necessary.”

Amendment XVI

Paragraphs 1 and 2 of Article 8 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 XVII

In paragraph 1 of Article 9, new subparagraph c) shall be added to read:

“c) ensures that the constituent peoples and Others are proportionally represented in cantonal administrative bodies in accordance with the 1991 population census until full implementation of Annex 7”.

Amendment XVIII

In item d) of Article 19, after the word: “infrastructure” the words: “in accordance with the Constitution of Bosnia and Herzegovina” shall be added, and in item f), after the word: “citizenship”, the words: “and travel documents of the citizens of Bosnia and Herzegovina from the territory of Federation, and on stay and movement of aliens” shall be added, and the item g) shall be deleted.

Amendment XIX

In paragraph 2 of Article 21, after the words: “majority of 2/3 of the votes”, the words: “in the Cantonal Assembly” shall be added, and the full stop shall be inserted after them, and the remaining part of the sentence shall be deleted.

Amendment XX

In paragraph 1 of Article 23, the word: “will” shall be replaced with word: “may”.

Amendment XXI

Article 25, amended by amendments II and X to the Constitution, shall be amended to read: “The Cantonal Assembly consists of 30 delegates.”

Amendment XXII

Article 26 shall be amended to read:

“The national structure of the delegates of the Cantonal Assembly reflects the national structure of the population, on the basis of general and free elections and election results.”

Amendment XXIII

Article 27 shall be amended to read:

“The delegates in the Cantonal Assembly have four-year mandate.”

Amendment XXIV

Paragraph 2 of Article 30 shall be amended to read:

“Functions of a delegate in the Cantonal Assembly shall be incompatible with the function of the Prime Minister of the Canton, member of the Government of the Canton and holders of judicial functions.”

Amendment XXV

Article 32 shall be amended 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 Cantonal Assembly. Each caucus shall propose one candidate from amongst its members for election of the Speaker or Deputy Speaker, which shall be verified by the Cantonal Assembly. The Cantonal Assembly shall verify candidates in accordance with its Rule of Procedure. If a constituent people are not represented in the Cantonal Assembly, the office of a Deputy Speaker shall remain vacant. The candidates referred to in paragraph 3 of this Article verified by the Cantonal Assembly shall decide amongst them who will be the Speaker.”

Amendment XXVI

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

“Article 32a

The Speaker of the Cantonal Assembly shall be responsible for:

- a) representation and acting on behalf of the legislative power – Cantonal Assembly;
- b) appointment of the candidates to post of the Prime Minister of the Canton, with consultations with the Deputy Speakers of the Cantonal Assembly;
- c) preparation and convening of the sessions of the Cantonal Assembly, and chairing the Cantonal Assembly sessions;
- d) monitoring of the fulfilment of the work program of the Cantonal Assembly and reporting to the Cantonal Assembly on that;
- e) implementation of the Rules of Procedure of the Cantonal Assembly;
- f) exercise of the rights and duties of the delegates of the Cantonal Assembly concerning exercise of their functions falling within the competences of the Cantonal Assembly;
- g) exercise of the cooperation of the Cantonal Assembly with competent bodies and organizations on issues falling within the competence of the Cantonal Assembly;
- h) forwarding prepared texts of the laws, other regulations and reports, analyses and other acts for discussions of the competent bodies of the Cantonal Assembly;
- i) signing the acts enacted by the Cantonal Assembly;
- j) making decrees on enactment of the laws; and
- k) exercise of other tasks specified by this Constitution, law and Rules of Procedure of the Assembly of Central Bosnia Canton.

In these tasks, Deputy Speakers shall assist the Speaker of the Cantonal Assembly. In the case that the Speaker of the Cantonal Assembly is prevented to exercise duties, he shall be replaced by one of the Deputy Speakers of the Cantonal Assembly.”

Amendment XXVII

Article 36 shall be amended to read:

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

Amendment XXVIII

After Article 37, new sub-title shall be added to read:

“2a. Vital National Interest Protection Mechanism”.

Amendment XXIX

Article 38 shall be amended to read:

The list of vital national interests of the constituent peoples in the Cantonal Assembly shall be following:

- Exercise of the rights of the constituent peoples to be adequately represented in legislative, 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 treated as of vital national interest if so claimed by two-third majority of one of the caucuses of the constituent peoples in the Cantonal Assembly.

If the Speaker and Deputy Speaker, or Deputy Speakers of the Cantonal Assembly claim that a proposal of 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, other regulation or by-law shall require majority votes of each caucus of constituent peoples represented in the Cantonal Assembly.

The Speaker and Deputy Speakers of the Cantonal Assembly shall be required to decide within seven days from reception if any law, other regulation or by-law falls within the list referred to in Article 1 of this Article. If the Speaker or one of Deputy Speakers 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 Cantonal Assembly may declare that the issue falls within the list of vital national interests.”

Amendment XXX

Article 39 shall be amended to read:

“If a two-third majority of any caucus of constituent people in the Cantonal Assembly 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 simple majority of votes of each caucus of constituent people represented in the Cantonal Assembly. If the majority referred to in previous paragraph 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 Constitutional Court of the Federation of Bosnia and Herzegovina decides that an issue involves the vital national interest of a constituent people, 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 the case referred to in previous paragraph, 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 XXXI

Article 40 shall be deleted.

Amendment XXXII

In Article 41 after the words: “Cantonal Assembly”, a colon shall be inserted. In the same Article, items b), d) and e) shall be deleted, and item j) shall be amended to read:

“j) may conduct investigations and for that purpose may request obtaining of evidence in the form of documents and witness statements”.

Items from f) to l) of the same Article shall become items c) to i).

Amendment XXXIII

In the Constitution, after the Chapter “B – The Executive Power of the Canton”, the subtitle “1. Governor and Deputy Governor of the Canton”, Article 42 with Amendment V to the Constitution of the Central Bosnia Canton, articles: 43, 44, 45, 46, Article 47 with amendments VI and VII to the Constitution, and Article 48 shall be deleted.

Amendment XXXIV

In the Constitution, after the Chapter “B – The Executive Power of the Canton”, in the subtitle “2. Cantonal Government”, numeral “2” shall be replaced with numeral “1”, and in the subtitle “3. Immunities”, numeral “3” shall be replaced with numeral “2”.

Amendment XXXV

Article 49 shall be amended to read:

“The Government of the Canton (hereinafter: Cantonal Government) shall consist of the Prime Minister and ministers. Constituent peoples and Others shall be proportionally represented in Cantonal Government. Such representation shall reflect the 1991 population census until full implementation of Annex 7.”

Amendment XXXVI

Article 50 shall be amended to read:

“The Speaker of the Cantonal Assembly shall nominate a candidate for the position of Prime Minister in consultation with Deputy Speakers of the Cantonal Assembly. The candidate for the position of Prime Minister of the Canton shall nominate Ministers. The ministers shall not have deputies.”

Amendment XXXVII

Article 51 shall be amended to read:

“The Cantonal Assembly shall confirm the Cantonal Government by a two-thirds majority vote. The Cantonal Government shall assume its duty after it is confirmed by the Cantonal Assembly. If the Cantonal Assembly does not confirm the Cantonal Government, the Speaker of the Cantonal Assembly, in consultation with the Deputy Speakers of the Cantonal Assembly, shall again act in accordance with Article 50 of the Cantonal Constitution.”

Amendment XXXVIII

Article 52 shall be amended to read:

“The Prime Minister shall be responsible to the Cantonal Assembly. The ministers shall be responsible to the Prime Minister and Cantonal Assembly. The Prime Minister shall propose removals of the ministers. The Cantonal Assembly shall make the decision on Prime Minister’s proposal, referred to in previous paragraph, by a two-thirds majority vote. The ministers shall bear the full responsibility for the functioning of their respective ministries. The Government shall resign if the Cantonal Assembly votes no confidence in government.”

Amendment XXXIX

After Article 52, new Article 52a shall be added to read:

“Article 52a

Organization, composition, number of the members of the Cantonal Government and their responsibilities and powers shall be regulated by the law of the Canton, in accordance with this Constitution.”

Amendment XL

In subparagraph e) of the paragraph 1 of article 53, the words: “investigation into and the criminal prosecution of any breach to the cantonal laws, as well as the” shall be deleted, and the new subparagraph g) shall be added to read:

“g) consideration of the reports of the Ombudsmen and ensuring conditions for their operation”, and the current subparagraph g) shall become subparagraph h).

In the same Article, new paragraph 2 shall be added to read:

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

Amendment XLI

In Article 54 new paragraph 1 shall be added to read:

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

- a) representing and acting on behalf of the executive – Cantonal Government;
- b) proposing appointments and removal of ministers;
- c) filing requests with the Constitutional Court of the Federation in accordance with Article IV.C.10. (2) (b) and (d) of the Constitution of the Federation;
- d) signing agreements with states and international organizations that enter into force in the Canton only if approved by the Cantonal Assembly and with the prior consent of the Parliament of the Federation of Bosnia and Herzegovina and Parliamentary Assembly of Bosnia and Herzegovina, unless the Cantonal Assembly, Parliament of the Federation of Bosnia and Herzegovina and Parliamentary Assembly of Bosnia and Herzegovina specified by their law that such consent is not required for such kind of international agreements;
- e) cancellation of international agreements if so approved by the Parliamentary Assembly of Bosnia and Herzegovina, and shall be bound to do so when the Cantonal Assembly requests so with prior consent of the Parliament of the Federation of Bosnia and Herzegovina or at the request of the Parliamentary Assembly of Bosnia and Herzegovina.”

In subparagraph a) of paragraph 1, the word “cantonal” shall be deleted. Current paragraph 1 shall become paragraph 2.

Amendment XLII

Article 55 shall be deleted.

Amendment XLIII

In paragraph 1 of Article 56, the words: “or the deputy president of Government” shall be deleted. Paragraph 2 of the same Article shall be deleted.

Amendment XLIV

In Article 58, the words: “Court of the Canton” shall be replaced with words: “Cantonal Court”, as well as in the remaining part of the Constitution, in corresponding grammatical case [*Translator’s remark – N/A to English text*].

Amendment XLV

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 XLVI

Article 61 shall be deleted.

Amendment XLVII

Article 66 shall be amended to read:

“The High Judicial and Prosecutorial Council of the Federation (hereinafter: 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 XLVIII

Article 67 shall be amended to read:

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

The Law of the Federation shall determine mandatory retirement age for judges of the Cantonal Court. The Law of the Federation shall establish terms of service, including immunity for judges of the Cantonal Court. 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 XLIX

Article 68 shall be amended to read:

“The constituent peoples and members of Others shall be proportionally represented in Cantonal Court, in accordance to the 1991 census until full implementation of Annex 7.”

Amendment L

In paragraph 2 of Article 71, new subparagraph c) shall be added to read:

“c) ensure that the constituent peoples and members of Others are proportionally represented in Cantonal Court, in accordance to the 1991 census until full implementation of Annex 7.”

Amendment LI

Paragraph 1 of Article 73 shall be deleted, and in paragraph 2, after the word “councillors”, the words: “in municipal council” shall be added, and after the word

“municipality”, full stop shall be deleted, and the words: “in accordance with the Election Law of Bosnia and Herzegovina” shall be added.

Amendment LII

In Article 74, word “two” shall be replaced with word “four”.

Amendment LIII

Item g) in paragraph 1 of Article 83 shall be deleted, and items h) and i) shall become items g) and h), respectively.

Amendment LIV

In Article 86, the words: “the part of the original authority is transferred” shall be replaced with words; “some of the original authorities are transferred”.

Amendment LV

Article 87 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 of the Federation.”

Amendment LVI

Article 88 shall be amended to read:

“Judges of the municipal courts, 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 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 of the Federation.

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

Article 89 shall be amended to read:

““The constituent peoples and members of Others shall be proportionally represented in municipal courts, in accordance to the 1991 census until full implementation of Annex 7.”

Amendment LVIII

In Amendment III to the Constitution of the Central Bosnia Canton, after the Chapter VI. A – CITY AUTHORITIES, the words: “Article 89a” shall be added.

Amendment LIX

After the Article 89a, new Chapter: “VI. B – DISTRIBUTION OF THE KEY FUNCTIONS IN THE STRUCTURE OF CANTONAL AUTHORITY” shall be added, as well as the new Article 89b to read:

“Article 89b

The Prime Minister of the Canton and the Speaker of the Cantonal Assembly shall not be from the same constituent people. The President of the Cantonal Court and Chief Cantonal Prosecutor shall not be from the same constituent people.”

Amendment LX

Paragraph 1 of Article 90 shall be amended to read:

“Amendments on the Constitution can be proposed by the Cantonal Government, majority of delegates in the Cantonal Assembly and majority of delegates within the constituent peoples’ caucuses.”

Amendment LXI

In Article 96, full stop shall be deleted and the words: “until full implementation of Annex 7.” shall be added.

Amendment LXII

After Article 96, Article 97 shall be added to read:

“Article 97

The Constitution of the Central Bosnia Canton shall be harmonized with the Constitution of the Federation of Bosnia and Herzegovina by 19 January 2003. Cantonal laws, other regulations, by-laws and court rules shall be harmonized with these amendments within one year from the day of adoption of the constitutional amendments.”

Amendment LXIII

In the preamble and in entire text of the Constitution in Croat, Serb and Bosniak languages, the order of listing of the constituent peoples shall be in alphabetical order, and for each subsequent listing in the text of the Constitution, the alternating listing shall be applied. These amendments shall enter into force on the day of their publishing in the “Official Gazette of the Central Bosnia Canton”.