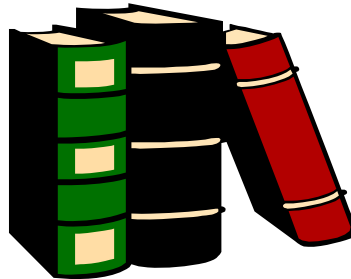




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AMENDMENTS XIX – XLII TO THE CONSTITUTION OF THE SARAJEVO CANTON

“Official Gazette of Sarajevo Canton”, 28/04

Pursuant to Article V.2.6.a) of the Constitution of the Federation of Bosnia and Herzegovina and Article 42 of the Constitution of the Sarajevo Canton (“Official Gazette of the Sarajevo Canton” nos. 1/96, 2/96 - Corrigendum, 3/96 - Corrigendum, 16/97, 14/00 and 4/01), the Assembly of the Sarajevo Canton, at the session of 18 November 2004 have adopted

AMENDMENTS XIX – XLII TO THE CONSTITUTION OF THE SARAJEVO CANTON

Amendment XIX

After Article 11, new Article 11a shall be added to read:

“Article 11a

The Canton shall ensure that the constituent peoples and members of the group of Others are be proportionally represented in the ministries of the Canton. Such representation shall reflect the 1991 census until the full implementation of Annex 7.”

Amendment XX

In Article 17, paragraph 2 shall be deleted.

Current paragraphs 3 and 4 shall become paragraphs 2 and 3.

Paragraph 3 shall be amended to read:

“Mandate of the deputies in the Assembly shall be four years.”

After paragraph 3, new paragraph 4 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.”

Amendment XXI

In Article 18, line c) shall be deleted.

Line e) shall be amended to read:

“e) confirms the Cantonal Government;”

Line g) shall be deleted.

Line f) shall be deleted.

Amendment XXII

Subtitle and Article 18a shall be amended, and new Article 18b shall be added to read:

“Speaker and Deputy Speakers of the Assembly

Article 18a

Each caucus of the constituent peoples shall propose one candidate from amongst its members for election of the Speaker or Deputy Speaker of the Assembly.
The candidates for the position of Speaker or Deputy Speaker of the Assembly shall be verified by the Assembly, in accordance with its Rules of the Procedure.

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

Three candidates verified by the Assembly shall decide amongst them who will be the Speaker.

Article 18b

Responsibilities of the Speaker of the Assembly shall be:

- to represent and act on behalf of the Assembly in the country and abroad; and
- to nominate a candidate for the Prime Minister of the Canton.”

Amendment XXIII

In Article 19, paragraph 2 shall be amended to read:

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

After paragraph 2, new paragraph 3 shall be added to read:

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

Amendment XXIV

Article 20 shall be amended to read:

“Article 20

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

Amendment XXV

In Article 21, paragraph 3 shall be deleted.

Amendment XXVI

After Article 21, new subtitle and articles 21a and 21b shall be added to read:

“Mechanism to Protect the Vital National Interest

Article 21a

The list of vital national interests to be protected in the Canton shall be identical to the list in Article IV.5.17a of the Constitution of the Federation of Bosnia and Herzegovina, and caucuses referred to in Article IV.5.17a of the Constitution of the Federation of Bosnia and Herzegovina shall the caucuses of the constituent peoples be in the Assembly formed in accordance with Article 17, paragraph 4 of this Constitution.

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 referred to in previous paragraph, the adoption of such law shall require majority votes of each caucus of constituent peoples represented in the Assembly.

The Speaker and Deputy Speaker of the 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 Speaker or one Deputy Speaker of the 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 21b

If a two-third majority of any caucus of constituent people in the 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 majority votes of each caucus of constituent people represented in the 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.

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 Constitution of the Federation of Bosnia and Herzegovina.

If the Constitutional Court of the Federation of Bosnia and Herzegovina 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 of the Federation of Bosnia and Herzegovina 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 XXVII

Article 23 shall be amended to read:

“Article 23

Executive power in the Canton shall be executed by the Government of the Canton (hereinafter: the Government).”

Amendment XXVIII

Articles 24, 25 and 26 shall be deleted.

Amendment XXIX

Article 27 shall be amended to read:

“Article 27

The constituent peoples and the group of Others shall be proportionally represented in the Government. 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 of Bosnia and Herzegovina.

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

Prime Minister and the ministers shall comprise the Government of the Canton.

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

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

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

Amendment XXX

After Article 27, new Article 27a shall be added to read:

“Article 27a

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

The ministers shall bear the ultimate responsibility for the work of their ministries.

The Government shall resign if at any time the Assembly votes a no confidence vote to the Government.”

Amendment XXXI

In Article 28, paragraph 1, line e) shall be deleted.

Amendment XXXII

In Article 29, paragraph 1, after line c), new lines d), e), f), g) and h) shall be added to read:

- “d) representation and acting on behalf of the Canton within the country and abroad;
 - e) making contracts and other acts for taking over the rights and obligations for Canton, provided that for the contracts of greater value, in accordance with the law, and contracts from the area of international cooperation, a consent of the Assembly, i.e. of the Parliament of the Federation of Bosnia and Herzegovina and Parliamentary Assembly of Bosnia and Herzegovina must be obtained;
 - f) filing requests for review of constitutionality and legality of regulations to the Constitutional Court of the Federation and Constitutional Court of Bosnia and Herzegovina;
 - g) ensuring the cooperation with the bodies of Bosnia and Herzegovina and Federation;
 - h) deciding on use of the police forces in special circumstances, like immediate war threat, war and extraordinary situations caused by natural or other disasters;”.
- Current line d) shall become line i).

Amendment XXXIII

Article 31 shall be deleted.

Amendment XXXIV

Article 32 shall be amended to read:

“Article 32

The Canton shall have a Cantonal Court that 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.

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

Constituent peoples and members of the group of Others shall be proportionally represented in the Cantonal Court. Such proportional representation shall reflect the 1991 census until the full implementation of Annex 7, in accordance with Article XI.11.a of the Constitution of the Federation of Bosnia and Herzegovina.”

Amendment XXXV

Article 33 shall be amended to read:

“Article 33

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 the law.

Terms of service, including immunity, of the Judges of Cantonal Courts shall be determined by the law.

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 XXXVI

In Article 34, paragraph 2, words: “upon the proposal of the President, the President himself” shall be deleted.

In paragraph 4, after the word “ministries”, the word “and” shall be inserted instead of comma punctuation mark, after the word “Government”, full stop punctuation mark shall be inserted, and words “or the President” shall be deleted.

Amendment XXXVII

Article 37 shall be amended to read:

“Article 37

A municipality shall have municipal council and head of municipality.

The term of office of the members of the municipal council and head of municipality shall be four years.

Municipal councilors and head of municipality shall be democratically elected by voters at direct and secret elections in the whole area of the municipality in manner specified by law.

Head of municipality and the president of a municipal council in municipalities or municipal councils with multiethnic composition shall not be from the same constituent people i.e. from amongst the Others, except in those municipalities where one constituent people comprise more than 80% of the population according to the last population census in Bosnia and Herzegovina.

Constituent peoples and members of the group of Others shall be proportionally represented in the municipal bodies of authority. Such representation shall reflect the 1991 census until the full implementation of Annex 7, in accordance with Article XI.11.a of the Constitution of the Federation of Bosnia and Herzegovina.”

Amendment XXXVIII

After Article 37, a new Article 37a shall be added to read as follows:

Article 37a

“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 Federation of Bosnia and Herzegovina, this Constitution or the Law of the Federation of Bosnia and Herzegovina designated such jurisdiction to another court.

Municipal courts shall be established by the Law 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 constitution and law.

Judges of the municipal courts, except the 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. 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.

Constituent peoples and members of the group of Others shall be proportionally represented in the municipal courts. Such proportional representation shall reflect the 1991 census until the full implementation of Annex 7, in accordance with Article XI.11.a of the Constitution of the Federation of Bosnia and Herzegovina.”

Amendment XXXIX

In Article 39, paragraph 2, second sentence shall be amended to read:

“The Government can dispose of the property within the framework of authorizations that the Assembly delegates by a special regulation.”

Amendment XL

In Article 41, paragraphs 1 and 3, the word “President” in different grammatical cases shall be replaced with words “Prime Minister” in corresponding grammatical cases.

Amendment XLI

In Article 42, the word “President” shall be deleted.

Amendment XLII

Amendment XIII shall be repealed.