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AMENDMENTS XXXI THROUGH LI TO THE CONSTITUTION OF UNA-SANA CANTON

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Pursuant to Article 10a, Section A, Chapter V and Article I (3) of the Chapter VIII of the Constitution of the Una-Sana Canton, the Una-Sana Canton Assembly, at the session held March 03, 2003, passed the following

**AMENDMENTS XXXI THROUGH LI
TO THE CONSTITUTION OF UNA-SANA CANTON**

AMENDMENT XXXI

In the Constitution of the Una-Sana Canton, Article 5, Chapter IV shall be amended to read:

“In exercise of their competences stipulated by the Constitution of the Federation and this Constitution, the Canton shall take into account the ethnic composition in each municipality and shall ensure that the constituent peoples and the group of Others be proportionally represented in the ministries of the Canton. Such proportional representation shall be in accordance with the 1991 census until full implementation of Annex 7.”

AMENDMENT XXXII

In Article 9, Chapter IV, the words: “that have Bosniac majority” shall be deleted.

AMENDMENT XXXIII

Article 6, Chapter V, Section A shall be amended to read:

“The Canton Assembly has a President and his Deputies.”

AMENDMENT XXXIV

In Chapter V, Section A (1), after the Article 6, new Article 6a shall be added to read:

Article 6a

“(1) 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.

(2) Each caucus shall propose one candidate from amongst its members for election of the Speaker or Deputy Speaker, which shall be verified by the Assembly of Canton.

(3) The Assembly of canton shall verify candidates in accordance with its Rule of Procedure.

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

(5) Three candidates verified by the Assembly of Canton shall decide amongst them who will be the Speaker.”

AMENDMENT XXXV

Article 8, Chapter V, Section A (1) 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 XXXVI

In Article 10, Chapter V, Section A (2), items c) and d) shall be deleted, item f) shall be amended to read: “establishes the courts in the Canton”, and in the item l), after the word: “cantons”, the words: “that have Bosniac majority” shall be deleted.

AMENDMENT XXXVII

After the Article 12, Chapter V A (3), new title and articles 12a, 12b and 12c shall be added to read:

“4. Mechanism to Protect Vital National Interest

Article 12a

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 and is defined in a following manner:

- 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;
- 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 2/3rd of one of the caucuses of the constituent peoples in the Assembly of the Canton.

Article 12b

(1) 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 Article 12a of this Constitution, the adoption of such law shall require majority votes of each caucus of constituent peoples represented in the Assembly.

(2) The Speaker and Deputy Speakers of the legislature of the Canton shall be required to decide within seven days if any law, regulation or by-law falls within the list referred to in Article 12a of this Constitution.

(3) If only one speaker or deputy speaker claims that a law, regulation or by-law falls within the list of vital interests, 2/3rd 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 12c

(1) 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.

(2) 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.

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

(4) If the Court decides that an issue involves the vital national interest, it shall be considered that the law, general or individual regulation 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.

(5) 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 XXXVIII

In Chapter V, Section B, the title “1. The Canton President” and articles 1 – 7 shall be deleted.

AMENDMENT XXXIX

In Chapter V, Section B, current title 2 shall become title 1, and Article 8 shall be amended to read:

“(1) The Canton Government consists of the Prime Minister and Ministers.
(2) The constituent peoples and the members of Others shall be proportionally represented in the Government. Such proportional representation shall reflect the 1991 census until full implementation of Annex 7 in accordance with the Article IX 11a of the Constitution of the Federation.”

AMENDMENT XL

In Chapter V B (1), Article 9 shall be amended to read:

“(1) The Speaker of the Assembly of the Canton shall nominate a candidate for the position of Prime Minister in concurrence with Deputy Speakers.
(2) The candidate for the position of Prime Minister of the Canton shall nominate Ministers.
(3) The Government of the Canton shall be confirmed by the Assembly of the Canton.
(4) Each vacant position shall be filled by same procedure.”

AMENDMENT XLI

Article 10, Chapter V B (1) shall be amended to read:

“(1) The Prime Minister shall be responsible to the Assembly of the Canton, and ministers to the Prime Minister and Assembly.
(2) The Ministers shall bear the responsibility for the functioning of their respective Ministries.
(3) The Government of the Canton shall resign if the Assembly of the Canton votes no confidence in government.”

AMENDMENT XLII

In Article 12, Chapter V B (1), item “e” shall be deleted, and after paragraph 1, 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 XLIII

In Article 14, Chapter V B (1), the words “Prime Minister” shall be replaced with words “Prime Minister”. *[Translator’s remark – N/A to English text]*

AMENDMENT XLIV

In Article 15, Chapter V B (1), the words “Prime Minister” in corresponding grammatical cases shall be replaced with words “Canton Prime Minister”. *[Translator’s remark – N/A to English text]*

AMENDMENT XLV

Article 16, Chapter V B (1) shall be deleted.

AMENDMENT XLVI

In Article 14, Chapter V, Section C, amended by Amendment XXIII, after paragraph 4, new paragraph 5 shall be added to read:

“(5) The constituent peoples and members of the Others shall be proportionally represented in Cantonal Court. 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 XLVII

In Chapter VI (1), after Article 2, new Article 2a shall be added to read:

“Article 2a

The constituent peoples and members of Others shall be equally represented in the municipal authorities.

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 XLVIII

Article 8, Chapter VI (2) shall be amended to read:

“Members of a municipal council shall not be subject to criminal accountability or contractual and tort liability for activities made in the exercise of their duties in the municipal council.”

AMENDMENT XLIX

Article 13, Chapter VI (3) shall be deleted.

AMENDMENT L

In Article 16, Chapter VI, Section C, amended by Amendment XXVIII, shall be added as paragraph 2 to read:

“(2) The constituent peoples and members of the Others shall be proportionally represented in 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 LI

In Chapter X, articles 11a and 11b stipulated by Amendment XXX shall be deleted.