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AMENDMENTS XLII-LXXIII TO THE CONSTITUTION OF TUZLA CANTON

“Official Gazette of Tuzla Canton”, 6/04

Pursuant to Article 24, paragraph 1, item a) of the Constitution of the Tuzla Canton (“Official Gazette of the Tuzla-Podrinje Canton”, no. 7/97 and 3/99 and (“Official Gazette of the Tuzla Canton”, no. 13/99, 10/00 and 14/02) the Cantonal Assembly of the Tuzla Canton, at its session of 22 April 2004, passed

AMENDMENTS XLII-LXXIII TO THE CONSTITUTION OF TUZLA CANTON

AMENDMENT XLII

In Article 1 of the Constitution of Tuzla canton, which has been amended with Amendments IV, VI and XIII, in paragraph 1, after the word: “citizens”, the words: “of the Canton” shall be replaced with words: “of the Tuzla Canton”.

AMENDMENT XLIII

Article 3 shall be amended to read:

“The constituent peoples and members of Others shall be proportionally represented in the Government, ministries of the Canton, Cantonal and municipal courts, in cantonal and municipal authorities and administration.
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 XLIV

In Article 14, Paragraph 3 shall be amended to read:

“The Canton may conclude international agreements upon obtaining prior agreement of the Parliamentary Assembly of Bosnia and Herzegovina and the Parliament of the Federation of Bosnia and Herzegovina, except such agreements for whose conclusion the agreement of the Parliamentary Assembly, by the regulations dealing with Parliamentary Assembly of Bosnia and Herzegovina, is not required.”

AMENDMENT XLV

Article 19 that has been amended by Amendment XVI to the Constitution of Tuzla Canton shall be amended to read:

“The Cantonal Assembly has a Chairman and Deputy Chairmen.
The mandate of the Chairman and Deputy Chairman is four years.
The Chairman represents the Cantonal Assembly, convenes the sessions of the Cantonal Assembly, chairs them and signs documents that are adopted at the sessions of the Cantonal Assembly.

The Chairman of the Cantonal Assembly shall represent the Canton in case that the President of the Canton is temporarily unable to perform his duties.

The Deputy Chairman replaces the Chairman of the Cantonal Assembly in case that he is prevented from performing his duty; he assists the Chairman of the Assembly, while chairing the sessions of the Cantonal Assembly, takes part in consultations for making decisions in cases set forth by this Constitution and Rules of Procedure of the Assembly.”

AMENDMENT XLVI

After Article 19, new Article 19a 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 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.

The Assembly of canton shall verify candidates in accordance with its Rule of Procedure. If a constituent people are not represented in the Assembly of Canton, the office of a Deputy Speaker shall remain vacant.

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

AMENDMENT XLVII

In Article 20 that has been amended by Amendment XVII, in Paragraph 1, instead of full stop, a comma punctuation mark and the words: “in accordance with the law” shall be inserted.

In article 20, Paragraph 3 shall be deleted.

AMENDMENT XLVIII

Article 23 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 XLIX

In Article 24 that has been amended by Amendment XVIII, Paragraph 1, in item d), after the words: “Bosnia and Herzegovina”, the words: “and the Parliament of the Federation of Bosnia and Herzegovina” shall be added.

In Article 24, Paragraph 1, in item d), the words: “agreements made with other countries and” shall be replaced with words: “international agreements and agreements with”.

In Article 24, Paragraph 1, item g) shall be amended to read:

“Confirms the candidates for the posts of the Chairman and Deputy Chairman of the Cantonal Assembly and relieves of duty the Chairman and Deputy Chairman of the Cantonal Assembly.”

In Article 24, Paragraph 1, items j), l) and o) shall be deleted.

In Article 24, Paragraph 1, in item i), after the word “Federation”, the words “and law” shall be added.

In Article 24, Paragraph 1, current item k) shall become item j), after which new items k), l) and m) shall be added to read:

“k) enacts the physical plan of the Canton;

l) determines the objectives and policy of the Canton and considers the reports on realization of the objectives and policy of the Canton;

m) ensures the realization of cooperation with the bodies of the legislative power of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, other cantons and municipalities.”

Current item p) shall become item n).

AMENDMENT L

In Article 25, Paragraph 1, item c) shall be deleted.

AMENDMENT LI

After the Article 26, new Subtitle and Articles 26a, 26b and 26c shall be added to read:

“4. Vital National Interest

Article 26a

The vital national interests shall be concerning the 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 Assembly of the Canton.

The caucuses of the constituent peoples shall be the caucuses of delegates formed in accordance with Article 19a of this Constitution.

Article 26b

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

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 26a of this Constitution.

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 in the legislature concerned may declare that the issue falls within the list of vital national interests.

Article 26c

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, 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.

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 LII

In the Chapter B – Executive Authority of the Canton, subtitle “1. President of Canton” shall be amended to read: “Prime Minister of Canton”.

AMENDMENT LIII

Article 27 shall be amended to read:

“The Prime Minister of Canton represents and acts for the Canton, and he is the chief of the Cantonal executive authorities.”

AMENDMENT LIV

Article 28 through 32 shall be deleted.

AMENDMENT LV

Article 33 that has been amended by Amendment XX shall be amended to read:

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

- a) signing and ratifying international agreements on behalf of the Canton, which are approved by the Cantonal Assembly and with the prior consent of the Parliamentary Assembly of Bosnia and Herzegovina, except such agreements for whose signing and ratification the approval of the Parliamentary Assembly of Bosnia and Herzegovina is not required;
- b) implementing cantonal policy and execution of cantonal regulations, including ensuring of execution of court decisions;
- c) filing requests with the Constitutional Court of the Federation for the purpose of ascertaining that the Cantonal Constitution or Amendments to the Cantonal Constitution or the proposed law, or the law which has been adopted by the Cantonal Assembly is in accordance with the Constitution of the Federation;
- d) filing request with the Constitutional Court of the Federation for the purpose of ascertaining that the regulations proposed or adopted by an organ of cantonal, municipal or city authorities is in accordance with the Constitution of the Federation;
- e) ensuring cooperation with the executive authorities of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, other cantons and municipalities;
- f) other issues set forth by this Constitution and other regulations of the Canton; and
- g) conducting other duties entrusted to him by the Cantonal Assembly.”

AMENDMENT LVI

Article 34 that has been amended by Amendments VIII and XXI shall be amended to read:

“The Canton shall have the government as executive authority.
The Government of the canton shall consist of the Prime Minister and ministers whose number shall be determined by the Law on the Government of the Canton.
The Government of the Canton shall be confirmed by the Assembly of the Canton by majority vote.
The mandate of the Government shall be four years.”

AMENDMENT LVII

Article 35 shall be amended to read:

“The Speaker of the Assembly of the Canton shall nominate a candidate for the position of Prime Minister in concurrence with Deputy Speakers.”

AMENDMENT LVIII

Article 36 that has been amended by Amendment IX shall be amended to read:

“The candidate for the position of Prime Minister of the Canton shall nominate Ministers.

The ministers shall not have deputies.

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

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

AMENDMENT LIX

Article 37 shall be amended to read:

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

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

AMENDMENT LX

Article 38 shall be amended to read:

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

The Government shall resign if the Assembly of the Canton votes no confidence in government.”

AMENDMENT LXI

Article 39 that has been amended by Amendment X shall be amended to read:

“The Assembly of the Canton may remove the Government of the Canton or an individual minister.

The Prime Minister or each member of the Government may individually resign to the Assembly of the Canton.

By acceptance of the Prime Minister by the Assembly, the mandate of the Government shall be terminated.”

AMENDMENT LXII

In Article 40, Paragraph 2 that has been amended by Amendment XXII shall be amended to read:

“The cantonal law shall determine the position, rights and responsibilities of Cantonal Administration, its organization and responsibilities, in accordance with the Constitution of the Federation, other Federation regulations and this Constitution.”

AMENDMENT LXIII

Article 41 shall be amended to read:

“The Cantonal Government shall be responsible for:

- a) appointment of the Cantonal Attorney and Deputy Cantonal Attorney;
- b) implementing cantonal policies, proposing and implementing cantonal laws and other regulations;
- c) implementing decisions of courts;
- d) exercising any other authority entrusted to the Canton by the Federation Government;
- e) preparing budget proposals;
- f) ensuring cooperation between the Cantonal Government and ombudsmen;
- g) supervision of the cantonal police;
- h) ensuring that the national structure of the police forces adequately reflects the national structure of the population in the Canton, providing at the same time that the national structure of police forces in each municipality, reflects the national structure of the population living in that municipality;
- i) ensuring cooperation with the executive authorities of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, other cantons and municipalities;
- j) other issues as defined in this Constitution and other regulations.”

AMENDMENT LXIV

Article 42 shall be deleted.

AMENDMENT LXV

In Article 44, Paragraph 1, in items g) and h), the words: “President of Cantonal Government” shall be replaced with words: “Prime Minister”.

AMENDMENT LXVI

Article 46 that has been amended by Amendment XII shall be amended to read:

“Prime Minister of the Canton and ministers 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 Canton.”

AMENDMENT LXVII

In Article 55 that has been amended by Amendment XXVIII, Paragraph 2 shall be deleted.

AMENDMENT LXVIII

In Article 63 that has been amended by Amendment XXXV, in Paragraph 1, the words: “President of the Canton” shall be deleted, and the words: “president and Members of the Cantonal Government” shall be replaced with words: “Prime Minister and Members of the Cantonal Government”.

Paragraphs 3 and 4 shall be deleted.

AMENDMENT LXIX

In Article 82, Paragraph 1, item a) shall be amended to read:

“Appointing and removal of the municipal officials”.

AMENDMENT LXX

In Article 83, Paragraph 1, item a) shall be amended to read:

“Appointing and removal of the city officials”.

AMENDMENT LXXI

In Article 84 that has been amended by Amendment XXXIX, Paragraph 1 shall be amended to read:

“Amendments to the Constitution of the Canton may be proposed by the Cantonal Government, majority of delegates in the Cantonal Assembly, and majority of Bosniak, Croat or Serb delegates in the Cantonal Assembly.”

AMENDMENT LXXII

In Article 86, Paragraph 2, the words: “President of the Canton” shall be deleted.

AMENDMENT LXXIII

In the Constitution of Tuzla Canton in Croatian language, in line 5 of the Preamble of the Constitution, that has been amended by Amendment III, and in 5 Paragraph 3; Article 15, Paragraphs 1 and 2; Article 16, that has been amended by Amendment VII,

Paragraph 1; Article 17 that has been amended by Amendment XII, Paragraph 1; Article 18, Paragraphs 1, 2 and 3; Article 19 that has been amended by Amendment XVI, Paragraphs 1, 3, 4 and 5; Article 20 that has been amended by Amendment XVII, Paragraphs 1, 2 and 3; Article 21 Paragraph 1; Article 22 Paragraph 1; Article 23 Paragraphs 1 and 2; Article 24 that has been amended by Amendment XVIII, Paragraph 1 items e), g), h), and Paragraph 2; in subtitle 3 above Article 25; Article 25 Paragraphs 1 and 2; Article 26, Paragraph 1; Article 45, Paragraphs 1 and 2; Article 63 that has been amended by Amendment XXXV, Paragraph 1; Article 84 that has been amended by Amendment XXXIX, Paragraphs 1 and 2; Article 86, Paragraph 2; Article 87, Paragraph 3; Article 88, Paragraph 1, the word “Sabor” shall be replaced with words “Skupština” in corresponding grammatical case [*Translator’s remark – N/A to English text*].