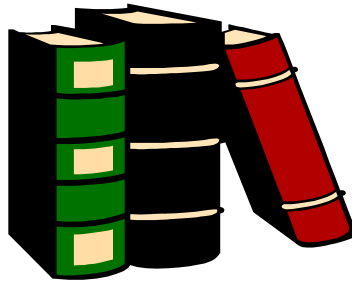




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## **Department for Legal Affairs**



# **AMENDMENTS XIII-XXXIII TO THE CONSTITUTION OF POSAVINA CANTON**

**“Official Gazette of the Posavina Canton”, 18/21**

**[NOTE: Constitution of Posavina Canton was published in the “People’s Gazette of Posavina Canton”, 1/96.](#)**

Pursuant to Article 75 of the Constitution of the Posavina Canton (Official Gazette of the Posavina Canton No. 1/96, 3/96, 7/99, 3/00, 5/00 and 7/04), Posavina Cantonal Assembly, on VIII. extraordinary session held on December 16, 2021, adopted

## **AMENDMENTS XIII-XXXIII TO THE CONSTITUTION OF POSAVINA CANTON**

### **Amendment XIII**

Article 2 shall be amended to read:

The Croats, Bosniaks and Serbs, as constitutive peoples in the Federation of Bosnia and Herzegovina, together with Others and citizens of Posavina Canton, shall equally exercise their constitutional rights according to this Constitution, the Constitution of the Federation of Bosnia and Herzegovina and the Constitution of Bosnia and Herzegovina.

### **Amendment XIV**

Article 6 shall be amended to read:

The territory of the Canton shall include the areas of municipalities:

1. Domaljevac-Samac
2. Odžak
3. Orašje.

### **Amendment XV**

Paragraph 2 of Article 19 shall be deleted.

### **Amendment XVI**

Article 20 shall be amended to read:

Deputies in the Assembly shall be elected for a period of 4 (four) years.

### **Amendment XVII**

Article 22 shall be amended to read:

The Assembly shall have a Speaker and two Deputy Speakers who shall be elected from among the different constituent peoples.

A caucus of representatives of the constituent people shall be formed in the Assembly, provided that there is at least one deputy of that constituent people in the Assembly.

Each constituent people's caucus shall nominate one candidate from among its members for election to the position of Speaker or Deputy Speaker of the Assembly, who shall be confirmed by the Assembly in accordance with its rules of procedure.

If one constituent people is not represented in the Assembly, the position of Deputy Speaker from that constituent people remains vacant.

The procedure for electing the Speaker and Deputy Speakers of the Assembly shall be more precisely regulated by the Rules of Procedure of the Assembly.

### **Amendment XVIII**

Article 26 shall be amended to read

The Assembly shall:

- a) prepare and adopt the Constitution of the Canton;
- b) enact laws and other regulations necessary for the exercise of the powers of the Canton;
- c) adopts the budget of the Canton and enacts laws on taxation and otherwise provide the necessary funding;
- d) approve the conclusion of international agreements with states and international organizations in accordance with the Constitution of the Federation and this Constitution;
- e) adopt the Rules of Procedure of the Assembly;
- f) elects the Speaker and Deputy Speakers of the Assembly and other officials in accordance with the Constitution and laws;
- g) confirm the Cantonal Government;
- h) elect the delegates of the Canton to the House of Peoples of the Federation Parliament from among the deputies of the Assembly in accordance with the Constitution of the Federation;
- i) conduct investigations and for this purpose it may request the obtaining of evidence in the form of documents and testimonies of witnesses, without getting into the jurisdiction of the judiciary;
- j) provide an authentic interpretation of the Constitution, laws and other regulations it adopts;
- k) perform other tasks falling within its scope of work.

### **Amendment XIX**

After Article 26, new Article 26a shall be added to read:

Article 26a

The issue of citizens' voting in a referendum shall be regulated by a separate law.

### **Amendment XX**

Item c in paragraph 1 of Article 27 shall be deleted.

### **Amendment XXI**

Article 29 shall be amended to read:

The cantonal laws shall enter into force as stipulated in them, but not before they are published in the Official Gazette of the Canton.

Other regulations of the Canton may enter into force as specified in them, and at the earliest on the day of their adoption.

**Amendment XXII**

Articles 30, 31, 32, 33, 34, 35, 36 and 37 shall be deleted.

**Amendment XXIII**

Articles 38 and 39 shall be amended to read:

Article 38

The candidate for the position of Prime Minister shall be appointed by the Speaker of the Assembly in consultation with the Deputy Speakers of the Assembly.

The candidate for the position of Prime Minister shall propose the ministers.

The government shall consist of the Prime Minister and ministers.

The government shall have Deputy Prime Ministers who shall be elected from among the ministers.

The Government shall be confirmed by the Assembly by a majority vote of the total number of deputies.

The Government shall take office after confirmation in the Assembly.

The composition of the Government shall reflect the ethnic composition of the population of the Canton.

Article 39

The term of office of the Government shall end if the Assembly votes no confidence in it at any time.

**Amendment XXIV**

Article 43 shall be amended to read:

The Prime Minister, Deputy Prime Ministers and Ministers shall not be held liable in civic proceedings for any action taken in the course of their duties.

**Amendment XXV**

Article 44 shall be amended to read:

Judicial function in the Canton shall be performed by the Cantonal Court and Municipal Court.

**Amendment XXVI**

Articles 48 and 49 shall be amended to read:

## Article 48

The courts shall be established by law.

## Article 49

The Cantonal Court shall have appellate jurisdiction in relation to the municipal courts in the Canton and first instance jurisdiction in matters not falling within the jurisdiction of the municipal courts, as well as other jurisdictions established by law.

### **Amendment XXVII**

Articles 51 and 52 shall be amended to read:

#### Article 51

Judges of the Cantonal Court, including the President of the Cantonal Court, shall be elected, appointed, disciplined and removed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (hereinafter the High Judicial and Prosecutorial Council) in accordance with law.

#### Article 52

Judges of the Cantonal Court, other than reserve judges, shall be appointed for life, unless they resign, retire or are removed with a reason by the High Judicial and Prosecutorial Council in accordance with the law.

The age prescribed for the mandatory retirement of judges of the Cantonal Court shall be determined by law.

Conditions for the performance of duties, including immunity for judges of the Cantonal Court, shall be determined by law.

Salaries and other allowances to judges of the Cantonal Court may not be reduced during their term of office, except as a result of disciplinary proceedings in accordance with the law.

### **Amendment XXVIII**

Article 53 shall be deleted

### **Amendment XXIX**

After Article 54, new title:

“D) VITAL NATIONAL INTEREST PROTECTION MECHANISM”, and new articles 54a, 54b and 54c shall be added to read:

#### Article 54a

Vital national interests of the constituent peoples shall refer to:

- exercising the right of constituent peoples to be represented in legislative, executive and judicial bodies,
- identity of one constituent people,
- constitutional amendments,
- organization of public authorities,
- the rights of the constituent peoples in the decision-making process,
- education, religion, language, nurturing culture, traditions and cultural heritage,
- territorial organization,
- public information system and
- other issues that would be treated as issues of vital national interest if two-thirds of one of the caucuses representing the constituent peoples in the Assembly considers so.

#### Article 54b

If at least two of the Speakers and Deputy Speakers of the Assembly claim that a law falls within the list of vital national interests set out in the previous article, the adoption of such a law shall require a majority of votes within each of the constituent peoples' caucuses represented in the Assembly.

The Speaker and Deputy Speakers of the Assembly shall be obliged to decide within seven days whether any of the laws, regulations or acts fall under the list referred to in Article 54a of this Constitution.

If only the Speaker or one of the Deputy Speakers claim that a law, regulation or act falls under the list of vital national interests, a two-thirds majority of the relevant caucus of one of the constituent peoples of the Assembly may declare it a vital national interest issue.

#### Article 54c

In case a two-thirds majority of one of the constituent peoples' caucuses in the Assembly decides that a law, regulation or act is of vital national interest, the adoption of such law, regulation or act shall require a majority of votes within each constituent peoples' caucus represented in the Assembly.

If the majority referred to in paragraph 1 of this Article cannot be reached, the matter shall be referred to the Constitutional Court of the Federation, which shall make the final decision on whether a law, regulation or act concerns the vital interests of the constituent people.

If the Constitutional Court decides that it is a matter of vital interest, the law, regulation or act is considered not adopted and the document shall be returned to the proposer who should initiate a

new procedure. In that case, the proposer cannot submit the same text of the law, regulation or act.

In case that the Constitutional Court decides that it is not a matter of vital interest, the law, regulation or act shall be deemed adopted or shall be adopted by a simple majority of votes.

### **Amendment XXX**

Articles 73, 74 and 75 shall be amended to read:

#### Article 73

Judges of municipal courts, including court presidents, shall be selected, appointed, disciplined and removed by the High Judicial and Prosecutorial Council in accordance with the law.

#### Article 74

Judges of municipal courts, other than reserve judges, shall be appointed for life unless they resign, retire or are removed with reason by the High Judicial and Prosecutorial Council in accordance with the law.

The age prescribed for the mandatory retirement of judges of municipal courts shall be determined by law.

Conditions for the performance of duties, including immunity for judges of municipal courts, shall be determined by law.

Salaries and other remuneration of judges of municipal courts may not be reduced during the performance of judicial duties, except as a consequence of disciplinary proceedings, in accordance with the law.

#### Article 75

Amendments to the Constitution of the Canton may be proposed by the Speaker of the Assembly, the Government, a majority of the deputies of the Assembly and the caucuses of the constituent peoples.

The proposed amendment to the Canton Constitution shall not be finally considered in the Assembly before the expiry of the two-week deadline after it was first submitted.

The proposed amendment shall be adopted by a two-thirds majority vote of the deputies of the Assembly.

### **Amendment XXXI**

Article 77, paragraph 2 shall be amended to read:

The Constitution shall be adopted by a two-thirds majority vote of the deputies of the Assembly and shall enter into force at midnight on the day when it was adopted by the Assembly and will be published in the "Official Gazette of the Posavina Canton".

**Amendment XXXII**

Articles 78, 79, 80, 81, 82 and 83 shall be deleted.

**Amendment XXXIII**

Article 10 shall be amended to read:

The official languages of the Canton shall be: Croatian, Bosnian and Serbian.

The official letters shall be Latin and Cyrillic.

Other languages can be used as a means of communication and teaching.

Bosnia and Herzegovina  
Federation of Bosnia and Herzegovina  
POSAVINA CANTON  
Assembly  
Number: 01-02-63-10 / 21  
Domaljevac, December 16, 2021