



THE CONSTITUTION OF THE REPUBLIC OF SRPSKA*

* (Official Gazette of the Republic of Srpska No. 21/92 – consolidated version, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05,48/11).

Observing the will of its constituent peoples and citizens to establish and preserve the Republic of Srpska and base the constitutional organisation of the Republic upon the observance of dignity, freedom and equality of human individuals, upon equality of ethnic communities, democratic institutions, the rule of law, social justice, pluralistic society, guarantees for and protection of human freedoms and rights and the rights of minority groups in accordance with international standards, non- discrimination and observance of the rules of market economy;

Seeking to ensure peace, tolerance and general welfare;

Intending to contribute to the development of friendly relations among nations and states;

Proceeding from the determination of the Republic of Srpska to comply with and consistently enforce the General Framework Agreement for Peace in Bosnia and Herzegovina, which unequivocally adopts, confirms and guarantees the constitutional status of the Republic of Srpska as one of two entities within Bosnia and Herzegovina;

The National Assembly of the Republic of Srpska hereby adopts¹

THE CONSTITUTION OF THE REPUBLIC OF SRPSKA

I. GENERAL PROVISIONS

Article 1²

The Republic of Srpska is a territorially unified and indivisible constitutional and legal entity.

The Republic of Srpska shall independently perform its constitutional, legislative, executive and judicial functions.

The Republic of Srpska is one of the two equal entities in Bosnia and Herzegovina.

Serbs, Bosniaks and Croats as constituent peoples, along with Others and citizens shall participate in exercising functions and powers in the Republic of Srpska equally and without discrimination.

¹ The Preamble has been replaced by Amendment LXVI.

² Article 1 has been replaced by Amendment XXVII as replaced by Amendment XLIV further replaced by Amendment LXVII.

Article 2³

The territory of the Republic shall be unified, indivisible and inalienable.

A proposal to change the Inter-Entity Boundary Line between the Republic of Srpska and the Federation of Bosnia and Herzegovina may be decided by a referendum in the Republic.

Article 3⁴

All state functions and powers shall belong to the Republic, with the exception of those which, according to the Constitution of Bosnia and Herzegovina, have been placed within the exclusive competence of the institutions of Bosnia and Herzegovina.

Article 4⁵

The Republic may, according to the Constitution of Bosnia and Herzegovina, establish special parallel relations with the Federal Republic of Yugoslavia and its constituent republics.

Article 5⁶

The constitutional organisation of the Republic shall be based upon:

- guarantee and protection of human freedoms and rights in accordance with international standards,
- guarantee of ethnic equality **and protection of vital interests of the constituent peoples,**
- social justice,
- rule of law,
- market economy,
- multi-party political system,
- parliamentary democracy and division of power,
- free elections,
- local self-government,
- protection of the rights of ethnic groups and other minorities.

³ Article 2 Paragraph 1 has been replaced by Amendment XLV; Paragraph 2 has been replaced by Amendment XXVIII as replaced by Amendment LV, where the word “border” has been replaced by Amendment LXVIII with “*Inter-Entity Boundary Line*”.

⁴ Article 3 of the Constitution has been replaced by Amendment XLVI Item 1 as replaced by Amendment LVI Item 1.

⁵ Article 4 of the Constitution has been replaced by Amendment XXIX as amended by Amendment XLVI Item 2 as replaced by Amendment LVI Item 2.

⁶ Article 2 Line 5 of the Constitution has been amended by Amendment LXIX, where the words “*and protection of vital interests of the constituent peoples*” have been added.

Article 6⁷

Citizens of the Republic shall have citizenship of the Republic of Srpska.

A citizen of the Republic of Srpska may not be deprived of citizenship.

Article 7⁸

The official languages of the Republic of Srpska shall be: the language of the Serb people, the language of the Bosniak people and the language of the Croat people. The official scripts shall be Cyrillic and Latin.

In regions populated by communities speaking other languages, their languages and scripts shall also be in official use as provided by law.

Article 8

The Republic shall have its flag, coat-of-arms and national anthem.

The flag, the coat-of-arms and the wording of the national anthem shall be provided for by a constitutional statute.

Article 9

The capital of the Republic shall be Sarajevo.

II. HUMAN RIGHTS AND FREEDOMS**Article 10**

Citizens of the Republic shall be guaranteed equal freedoms, rights and duties; they shall be equal before the law and enjoy equal legal protection irrespective of their race, sex, language, ethnic origin, religion, social background, birth, education, financial standing, political and other beliefs, social status and other personal circumstances.

Human life shall be inviolable.

The death penalty may be pronounced exclusively for capital crimes.

Article 12

The personal freedom and safety of man shall be inviolable.

⁷ Article 6 Paragraph 1 has been replaced by Amendment XLVII; Paragraph 2 has been added by Amendment XXX as replaced by Amendment LXX.

⁸ Article 7 Paragraph 1 of the Constitution has been replaced by Amendment LXXI.

No one may be deprived of their liberty or restricted in it except in such cases and pursuant to such procedures as provided by law.

Article 13

Human dignity, physical and spiritual integrity, personal privacy, personal and family life shall be inviolable.

Article 14

No one may be subjected to torture, cruel, inhuman or degrading treatment or punishment.

Any form of coercion in obtaining confessions or statements shall be prohibited and punishable.

It shall be prohibited to conduct medical and other scientific experiments upon any person without his or her consent.

Article 15

Unlawful deprivation of liberty shall be punishable.

Deprivation of liberty may only last as long as there are legal conditions for it.

A person reasonably suspected of having committed an offence may be arrested and detained only when it is necessary for the purpose of the conduct of criminal proceedings or for reasons of public safety.

Detention shall be based on a court warrant, and only under certain conditions stipulated by law may be based on a decision of another body authorised by law, in which case the detention may last up to three days only.

Upon detention, the person detained must be handed a written court warrant with a statement of reasons. The **private** person* has the right to appeal against the warrant of detention.

Article 16

Everyone shall be entitled to equal protection of rights in any proceedings before a court and before other state authorities and organisation.

Everyone shall be guaranteed the right to appeal or any other legal remedy against the decisions by which his or her rights or legal interest are provided for.

* There is a technical error in Article 15 Paragraph 5 of the Constitution. It is clear from the content of this Article that the word "*private*" should read "*detained*". (author's note).

Article 17

Everyone shall be entitled to compensation for damage caused through unlawful or irregular actions by an official or a state body performing under state authority or as a bearer of public authority.

Any person unjustly convicted or unlawfully or without grounds deprived of liberty shall have the right to rehabilitation, compensation for damage, public apology and other rights as provided by law.

Article 18

A person charged with a criminal offence shall be guaranteed a fair court trial.

A person charged with a criminal offence must be informed of the reasons for the charges brought against him or her without undue delay, within a time limit as provided by law.

Court proceedings shall not be conducted in the absence of the accused person.

If the person accused is inaccessible to the court, the court hearing may be conducted in his or her absence only in exceptional cases as provided by law.

Article 19

The right to legal defence shall be guaranteed.

The right to choose a legal defence representative and to freely communicate with him or her shall be guaranteed.

The legal defence representative may not be held responsible for actions undertaken in the defence proceedings.

Article 20

No one may be punished for an act that did not constitute a criminal offence or for which punishment was prescribed under law at the time when it was committed.

No one shall be presumed guilty for a criminal offence until found guilty in a final court judgment.

Article 21

Citizens shall have the right to freedom of movement, to dwell and to reside on the territory of the Republic of Srpska, to leave this territory and to return to it at any time.

Freedom of movement may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, or to protect public safety and health.

No restrictions to this right may be introduced for political reasons.

Article 22⁹

Freedom and privacy of correspondence and other forms of communication shall be inviolable.

Only a law may prescribe that, on the basis of a court warrant, freedom and privacy of correspondence and other forms of communication be suspended where it is necessary for the course of criminal proceedings or for reasons of national security.

Article 23

The protection of privacy of personal data shall be guaranteed. The collection, processing and designated use of personal data shall be provided for by law.

The use of personal data contrary to the designated purpose for which such data have been collected shall be prohibited.

Citizens shall have the right to request and gain access to all the data related to them as contained in state and public authority files.

Article 24

Dwellings shall be inviolable.

A law may prescribe that, on the basis of a court warrant, an official may enter dwellings or other premises of another person against their will and conduct a search. Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court warrant and conduct a search where this is necessary for the apprehension of a criminal offender or to save people and property.

Article 25

Freedom of thought and affiliation, conscience and conviction, as well as of public expression of opinion shall be guaranteed.

Article 26¹⁰

Freedom of the press and other means of public communication shall be guaranteed.

⁹ In Article 22 of the Constitution, the words “*and Yugoslavia*” have been deleted by Amendment LVII Item 4.

¹⁰ In article 26 Paragraph 2 of the Constitution, the word “*independent*” has been replaced by the word “*news*” by Amendment XLIII Item 1.

Anyone is free to establish **news** organisations and publishing houses, to publish newspapers or to disseminate information via other media as provided by law.

Censorship of the press and other public information media shall be prohibited.

It is the duty of the public information media to inform the public timely, truthfully and without bias.

The right to correct untruthfully published information which has damaged a right or an interest of an individual or body shall be guaranteed, as shall be the right to compensation for damages arising thereby.

Article 27

Freedom of scientific, cultural and artistic endeavour shall be guaranteed.

The protection of copyright, intellectual and property rights deriving from scientific, cultural, artistic and other intellectual activities shall be guaranteed.

Article 28¹¹

Freedom of religion shall be guaranteed.

Religious communities shall be equal before the law and free to manage their religious affairs and practice religious services; they may open religious schools and conduct religious education in all schools at all levels of education; they may engage in commercial and other activities, receive gifts, establish and manage legacies, as provided by law.

The Serbian Orthodox Church shall be the church of the Serb people and other people of Orthodox religion.

Article 29¹²

A citizen who has reached the age of eighteen years shall have the right to vote and to be elected.

The right of suffrage shall be universal and equal; elections shall be direct and by secret ballot.

A person shall acquire the right of suffrage as provided in Article 29 based on proof of residence in a certain place for a period of time as provided by law.

¹¹ Article 28 Paragraph 4 of the Constitution has been deleted by Amendment LXXII.

¹² Article 29 of the Constitution has been supplemented with Amendment LVII Item 5.

Article 30

Citizens shall have right to peaceful assembly and public protest.

The freedom of assembly may be restricted by law but only where this is necessary to protect the safety of people or property.

Article 31

Freedom of political organisation and activities in conformity with law shall be guaranteed.

Any political organisation or activity threatening the democracy, jeopardising the integrity of the Republic, violating the freedoms and rights guaranteed by the Constitution and any incitement to ethnic, racial or religious hatred and intolerance shall be prohibited.

Article 32

Every citizen has the right to publicly express his or her opinion about the performance of state authorities and other bodies and organisations, to submit complaints, petitions and proposals to them and to receive replies thereto.

No one may be held liable or suffer other adverse consequences because of a publicly expressed opinion regarding the performance of state authorities or because of his or her statements presented in a complaint, petition or proposal, unless by doing so he or she has committed a criminal offence.

Article 33

Every citizen has the right to participate in the management of public affairs and to have equal access to public services..

Article 34¹³

Every citizen shall be guaranteed the freedom to express affiliation with his or her nation and culture, and the right to use his or her language and script.

No one shall be forced to declare his or her national affiliation.

Article 35

Everyone shall have the right to a healthy environment. Everyone has the duty to protect and improve the environment, in accordance with the law and within his or her abilities.

Article 36

¹³ Article 34 Paragraph 3 of the Constitution has been deleted by Amendment LVII Item 6.

The family, mother and child shall enjoy special protection.

Marriage and the relations within marriage and family shall be regulated by law.

Everyone shall be free to decide whether to have children.

Parents shall have the right and duty to raise and educate their children.

Children shall have the duty to care for their parents in need of help.

Children born out of wedlock shall have the same rights and duties as those born in wedlock.

Minors who are not cared for by their parents, as well as persons unable to look after themselves and protect their rights and interests shall enjoy special protection.

Article 37

Everyone has the right to health care.

The right to health care shall be guaranteed under conditions as provided by law.

Children, pregnant women and elderly persons shall be entitled to health care financed from public funds, whereas other persons shall enjoy this right under the conditions as provided by law.

Article 38¹⁴

Everyone has the right to education under equal conditions.

Primary education is compulsory and shall be free of charge.

Everyone shall have access under equal conditions to secondary and tertiary education.

Citizens may open private schools in accordance with the law.

Article 39

Forced labour shall be prohibited.

Everyone shall be free to choose his or her occupation and employment and shall have access under equal conditions to any position of employment.

¹⁴ In Article 38 Paragraph 4 of the Constitution, the words “*and colleges*” have been deleted by Amendment XLII Item 2.

Employment may be terminated against the will of the employee under conditions as provided by law and the collective bargaining agreement.

Every employee shall have the right to remuneration as provided by law and the collective bargaining agreement.

Article 40

Every employee shall be entitled to limited working hours, daily and weekly breaks, a paid annual leave and other leaves, in accordance with the law and the collective bargaining agreement.

Every employee shall have the right to occupational health and safety as provided by law.

Young persons, women and disabled persons shall enjoy special protection in the workplace.

Article 41

The freedom to establish, operate and join trade unions shall be guaranteed.

Article 42

Employees shall have the right to strike under conditions as provided by law.

Article 43

The right of employed persons and their family members to social security and social insurance shall be provided for by law and the collective bargaining agreement.

The right to unemployment benefit during temporary unemployment shall be guaranteed under conditions provided by law.

Partially disabled citizens shall be given work-training for a suitable job and conditions for their employment shall be determined in accordance with the law.

The Republic shall provide assistance and social security to the disabled citizens who are unable to work and have no funds to support themselves.

Article 44¹⁵

Aliens shall have the human rights and freedoms determined by the Constitution as well as other rights as provided by law and international agreements.

¹⁵ Article 44 Paragraph 2 of the Constitution has been deleted by Amendment LXXIII.

Article 45

Everyone has the duty to abide by the Constitution and law.

Everyone has the duty to perform conscientiously and responsibly any public function assigned to them.

Article 46

Everyone has the duty to assist others who are in need and to participate in averting public danger.

Article 47

(Article 47 has been deleted on the basis of Item 7 of Amendment LVII.)

Article 48¹⁶

The rights and freedoms guaranteed by this Constitution may not be denied or restricted.

Judicial protection of the rights and freedoms guaranteed by this Constitution shall be ensured.

Anyone who violates any human right or fundamental freedom guaranteed by this Constitution shall be held personally liable for the violation and may not be excused on the basis of having acted upon someone else's order.

Article 49¹⁷

Freedoms and rights shall be exercised and duties performed directly pursuant to the Constitution, unless the Constitution specifies that the conditions for certain freedoms and rights be determined by a law.

The manner in which particular rights and freedoms are exercised may be determined by a law only when it is absolutely necessary for their exercise.

Where the provisions relating to human rights and freedoms in the Constitution of the Republic of Srpska and those in the Constitution of Bosnia and Herzegovina differ, the provisions that are more favourable for the individual shall apply.

The provisions of Articles 10, 21, 30, 32, 33, 34, 38 and 43 of the Constitution on rights and freedoms of citizens shall be considered as provisions on human rights and fundamental freedoms and shall therefore apply to all people and not only to citizens.

¹⁶ Article 48 Paragraph 2 of the Constitution has been deleted by Amendment LVII Item 8; previous Paragraph 3 and Paragraph 4 have become Paragraph 2 and Paragraph 3 respectively.

¹⁷ Article 49 Paragraph 3 of the Constitution has been deleted by Amendment XXXV Item 3.

The provisions of Articles 13, 22, 23, 24, 25, 26, 28 and 30 of the Constitution relating to the rights and freedoms of citizens shall be exercised in conformity with the corresponding provisions of Articles 8 through 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.¹⁸

III. ECONOMIC AND SOCIAL RELATIONS

Article 50

Economic and social relations shall be based on equality of all forms of ownership and on free enterprise, on independence of businesses and other forms of entrepreneurship to make revenues and realise profits, and on free movement of goods, labour and capital within the Republic as a single economic territory.

Article 51

The Republic shall stimulate economic development and ensure growth of social welfare for its citizens through measures of economic and social policy.

Article 52

Free enterprise may be restricted by law only where it is necessary to protect the interests of the Republic, the environment, or public health and safety.

Monopolies shall be prohibited.

Article 53

The Republic shall ensure consumers' protection.

Article 54

All forms of ownership shall enjoy equal legal protection.

Article 55

The right to inheritance shall be guaranteed in accordance with the law.

Article 56¹⁹

¹⁸ The Chapter on Human Rights and Fundamental Freedoms of the Constitution has been supplemented with Amendment LVII Items 1 through 3.

¹⁹ Article 56 of the Constitution has been supplemented with Amendment XXXI Item 1.

Ownership rights may be limited or revoked by law, subject to fair compensation.

During a state of war, immediate threat of war or emergency, the law may limit the disposal of assets owned by legal or natural entities or specify ways in which parts of such assets are to be used.

Article 57²⁰

Foreign persons may acquire ownership rights and rights based on the investment of capital in accordance with the law.

Ownership rights and other rights of a foreign investor acquired through an investment of capital may not be lessened or denied neither by law nor by any other legal act.

A foreign person shall be guaranteed the right to conduct commercial or other business activities, and shall be guaranteed all rights arising from such business, under conditions which cannot be changed to his or her detriment.

Foreign investors shall be guaranteed the freedom to take profit and invested capital out of the Republic.

Exceptionally, the law may restrict activities and areas in which foreign persons may establish private enterprises due to reasons of general public interest.

Article 58²¹

Ownership rights and obligations relating to publicly-owned assets, as well as the conditions of transferring these assets into other forms of ownership shall be regulated by law.

“Publicly-owned or state-owned assets may be disposed of only according to the market criteria.

Article 59²²

The use and exploitation of assets of special cultural, scientific, artistic or historical interest, or resources significant for natural or environmental protection may be limited, with the provision of full compensation to the owner.

The protection, exploitation, improvement and management of national assets, as well as the compensation for the usage of national assets and urban construction sites shall be regulated by law.

²⁰ Article 57 of the Constitution has been replaced by Amendment XLVIII.

²¹ Article 58 Paragraph 2 of the Constitution has been replaced by Amendment XXXI Item 2.

²² Article 59 Paragraph 1, 2 and 3 of the Constitution has been deleted by Amendment LXXIV; previous Paragraph 4 and Paragraph 5 have become Paragraph 1 and Paragraph 2 respectively.

Article 60

Natural and legal entities shall exercise their ownership rights to real estate according to the nature and purpose of the estate and in accordance with the law.

The ownership of agricultural land shall be guaranteed, whereas the conditions for ownership of forests and forest land shall be determined by law.

Article 61

The Republic shall guarantee to all citizens minimum social security and it shall ensure the functioning of public services, in accordance with the law.

Public services shall be financed from funds and budgets, in accordance with the law.

Article 62

The Republic and the municipality shall adopt a budget setting out public revenues and expenditures.

Budget funds shall be raised from taxes, fees and other levies determined by law.

Article 63

The duty to pay taxes and other levies shall be universal and shall depend on the taxpayer's income.

Article 64

The Republic shall protect and encourage:

- rational use of natural resources in order to achieve better quality of life, protect and restore the environment to the general benefit;
- conservation and enrichment of historical, cultural and artistic heritage;
- scientific research;
- cost-savings in general, and in particular with regard to commercial activities and private acquisition of state-owned apartments;
- co-operative societies and general co-operation;
- crafts;
- physical education and sports.

Article 65

Employees shall have the right to participate in managing the company they work for, in accordance with the law.

The law shall ensure that citizens have influence over the management of state-owned funds and assets.

IV. RIGHTS AND DUTIES OF THE REPUBLIC

Article 66

The rights and duties of the Republic shall be exercised through the Republic bodies as determined by the Constitution. The powers and responsibilities of Republic bodies shall be measured by and based upon human rights and freedoms, equality before the law, independence and equal status of enterprises and other organisations, and the constitutional status and rights of local governments

Article 67

Within the rights and duties of the Republic as provided by the Constitution, the Republic bodies shall formulate policies, pass and enforce laws, other regulations and general enactments, as well as ensure constitutionality and legality.

Municipal bodies and organisations may be entrusted to pass and enforce laws, other regulations and general enactments exercising certain rights and duties of the Republic.

The responsibilities related to passing and enforcing laws, other regulations and general enactments shall be regulated by law.

Article 68²³

The Republic shall regulate and ensure:

1) integrity, constitutional order and territorial unity of the Republic;²⁴

2) security;²⁵

3) measures in its jurisdiction to be implemented in a state of war or emergency declared by the institutions of Bosnia and Herzegovina, as well as measures to be implemented in a state of emergency declared by the institutions of the Republic of Srpska.

Provisions of Item 3 of this Article shall not apply to deployment of armed forces or other measures which fall under the jurisdiction of the institutions of Bosnia and Herzegovina.²⁶

4) constitutionality and legality;

5) exercise and protection of human rights and freedoms;

²³ Article 68 of the Constitution has been replaced by Amendment XXXII.

²⁴ In Amendment XXXII Sub-Item 1, the words “*sovereignty, independence*” have been replaced by Amendment LVIII Item 1 with the words “*integrity, constitutional order*”.

²⁵ In Article 68 Item 2, the words “*defence and*” have been deleted by Amendment CXV.

²⁶ Article 68 Item 3 of the Constitution has been replaced by Amendment CVI.

6) ownership and obligation relations and protection of all forms of ownership, legal status of enterprises and other organisations, their associations and chambers, those economic relations with foreign countries which have not been transferred to the institutions of Bosnia and Herzegovina²⁷, market relations and planning;

7) the banking and the tax system²⁸;

8) objectives and directions for economic, scientific, technological, demographic and social development, for the development of agriculture, rural and urban areas, policies and measures for development planning, and commodity reserves;

9) legality of handling property and resources owned by legal entities and the legality of compiling statistical and other data of general interest;

10) organisation, powers and functions of bodies of state authority;

11) the public services system;

12) labour relations, occupational health and safety, employment, social security and other forms of social care, health care, war veteran and disability benefits, child and youth welfare, education, culture and preservation of cultural heritage, physical education and sports;

13) environmental protection;

14) the public information system;

15) international co-operation, other than co-operation transferred to the institutions of Bosnia and Herzegovina²⁹;

16) (Item 16 of Article 68 has been deleted by Amendment LXXV.)

17) financing, to enable the Republic to exercise its rights and perform its duties;

18) other relations of interest to the Republic, in accordance with the Constitution.

V. ORGANISATION OF THE REPUBLIC

Article 69

The state powers in the Republic shall be based on the principle of division of powers.

²⁷ In Amendment XXXII Sub-Item 6, the words “*which have not been transferred to the institutions of Bosnia and Herzegovina*” have been added by Amendment LVIII Item 2.

²⁸ In Amendment XXXII Sub-Item 7, the words “*monetary, foreign exchange and customs*” have been deleted by Amendment LVIII Item 3.

²⁹ Amendment XXXII Sub-Item 15 has been supplemented with Amendment LVIII Item 4 where the words: “*other than those transferred to the institutions of Bosnia and Herzegovina*” have been added.

The constitutional and legislative powers shall be vested in the National Assembly. **The legislative power in the Republic of Srpska shall be discharged by the National Assembly and the Council of Peoples. Laws and other regulations passed by the National Assembly concerning the vital interest of any of the constituent peoples shall be promulgated only after they have been adopted by the National Council.**³⁰

The President of the Republic represents the Republic and embodies its state unity.³¹

The executive power shall be vested in the Government.

The judicial power shall be vested in the courts.

Constitutionality and legality shall be provided by the Constitutional Court.

Of the below mentioned functions, only two may be performed at the same time by a representative of one constituent people, or by a representative of Others:

- 1) **Prime Minister,**
- 2) **Speaker of the National Assembly of the Republic of Srpska,**
- 3) **Chairperson of the Council of Peoples,**
- 4) **President of the Supreme Court,**
- 5) **President of the Constitutional Court,**
- 6) **Public Prosecutor.**³²

1. The National Assembly

Article 70

The National Assembly shall:

1. decide on amending the Constitution;
2. pass laws, other regulations and general enactments;
3. adopt development plans, urban plans, budgets and annual financial reports;
4. determine the territorial organisation of the Republic;
5. announce a Republic-level referendum;
6. announce a public loan and decide on the debt of the Republic;
7. call for elections of National Assembly members and the President of the Republic;
8. elect, appoint and dismiss officials, in accordance with the Constitution and the law;
9. supervise the functioning of the Government and its bodies, in accordance with the Constitution and the law;
10. grant amnesty;
11. perform other functions in accordance with the Constitution and the law.

³⁰ Article 69 Paragraph 2 of the Constitution has been supplemented with Amendment LXXVI Item 1.

³¹ Article 69 Paragraph 3 of the Constitution has been replaced by Amendment XXXII.

³² Article 69 of the Constitution has been supplemented with Amendment LXXVI Item 2; Amendment LXXVI Item 2 Sub-Item 2 has been corrected by replacing the word “*president*” with the word “*chairperson*”.

The National Assembly shall:

- 1. elect delegates from the Republic to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina;**
- 2. ratify agreements concluded between the Republic and other states or international organisations, upon the consent of the Parliamentary Assembly of Bosnia and Herzegovina.³³**

In accordance with the Constitution and the law, the National Assembly shall declare:

A state of emergency in the Republic or an area of the Republic in the event of a threat to public safety caused by a natural disaster (flood, earthquake, fire), epidemic, violation of human rights and freedoms, or obstruction of normal functioning of constitutional bodies of the Republic.

Paragraph 3 of this Article shall not apply to deployment of armed forces or other measures which fall under the jurisdiction of the institutions of Bosnia and Herzegovina.³⁴

Issues of vital national interest to the constituent peoples are defined as follows:

- the right to be adequately represented in legislative, executive and judicial bodies;**
- identity of a constituent people;**
- constitutional amendments;**
- organization of bodies bearing public authority;**
- equal rights of the constituent peoples in decision-making processes;**
- education, religion, language, promotion of culture, tradition and cultural heritage;**
- territorial organisation;**
- public information system;**
- any other issues, which shall be considered of vital national interest if so decided by a two-thirds majority vote of a constituent people's caucus in the Council of Peoples.³⁵**

a) Procedure for laws concerning vital national interests as defined in Amendment LXXVII.

Any laws, other regulations or legal acts passed by the National Assembly shall be submitted to and considered by the National Council, provided they concern vital interests as defined in Amendment LXXVII.

If more than one leader or member-leader of a caucus in the Council of Peoples consider a law to concern a vital national interest as defined in Amendment LXXVII, the law shall be submitted to the Council of Peoples to be discussed as a matter of vital interest.

³³ Article 70 of the Constitution has been supplemented with Amendment LIX in lieu of Amendment XXXIV.

³⁴ Article 70 Paragraph 3 of the Constitution has been replaced by Amendment CVII in lieu of Amendments XXXV and LXI.

³⁵ Article 70 of the Constitution has been supplemented with Amendment LXXVII.

If only one leader or member-leader of a caucus considers a law to be of vital national interest, the matter may be decided by a two-thirds majority vote of the said caucus. In such a case, the procedure in Paragraph b) described below shall apply.

The leader or member-leader must reach their decision within one week.

If the majority of each caucus represented in the Council of Peoples votes in favour of such a law, regulation or legal act, it shall be considered as passed.

If the Council of Peoples votes in favour of amending a law, regulation or legal act, such piece of legislation shall be re-submitted to be passed by the National Assembly.

If the National Assembly does not reach an agreement regarding a law or amendments to a law, a joint committee shall be established consisting of representatives from the Council of Peoples and the National Assembly. This joint committee shall be based on parity and shall make decisions by consensus. The joint committee shall ensure that the wording of the law reflects the adopted amendments.

Once the wording of the law has been finalised and agreed upon, such law shall be considered as passed.

If no consensus is reached, the law shall not be passed but shall be returned to the proponent for the procedure to be renewed. In such a case, the proponent is not allowed to re-submit the same text of a law, regulation or legal act.

b) Procedure for laws concerning a vital national interest, if so decided by a two-thirds majority vote of a caucus in the National Council.

If it is decided by two-thirds of a constituent people's caucus in the Council of Peoples that a law, regulation or legal act concerns a vital national interest, such piece of legislation shall be discussed in the Council of Peoples.

If the majority of each caucus votes in favour of a law, it shall be considered as passed.

If the Council of Peoples reaches a consensus regarding amending a law, regulation or legal act, such piece of legislation shall be re-submitted to be passed by the National Assembly.

If the joint committee referred to under a) cannot reach a consensus, the matter shall be referred to the Constitutional Court of the Republic of Srpska, which must make a final judgment on whether a law concerns vital national interests of a constituent people.

The Committee for Protection of Vital National Interests within the Constitutional Court of the Republic of Srpska shall decide within one week by a two-thirds majority vote whether to admit a case for adjudication, and shall decide on those cases that are admitted within one month.

If the procedure described under b) is initiated by a two-thirds majority of one caucus, for the court to decide that the matter is of vital interest, at least two judges must vote in its favour.

If the court decides that a matter is of vital interest, the relevant law shall still not be considered as passed and shall be returned to the proponent to renew the procedure. In such a case, the proponent shall not allowed to re-submit the same wording of a law, regulation or legal act.

If the court decides that a law does not concern a vital interest, such law shall be considered as passed, or shall be passed by a simple majority vote.³⁶

Article 71

The National Assembly shall have 83 members.³⁷

The electoral system and allocation of seats shall be provided by law, ensuring proportional representation of all municipalities in the National Assembly.³⁸

Members shall be elected in direct elections and by a secret ballot.

The election of members of the National Assembly, the termination of their office, and the formation of electoral units shall be determined by law.

At least four members of each constituent people shall be represented in the National Assembly.

No member of the National Assembly or Municipal Assembly may at the same time be a member of the Council of Peoples.

The composition of the Council of Peoples shall be based on the principle of parity, with each constituent people having the same number of representatives.

The Council of Peoples shall have eight representatives from each of the constituent peoples and four representatives from among Others.

Others shall have the right to equal participation in the majority vote.

The members of the Council of Peoples shall be elected by the respective caucuses in the National Assembly.

Should the membership of one caucus in the Council of Peoples be bigger than the respective caucus in the National Assembly, the additional number of members shall be

³⁶ Article 70 of the Constitution has been supplemented with Amendment LXXXII.

³⁷ Article 71 Paragraph 1 of the Constitution has been replaced by Amendment LII; Amendment LII has been corrected by replacing the number "82" with the number "83".

³⁸ Article 71 Paragraph 2 of the Constitution has been replaced by Amendment XXXVI Item 2.

elected by a caucus specially established for that purpose, consisting of municipal assembly councillors.³⁹

Article 72⁴⁰

Assembly members shall be elected for a term of four years.

Based on a proposal by at least 30 members, the National Assembly may decide by a two-thirds majority vote of all the members to shorten its term.

During a state of war or immediate threat of war, the term of the National Assembly shall be extended for the duration of such a state.

The National Assembly may not shorten its term during a war or immediate threat of war.

Should the National Assembly shorten its term or be dissolved⁴¹, a new National Assembly shall be elected no later than 60 days after the end of term or dissolution of the previous one. The elections shall be called by the President of the Republic.

The end of term of the National Assembly automatically ends the term of the Government.

Upon consulting the Prime Minister and the Speaker of the National Assembly, the President of the Republic may decide to dismiss the National Assembly.

The Council of Peoples' members shall be elected for a term of four years.

If the National Assembly's term is shortened, or the National Assembly is dissolved, the term of the Council of Peoples shall also cease.⁴²

Article 73⁴³

No member of the National Assembly or member of the Council of Peoples shall be criminally or civilly liable for any actions committed during his or her term of duty in the National Assembly or the Council of Peoples respectively.

Article 74

The National Assembly shall meet in regular and extraordinary sessions.

³⁹ Article 70 of the Constitution has been supplemented with Amendment LXXVIII, which has been corrected by replacing the word "*delegate*" by the word "*member*".

⁴⁰ Article 72 of the Constitution has been supplemented with Amendment XXXIX and Amendment LX.

⁴¹ In Amendment XXXIX Paragraph 4 Item 1, the words "*or be dissolved*" have been added after the words "*shorten its term*".

⁴² Article 72 of the Constitution has been supplemented with Amendment LXXIX.

⁴³ Article 73 of the Constitution as supplemented with Amendment LXXX has been replaced by Amendment XCIX.

The President of the National Assembly shall call and chair sessions.

The President must call a session if so requested by at least one third of all members, or by the President of the Republic, or the President of the Government.

Article 75⁴⁴

The National Assembly shall pass decisions by a majority vote of all members, unless a different type of majority is provided by the Constitution.

Article 76⁴⁵

Laws, other regulations and legal acts may be proposed by the President of the Republic, the President of the Government, a National Assembly member, or at least 3,000 voters.

Article 77

The National Assembly may decide that certain issues within its competence shall be decided upon after the citizens have expressed their opinion in a referendum.

Article 78

The National Assembly shall regulate its work and organisation and the manner in which members exercise their rights and duties.

Article 79

The National Assembly shall have one Speaker and two **to four**⁴⁶ Vice-Speakers elected for a term of four years.

2. The President of the Republic

Article 80

The President of the Republic shall:

- 1) represent the Republic;
- 2) propose a candidate for the President of the Government to the National Assembly;

⁴⁴ Article 75 of the Constitution has been replaced by Amendment XXXVII.

⁴⁵ Article 76 of the Constitution has been replaced by Amendment XXXVIII; Paragraph 2 thereof has been deleted by Amendment LXXXI.

⁴⁶ In Article 79 of the Constitution, the words “*to four*” have been added after the words “*two*” by Amendment CXXII.

3) propose candidates for the President and judges of the Constitutional Court to the National Assembly, based on the proposal of the High Judicial and Prosecutorial Council;⁴⁷

4) the President of the Republic shall promulgate laws within seven days of their adoption in the National Assembly. Within this time the President of the Republic may request the National Assembly to vote again on the law.

The President of the Republic shall be bound to promulgate the law passed for the second time by the National Assembly;⁴⁸

5) grant pardons;

6) confer decorations and awards determined by law;

7) perform other tasks in accordance with the Constitution.

The President of the Republic shall⁴⁹:

1) perform duties relating to safety and relations between the Republic and other states and international organizations, according to this Constitution and the Constitution of Bosnia and Herzegovina and the law;⁵⁰

2) (deleted by Amendment CXVI Paragraph 2);

3) upon a proposal made by the Government, the President of the Republic shall appoint and recall by decree heads of missions of the Republic of Srpska in foreign countries, and shall nominate ambassadors and other international representatives of Bosnia and Herzegovina from the Republic of Srpska;⁵¹

4) form advisory bodies and expert agencies for performing tasks falling within his or her competence.

Two Vice-Presidents of the Republic shall assist the President of the Republic by performing tasks entrusted to them by the President of the Republic.⁵²

The President shall have two Vice-Presidents, each elected from a different constituent people.⁵³

The President of the Republic shall decide which of the two Vice-Presidents of the Republic shall replace him or her in case he or she is temporarily prevented from performing his or her duties.⁵⁴

Article 81⁵⁵

⁴⁷ Article 80 Paragraph 1 Item 3 of the Constitution has been replaced by Amendment XCIII.

⁴⁸ Article 80 Paragraph 1 Item 4 of the Constitution has been replaced by Amendment XL Item 2.

⁴⁹ Article 80 Paragraph 2 Item 1 of the Constitution has been supplemented with Amendment XL and replaced by Amendment CVIII.

⁵⁰ In Article 80 Paragraph 2 Item 1 of the Constitution as replaced by Amendment CVIII, the word „defence“ has been deleted by Amendment CXVI Paragraph 1.

⁵¹ Item 3 of this Paragraph has been replaced by Amendment L.

⁵² Article 80 Paragraph 2 has been supplemented by Amendment LXXXIII Paragraph 1 Item 1: the word “vice presidents” has been replaced with the words “two vice presidents of the Republic”.

⁵³ Amendment LXXXIII Paragraph 2 Item 1.

⁵⁴ Article 80 Paragraph 3 of the Constitution has been replaced by Amendment XL.

⁵⁵ Article 81 Paragraph 1 and Paragraph 2 of the Constitution have been deleted by Amendment CIX; Article 81 Paragraph 3 of the Constitution has been replaced by the same Amendment.

In a state of war or emergency declared by the institutions of Bosnia and Herzegovina, and if the National Assembly is unable to convene, The President of the Republic, upon the proposal of the Government or on his or her own initiative, having consulted the President of the National Assembly, shall issue decrees with the force of law regarding matters in the jurisdiction of the National Assembly, and shall appoint and recall those officials who are normally appointed and recalled by the National Assembly.

The President of the Republic shall submit these decrees and the decisions of appointments and recalls to be voted by the National Assembly as soon as it is able to convene.⁵⁶

In a state of war declared by the institutions of Bosnia and Herzegovina or in a state of emergency, the National Assembly, or the President of the Republic if the National Assembly is unable to convene, may pass extraordinary legal acts, which shall be valid only for the duration of such a state and shall suspend certain provisions of the Constitution related to: the passing of laws, other regulations and general legal acts; the powers of republican bodies to undertake certain measures; to certain human freedoms and rights, except for the freedoms and rights provided in Articles 10, 11, 13, 14, 15, 17, 18, 19, 20, 24 and 25 of the Constitution; changing the organisation and powers of executive, governing and judicial bodies and their personnel, as well as the territorial organisation of the Republic.⁵⁷

Article 82

The President of the Republic may request that the Government conveys its opinion on certain matters of importance for the Republic, may call for the Government to convene and may put on the agenda matters to be decided by the Government.

Article 83⁵⁸

Only one Vice-President of the Republic shall be elected in the first direct elections. The President and Vice-Presidents⁵⁹ of the Republic are elected for a term of four years in direct general elections by a secret ballot.⁶⁰

The same person may be elected as President or Vice-President for a maximum of two consecutive terms.⁶¹

The President of the Republic and the Vice-Presidents of the Republic shall be directly elected from the list of candidates for the President of the Republic of Srpska, so

⁵⁶ Article 81 Paragraph 2 of the Constitution has been replaced by Amendment XXXV Item 2.

⁵⁷ Article 81 Paragraph 3 of the Constitution has been replaced by Amendment XXXV Item 3; the words „declared by the institutions of Bosnia and Herzegovina“, have been added after the words “a state of war”, and the words “and immediate threat of war” have been replaced by Amendment CIX with the words “a state of emergency”.

⁵⁸ Article 83 Paragraph 3 of the Constitution has been replaced by Amendment XL Items 4 and 5.

⁵⁹ The words “and the vice president” have been replaced with the words “and vice presidents” by Amendment LXXXIII Item 2.

⁶⁰ In Article 83 Paragraph 2 of the Constitution as amended and supplemented by Amendment XL Items 4 and 5, the words “a term of five years” have been replaced with the words “a term of four years”.

⁶¹ Amendment XL Item 5 Paragraph 2 has been deleted by Amendment LXXXIII Item 3; previous Paragraph 4 has become Paragraph 3.

that the candidate who wins the most votes is elected President, while the candidates from the other two constituent peoples who win the most votes are elected Vice-Presidents of the Republic.⁶²

Article 84

Before taking office, the President of the Republic and the Vice-Presidents of the Republic shall take an oath before the National Assembly.

Article 85

In the event of an immediate threat of war or a state of war, the term of office of the President of the Republic shall be extended for the duration of such a state, or until the conditions are created for the election of the President of the Republic.

Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.⁶³

Article 86

(Article 86 has been deleted by Amendment S)

Article 87

The term of office of the President of the Republic shall cease before the expiry of his or her election period in the event of recall or resignation.

Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.⁶⁴

Article 88

The President of the Republic shall be accountable to the citizens and they may recall him or her following the same procedure by which they elected him or her.

Provisions of Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.⁶⁵

Article 89

The procedure of nomination, election and recall of the President of the Republic shall be regulated by law.

⁶² Amendment XL Item 5 has been supplemented with Amendment LXXXIII.

⁶³ Article 85 has been supplemented with Amendment XL Item 6.

⁶⁴ Article 87 has been supplemented with Amendment XL Item 6.

⁶⁵ Article 88 has been supplemented with Amendment XL Item 6.

Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.⁶⁶

The Senate shall be the advisory body of the highest constitutional institutions in the Republic of Srpska.

The Senate shall decide on matters of particular importance for the political, national, economic and cultural development of the Republic of Srpska, and shall advise the highest constitutional institutions on the matters within their competence.

The Senate shall consist of up to 55 members appointed by the President of the Republic.

Members of the Senate shall be distinguished individuals from the public sector, academia and science, as well as the arts and culture sector.

Sessions of the Senate shall be convened and chaired by the President of the Republic.

The organisation and the mode of operation of the Senate shall be regulated by law.⁶⁷

3. The Government and the Administration of the Republic

Article 90

The Government shall:

1. propose laws, other regulations and general enactments;
2. propose the development plan, the urban plan, the budget and the annual financial report;
3. enforce and implement laws, other regulations and general enactments;
4. pass decrees, decisions and other acts necessary for the enforcement of laws;
5. express its opinion on proposed laws and other regulations and general legal acts submitted to the National Assembly by other parties;
6. establish the principles for the internal organisation of the ministries and other administrative bodies and organisations of the Republic, appoint and recall officials in the ministries and other bodies and administrative organisations of the Republic;
7. direct and co-ordinate the work of the ministries and other bodies and administrative organisations of the Republic;
8. supervise the work of the ministries and other bodies and administrative organisations of the Republic, and recall or cancel their acts if they are in contravention of laws or other legal acts passed by the Government;
9. perform other tasks in accordance with the Constitution and the law.

⁶⁶ Article 89 has been supplemented with Amendment XL Item 6.

⁶⁷ Provisions of the Constitution concerning the President of the Republic have been supplemented by Amendment LIII Items 1 and 2 and the provision of Amendment LIII concerning the immunity of the members of the Senate has been deleted by Amendment CI.

The Government shall decide on establishing representative missions of the Republic in foreign countries.⁶⁸

Article 91

The Government shall be elected for a term of four years.

A new Government shall be elected each time a new National Assembly is elected.

Article 92

The Government is composed of the Prime Minister, Deputy Prime Ministers and ministers.

A National Assembly member who has been nominated for the president or vice-president of the Government, or for a minister, may not participate in the election of the Government, whereas a member who has been appointed to any of the above posts may not participate in the vote of no confidence in the Government, or in the vote deciding his or her own dismissal or a report submitted by the Government or the ministry he or she runs.⁶⁹

The Prime Minister and Deputy Prime Ministers of the Government may not be elected from the ranks of the same constituent people.

Following the implementation of Annex 7, at least 15% of the members of the Government must be from the ranks of one constituent people. At least 35% of the members of the Government must be from the ranks two constituent peoples. At least one member of the Government must be from the ranks of Others.

In the transitional period until the full implementation of Annex 7, the Government of the Republic of Srpska (the Prime Minister and 16 ministers) shall consist of 8 Serb ministers, 5 Bosniak ministers and 3 Croat ministers. One minister representing Others may be appointed by the Prime Minister from the ranks of the largest national constituency.

The Government shall have a Prime Minister and two Deputy Prime Ministers, elected from among the ministers of the Government and each representing a different constituent people.⁷⁰

Article 93

The candidate for Prime Minister shall present the Government's programme to the National Assembly and propose the Government's composition.

⁶⁸ Article 90 of the Constitution has been supplemented by Amendment XLI Item 1 and the words “*diplomatic, consular and other*” have been deleted by Amendment LXII.

⁶⁹ Article 92 Paragraph 2 of the Constitution has been replaced by Amendment XLI Item 2.

⁷⁰ Article 92 of the Constitution has been supplemented with Amendment LXXXIV.

The Government shall be elected by a majority vote of all the National Assembly members.

Article 94

The Government and its members shall be accountable to the National Assembly.

The National Assembly may pass a vote of no confidence in the Government.

The proposal to express a vote of no confidence in the Government may be submitted by at least 20 members.

The Government itself may ask for a vote of confidence to be expressed by the National Assembly.

The Prime Minister may propose to the National Assembly to dismiss a member of the Government.

The dismissal of the Government or any of its members shall be decided by a majority vote of all members.

The Government or any of its members may submit a resignation to the National Assembly.

The resignation or dismissal of the Prime Minister shall entail the resignation of the entire Government.

The Government which has been passed a vote of no confidence, which has resigned, or whose mandate has terminated due to the National Assembly being dissolved, shall remain in office until a new Government is elected.

The President of the Republic shall propose a candidate for the Prime Minister within 10 days of the Government's resignation being accepted, the vote of no confidence being expressed or the mandate of the previous Government being terminated due to the National Assembly being dissolved. The new Government must be elected no later than 40 days after the candidate for the new Prime Minister was nominated.

During the term of the Government, the Prime Minister, upon hearing the opinion of the President of the Republic and the Speaker of the National Assembly, may change the composition of the Government, of which he or she shall inform the National Assembly.

If the President of the Republic assesses that a crisis has arisen in the functioning of the Government, he or she may request, upon the initiative of at least 20 members and upon hearing the opinion of the Speaker of the National Assembly and the Prime Minister, the resignation of the President of the Government. Should the Prime Minister refuse to resign, the President of the Republic may dismiss him or her.

During a state of war or immediate threat of war, the National Assembly may pass a vote of no confidence in the Government by a majority vote in a session attended by the majority of members.⁷¹

Article 95

(Article 95 has been deleted by Amendment CII)

Article 96

The organisation and mode of operation of the Government shall be regulated by law.

Article 97

The affairs of state administration shall be conducted by ministries and other Republic administrative bodies.

The ministries and other Republic administrative bodies shall implement laws and other regulations and general enactments of the National Assembly and the Government, as well as the acts of the President of the Republic, and shall decide on administrative matters, perform administrative supervision and attend to other administrative business as provided by law.

The ministries and other republican administrative bodies shall be independent in exercising their competences provided by the Constitution and law.

Certain administrative powers may be entrusted by law to enterprises and other organisations.

The constituent peoples and the group of Others shall be proportionally represented in the public institutions in the Republic of Srpska.

As a constitutional principle, such proportionate representation shall be based on the 1991 census until Annex 7 is fully implemented, in accordance with the Bosnia and Herzegovina Civil Service Act. This general principle shall be further regulated by specific legislation of the Entities. Such legislation shall include specific timelines and shall regulate the aforementioned principle in line with the regional ethnic structure in the Entities.

The “public institutions” are the ministries in the Government of the Republic of Srpska, municipal governments, district courts and municipal courts in the Republic of Srpska.⁷²

4. The National Bank

Article 98

⁷¹ Article 94 of the Constitution has been supplemented with Amendment XLI Items 3, 4 and 5.

⁷² Article 97 of the Constitution has been supplemented with Amendment LXXXV.

(Article 98 has been deleted by Amendment LXXXVI)

5. Public Finance Management and Control Agency

Article 99

(Article 99 has been deleted by Amendment LXXXVII)

VI. TERRITORIAL ORGANISATION

Article 100

The territorial organisation of the Republic shall be regulated by law.

Article 101

(Article 101 has been deleted by Amendment XXXII)

Article 102

The municipality, through its bodies and in accordance with the law, shall:

1. adopt a development programme, an urban plan, a budget and an annual financial report,
2. regulate and ensure the provision of municipal services;
3. regulate and provide for the use of urban development land and business premises,
4. be responsible for the construction, maintenance and use of the local roads and streets and other public infrastructure and facilities of municipal interest,
5. provide for the specific needs of citizens in the areas of culture, education, health and social welfare, physical culture, public information, arts and crafts, tourism and catering, protection of environment, and other areas,
6. execute laws and other regulations and general enactments of the Republic whose execution is entrusted to the municipality, provide for the execution of regulations and acts of the municipality,
7. establish bodies, organisations, and services to meet the needs of the municipality and regulate their organisation and work,
8. attend to other business as established by the Constitution, the law and the statute of the municipality.

The system of local government shall be regulated by law.

A law may entrust the performance of local government tasks to the city.

Article 103

The city and the municipality shall be entitled to revenues determined by law and shall be provided with the funding for the performance of their duties.

VII. DEFENCE

Article 104⁷³

All citizens shall have the right and duty to defend and protect the territory and constitutional order of Bosnia and Herzegovina and the Republic of Srpska.

Article 105

(Article 105 has been deleted by Amendment CXVIII)

Article 106

(Article 106 has been deleted by Amendment CXIX)

Article 107

(Article 107 has been deleted by Amendment CXIII)

VIII. CONSTITUTIONALITY AND LEGALITY

Article 108

Laws, statutes, other regulations and general legal acts must conform to the Constitution.

Regulations and general legal acts must conform to the law.

Article 109

Laws and other regulations and general legal acts shall come into force no earlier than eight days from the day of publication, unless, for particularly justified reasons, it is provided that they come into force earlier.

Prior to coming into force, laws, other regulations and general enactments of state authority must be published in an official gazette.

⁷³ Article 104 of the Constitution has been replaced by Amendment CX; Paragraph 2 thereof has been deleted by Amendment CXVII.

Article 110

Laws, other regulations and general enactments shall have no retroactive effect.

If so required by public interest as established in the procedure of passing the law, it may be provided solely by law that some of its provisions shall have a retroactive effect.

Punishable offences and punishments for their perpetration shall be determined by law and/or other regulation which was in force at the time the offence was committed, unless a later law or regulation is more favourable for the offender.

Article 111

State bodies and organisations exercising public authority may in individual cases decide on rights and duties of citizens or apply coercive measures and restrictions only in a procedure prescribed by law, in which everyone is provided with the opportunity to defend their rights and interests, to appeal against the issued act, or apply any other legal remedy provided by law.

Article 112

Everyone shall be guaranteed the right to use his or her own language and be informed of the facts in his or her own language in the proceedings before a court, state authority or organisation, which, while exercising public powers, rules on his or her rights and duties.

Article 113

An appeal may be lodged with a relevant body against an act issued by a judicial, administrative or other state authority, or by an agency or organisation exercising public powers in the first instance.

Exceptionally, an appeal may be denied by law if the right to legal remedy and protection of legality have been otherwise provided.

The legality of finally-binding individual acts by which state bodies and organisations exercising public powers decide on rights and duties, shall be decided upon by a court of law in the administrative dispute proceedings, unless other judicial protection has been provided.

Exceptionally, in certain administrative matters the administrative dispute proceedings may be excluded by law.

Article 114

Prior to the Constitutional Court's decision, the Government of the Republic shall have the right to suspend the enforcement of a regulation or a legal act which it deems to be unconstitutional or illegal.

The Republic shall have the right and duty to enforce laws and other regulations directly through the Republic's bodies, should the agencies and organisations in the Republic fail to enforce them.

IX. THE CONSTITUTIONAL COURT

Article 115

The Constitutional Court shall decide on:

1. the conformity of laws, other regulations and general legal acts with the Constitution;
2. the conformity of regulations and general enactments with the law;
3. conflicts of jurisdiction among the bearers of legislative, executive and judicial power;
4. conflicts of jurisdiction among the bodies of the Republic, the city and the municipality⁷⁴;
5. the conformity of programmes, statutes and other general acts of political organisations with the Constitution and the law.

The Constitutional Court shall monitor events of interest for the enforcement of constitutionality and legality, report on the status and problems in this area to the highest constitutional bodies of the Republic, and convey its opinion and propose laws and measures to ensure constitutionality and legality and the protection of freedoms and rights of citizens, organisations and communities.

The Constitutional Court may assess the constitutionality of laws, as well as the constitutionality and legality of regulations and general legal acts which are no longer in force, provided that the assessment is initiated not more than one year after the termination of their validity.⁷⁵

The Constitutional Court shall decide on:

(1) the conformity of laws, other regulations and general enactments of the National Assembly with the provisions of the Constitution concerning the vital national interests of the constituent peoples.⁷⁶

The Constitutional Court shall decide on matters concerning immunity, stemming from the laws regulating immunity in the Republic of Srpska.⁷⁷

Article 116⁷⁸

The Constitutional Court shall have nine judges.⁷⁹

⁷⁴ In Article 115 Paragraph 1 Item 4 of the Constitution, the word “*areas*” has been deleted by Amendment XLIII Item 3.

⁷⁵ Article 115 Paragraph 1 of the Constitution has been supplemented with Amendment XLII Items 1 and 2.

⁷⁶ Article 115 Paragraph 2 of the Constitution has been amended by Amendment LXXXVIII.

⁷⁷ Article 115 of the Constitution has been supplemented with Amendment CIII.

⁷⁸ Article 116 Paragraphs 1, 2 and 3 of the Constitution have been deleted by Amendment CXX.

⁷⁹ Article 116 of the Constitution has been supplemented with Amendment LXXXVIII Item 2, where the word “*maximum*” has been deleted by Amendment XCCI.

The Council for the Protection of Vital Interests shall be established within the Constitutional Court of the Republic of Srpska to decide on matters of vital national interests according to the procedure described in Amendment LXXXII. The Council shall decide on all matters of vital interest.

The Council for the Protection of Vital Interests shall be composed of seven members, of which two are from the ranks from each constituent people and one from the ranks of Others. The judges shall be elected by the National Assembly of the Republic of Srpska and the Council of Peoples.

Article 117⁸⁰

A Constitutional Court judge may not perform any other public function.

The President and the judges of the Constitutional Court shall enjoy the same immunity as National Assembly members. The Constitutional Court shall decide on such immunity.

Article 118⁸¹

A judge of the Constitutional Court shall terminate his or her office at his or her own request.

A judge of the Constitutional Court shall be dismissed from office if he or she is convicted of a criminal offence that makes him or her unworthy of office, or due to permanent loss of capacity to perform his or her office, or due to other reasons provided by the Constitution and law.

Article 119⁸²

The decisions of the Constitutional Court are universally binding and enforceable **in the territory of the Republic.**

The enforcement of the Constitutional Court decisions shall be ensured by the Government.

Article 120⁸³

The proceedings before the Constitutional Court, the legal effect of its decisions and other issues regarding its organisation and work shall be regulated by law.

⁸⁰ Article 117 Paragraph 2 of the Constitution has been replaced by Amendment XLII Item 5.

⁸¹ Article 118 Paragraph 2 of the Constitution has been replaced by Amendment XLII Item 6.

⁸² In Article 119 Paragraph 1 of the Constitution, the words “*in the territory of the Republic of Srpska*” have been added by Amendment LXIV.

⁸³ Article 120 of the Constitution has been supplemented by Amendment XLII Items 3 and 4.

Anyone can initiate the proceedings to assess constitutionality and legality.

Proceedings before the Constitutional Court may, without restriction, be initiated by the President of the Republic, by the National Assembly and by the Government, while other bodies, organisations and communities may do so under conditions prescribed by law.

The Constitutional Court itself may initiate the proceedings to assess the constitutionality and legality.

When the Constitutional Court establishes that a law is not in conformity with the Constitution, or that a regulation or general enactment is not in conformity with the Constitution or the law, such law, regulation or legal act shall cease to be in effect as of the day when the Constitutional Court's decision is publicised.

X. COURTS AND PUBLIC PROSECUTOR OFFICES

Article 121

Judicial power shall be vested in courts of law.

The courts shall be autonomous and independent and shall adjudicate on the basis of the Constitution and the laws.

The courts shall protect human rights and freedoms, rights and interests of legal entities established by law, and legality.

Article 121a⁸⁴

The judiciary shall be autonomous and independent from the executive and legislative powers of the Republic of Srpska.

The High Judicial and Prosecutorial Council of the Republic of Srpska shall ensure the autonomy, independence, impartiality, competence and efficiency of the judiciary and the prosecutorial offices in the Republic of Srpska. The responsibilities of the High Judicial Council shall include, but shall not be limited to, the appointment, disciplinary action and dismissal of judges, except for the Constitutional Court judges, and shall also include public prosecutors and member public prosecutors in the Republic of Srpska. The composition and additional jurisdiction of the High Judicial and Prosecutorial Council shall be defined by law.

Article 122

The establishment, organisation and jurisdiction of courts and the proceedings before courts shall be determined by law.

Article 123

⁸⁴ Article 121a has been added by Amendment XCIV.

The Supreme Court of the Republic shall be the highest court in the Republic and shall ensure uniform enforcement of law.

Article 124

Court hearings shall be public.

In exceptional cases provided by law, for the purposes of protecting the interests of the Republic, confidentiality, morals, interests of juveniles, privacy of the participants in the proceedings, and other public interests, the public may be excluded from court hearings.

Article 125

The court shall adjudicate via a panel of judges.

Matters to be adjudicated by a single judge shall be determined by law.

Jurors shall participate in adjudication in a manner determined by law.

A law may determine that in certain courts and on certain matters judges shall adjudicate alone.

Article 126⁸⁵

No one participating in an adjudication shall be held responsible **in either criminal or civil proceedings** for an opinion expressed in the passing of a judgment, nor shall anyone be detained in the proceedings instituted due to a criminal offence committed while performing judicial function without the approval of **the High Judicial and Prosecutorial Council**

Article 127⁸⁶

All judges, apart from reserve judges, shall remain in office for their lifetime, unless otherwise determined by this Constitution, or unless they resign, retire or are dismissed by the High Judicial and Prosecutorial Council due to valid reasons and in accordance with the law. Exceptionally, a judge's office may be terminated due to a selection process following a court restructuring during a transitional period, as determined by the law establishing the High Judicial and Prosecutorial Council of the Republic of Srpska. The retirement age for judges shall be determined by law. The terms of office of a judge, including immunity, shall be determined by law. A judge's salary and other compensations may not be decreased during the term of his or her judicial office, except as a result of disciplinary proceedings in accordance with the law.

A judge may not perform a public function or pursue any form of gainful employment which is determined by law to be incompatible with the judicial function.

⁸⁵ Article 126 of the Constitution has been amended by Amendment XCV.

⁸⁶ Article 127 of the Constitution has been amended by Amendment XCVI.

Article 128

The public prosecutor's office is an independent state body which prosecutes criminal offences and other legally punishable offences and applies legal measures in order to protect constitutionality and legality.

The establishment, organisation and jurisdiction of a public prosecutor's office shall be regulated by law.

A public prosecutor's office performs its function on the basis of the Constitution and the law.

Article 129⁸⁷

Public prosecutors and member public prosecutors shall be appointed for a term of office determined by law, unless they resign, retire or are removed by the High Judicial and Prosecutorial Council due to valid reasons and in accordance with the law. Exceptionally, the public prosecutor's and member public prosecutor's office may be terminated before the end of term due to a selection process following a restructuring of Public Prosecutors' Offices during a transitional period, as determined by the law establishing the High Judicial and Prosecutorial Council. The retirement age for public prosecutors and member public prosecutors shall be determined by law. The terms of office of public prosecutors and member public prosecutors, including immunity, shall be determined by law.

A public prosecutor or a member public prosecutor may not perform any function or pursue any form of gainful employment which is determined by law to be incompatible with the prosecutor's function.

Article 130⁸⁸

Judges, court presidents, public prosecutors and member public prosecutors shall be selected, appointed, subjected to disciplinary action and dismissed by the High Judicial and Prosecutorial Council in accordance with the law.

Article 131

Attorneyship is an autonomous and independent practice providing legal services.

The organisation and work of attorneyship shall be regulated by law.

XI. AMENDING THE CONSTITUTION

⁸⁷ Article 129 of the Constitution has been amended by Amendment XCVII.

⁸⁸ Article 130 of the Constitution has been amended by Amendment XCVIII.

Article 132

A motion to initiate the procedure for amending the Constitution of the Republic may be submitted by the President of the Republic, the Government, or at least 30 members of the National Assembly.

Such motion shall be decided upon by the National Assembly by a majority vote of all the members.

Article 133

A draft bill amending the Constitution shall be adopted by the National Assembly by a majority vote of all the members.

Such draft bill shall be submitted for public consultations.

Article 134

Following the public consultations on the draft bill amending the Constitution, the National Assembly's Commission for Constitutional Issues shall pass a bill proposal amending the Constitution.

Article 135⁸⁹

The bill proposal amending the Constitution shall be decided upon by the National Assembly and the Council of Peoples.

A constitutional amendment shall be adopted by a two-thirds majority vote of all the assembly members and by a majority vote of members representing each constituent people and Others in the Council of Peoples.

If a constitutional amendment is not adopted, a new motion to initiate the amendment procedure may be submitted no earlier than three month after the original motion was rejected.

Article 136

The bill amending the Constitution shall be promulgated by the National Assembly.

Article 137

The Constitution of the Republic may be amended by constitutional amendments.

⁸⁹ Article 135 Paragraphs 1 and 2 of the Constitution have been replaced by Amendment LXXXIX.

In a state of war or immediate threat of war, the National Assembly may move to amend the Constitution and may adopt constitutional amendments in the same session (without submitting them to public consultations).

XII. FINAL PROVISIONS

Article 138

(Article 138 has been deleted by Amendment XS)

Article 138a⁹⁰

By way of a derogation from the principle set forth in Article 127 of this Constitution, salaries and/or other emoluments of judges may be reduced by law enacted before 10 January 2006.

The reduction referred to in Paragraph 1 of this Article may only occur once.

Nothing in Paragraphs 1 and 2 of this Article shall be interpreted as allowing in any manner or form either directly or indirectly any other reduction of salaries and/or emoluments of judges protected by Article 127 of the Constitution.

As of the date on which the amendments to the constitutions of the Entities have been adopted, the Constitutional Commission of the Republic of Srpska (as set up by the High Representative) shall adhere to the principles contained in this document.

Following the next municipal elections, the final method of electing the members of the Council of Peoples shall be determined by the National Assembly and the Council of Peoples.⁹¹

Article 139

This Constitution shall enter into force on the day of its promulgation.

Article 140

A constitutional statute shall be passed in order to implement this Constitution.

⁹⁰ Article 138a has been added by Amendment CXIV.

⁹¹ Amendment XCI