



Strasbourg, 21 June 2002

CDL (2002) 95
English only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CONSTITUTION OF THE RERPUBLIKA SRPSKA
AS OF 26 SEPTEMBER 2001¹

¹ *The amendments to the Constitution, which were adopted on 19 April 2002, are not included. See doc. CDL (2002) 91.*

CONSTITUTION OF REPUBLIKA SRPSKA

(as of Wednesday, September 26, 2001)

Preamble (as amended by Amendments XXVI and LIV):

- Starting from the natural, inalienable and untransferable right of the Serb people to self-determination on the basis of which that people, as any other free and sovereign people, independently decides on its political and State status and secures its economic, social and cultural development;
 - Respecting the centuries-long struggle of the Serb people for freedom and State independence;
 - Expressing the determination of the Serb people to its democratic State based on social justice, the rule of law, respect for human dignity, freedom and equality;
 - Desiring to provide the general welfare and economic development through the protection of private property and the promotion of a market economy;
 - Recognizing the natural and democratic right, will and determination of the Serb people from Republika Srpska to link its State completely and tightly with other States of the Serb people;
 - Having in mind the readiness of the Serb people to pledge for peace and friendly relations between peoples and States;
- the National Assembly of Republika Srpska passes

CONSTITUTION OF REPUBLIKA SRPSKA

I. BASIC PROVISIONS

Article 1

Article 1 has been replaced by Amendment XLIV, reading as follows:

“Republika Srpska shall be the State of Serb people and of all its citizens”.

Article 2

Paragraph 1 of Article 2 has been replaced by Amendment XLV, reading as follows:

“The territory of the Republic shall be unique, indivisible and inalienable”.

Paragraph 2 of Article 2 has been replaced by Amendment LV, reading as follows:

“The Agreement on the change of the borders between Republika Srpska and the Federation of Bosnia and Herzegovina may be taken out for the confirmation by way of a referendum in the Republic”.

Article 3

Article 3 has been replaced by Item 1 of Amendment LVI, reading as follows:

“All State functions and powers shall belong to the Republic, with exception of those which were by the Constitution of Bosnia and Herzegovina explicitly transferred to its institutions”.

Article 4

Article 4 has been replaced by Item 2 of Amendment LVI, reading as follows:

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

Article 5

The constitutional arrangement of the Republic shall be based upon the following:

- guarantee and protection of human freedoms and rights in accordance with international standards;
- assurance of national equality;
- social justice;
- market economy
- multi-party political system;
- parliamentary democracy and division of authority;
- free elections;
- local self-government;
- protection of the rights of ethnic groups and other minorities.

Article 6

Paragraph 1 of Article 6 has been replaced by Amendment XLVII, reading as follows:

“Citizens of the Republic shall have citizenship of Republika Srpska”.

Article 6 has been supplemented by Amendment XXX, reading as follows:

“The citizen of the Republic may not be deprived of the citizenship, exiled or extradited”.

Article 7

The Serbian language of iekavian and ekavian dialect and the Cyrillic alphabet shall be in official use in the Republic, while the Latin alphabet shall be used as specified by the law.

In regions inhabited by groups speaking other languages, their languages and alphabet shall also be in official use, as specified by law.

Article 8

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

The flag, the coat-of-arms and the wording of the national anthem shall be determined by constitutional law.

Article 9

The capital of the Republic shall be Sarajevo.

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

Citizens of the Republic shall be equal in their freedoms, rights and duties; they shall be equal before the law and they shall enjoy equal legal protection irrespective of their race, sex, language, national origin, religion, social origin, birth, education, property status, political and other beliefs, social status and other personal attributes.

Article 11

Human life shall be inviolable.

Death penalty may be pronounced exclusively for capital crimes.

Article 12

Freedom and personal safety of man are inviolable.

No one may be deprived of his liberty or restricted in it, save for the case and according to the procedure as specified 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 extortion of confession or statement shall be forbidden and punishable.

It shall be forbidden 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 the safety of people.

Detention shall be determined by a decision of the Court, and only as an exception, under the conditions stipulated by law, by a decision of another organ authorised by law and not later than up to three days.

The person detained has to be presented the decision explained in writing at the moment of detention. The person detained has the right to appeal against the decision.

Article 16

Everyone shall be entitled to the equal protection of his rights in the proceedings before the court and other State bodies and organisation.

Everyone shall be guaranteed the right to appeal or other legal remedy against the decision concerning his right or interest determined by law.

Article 17

Everyone shall be entitled to a compensation for the damage inflicted on him by unlawful or irregular work of an official or a State agency or a body vested with public powers.

A person convicted unjustifiably or deprived of his liberty unlawfully or with no grounds shall have the right to rehabilitation, compensation for damage, a public apology and other rights determined by law.

Article 18

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

A person charged with a criminal offence has to be informed of the cause of accusation within the shortest period prescribed by law.

No proceedings before the court may be conducted in the absence of the accused person.

Proceedings before the court may be conducted against an accused person who is inaccessible to the court only in cases determined by law.

Article 19

The right to defence shall be guaranteed.

The right to the free choice of a defence attorney and free communication with him shall be guaranteed.

The defence attorney may not be held responsible for actions undertaken in the process of defence.

Article 20

No one may be sentenced for any act which did not constitute a criminal offence under law at the time when it was committed. Nor may the penalty be imposed which was not prescribed by law for such an act.

No one may be held guilty for a criminal offence until proved so by a final decision of the court.

Article 21

Citizens shall be guaranteed freedom of movement, residence and staying on the territory of the Republic, and the freedom to leave and return on the territory.

Freedom of movement may be restricted by law only if necessary for the purpose of the conduct of criminal proceedings or for reasons of the protection, safety and health of people.

No restrictions may be introduced for political reasons.

Article 22

In Article 22 the words: "and of Yugoslavia" (Item 4 of Amendment LVII) have been deleted:

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

Exception from the principle of inviolability of freedom and secrecy of correspondence and other forms of communication may only be prescribed by law, subject to a court decision, if it is indispensable for the purpose of the conduct of criminal proceedings or for reasons of the safety of the Republic.

Article 23

Protection of secrecy of personal data shall be guaranteed. Collection, processing and the purpose of the use of personal data shall be regulated by law.

The use of personal data contrary to the determined purpose of their collection shall be prohibited.

Citizens shall be entitled to demand and receive all data on them contained in acts of State bodies and other official registers.

Article 24

Homes shall be inviolable.

On the basis of a court warrant as prescribed by law may an official person enter a home or other premises without a consent from the tenant and carry out a search. The search shall be carried out in the presence of two witnesses.

Subject to conditions spelled out by law, an official person may without a court warrant enter a home or other premises and carry out a search, if this is indispensable to apprehend an offender or to save persons and property.

Article 25

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

Article 26

Freedom of press and other media of communication shall be guaranteed.

In Paragraph 1, Article 26 the word "independent" has been replaced by the word "newspaper" (Amendment XLIII).

Free establishment of newspaper and publishing houses, publishing of newspapers and public information by other media in accordance with law shall be guaranteed.

Censorship of press and other public information media shall be forbidden.

Public information media shall be obliged to inform the public on time, truthfully and impartially.

The right to correction of incorrect information shall be guaranteed to anyone whose right or legally determined interest has been violated, as well as the right to a compensation for damage arising therefrom.

Article 27

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

Protection of moral and property rights deriving from scientific, cultural, artistic and other intellectual creative creativity shall be guaranteed.

Article 28

Freedom of religion shall be guaranteed.

Religious communities shall be equal before the law and shall be free to perform religious affairs and services. They may open religious schools and perform religious education in all schools at all levels of education; they may engage in economic and other activities, receive gifts, establish legacies and manage them, in conformity with law.

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

The State shall materially support the Orthodox church and it shall co-operate with it in all fields and, in particular, in preserving, cherishing and developing cultural, traditional and other spiritual values.

Article 29

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.

Article 29 has been amended by Item 5 of Amendment LVII, reading as follows:

"A person shall acquire the right of suffrage, subject to Article 29, after having resided in a certain place for the period determined by law."

Article 30

Citizens shall have right to peaceful assembly and public protest.

Freedom of association shall be restricted by law only for the purpose of protection of the safety of persons and property.

Article 31

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

Political organisation and activities threatening democracy, jeopardising integrity of the Republic and violating constitutionally guaranteed freedoms and rights and inciting national, racial or religious hatred and intolerance shall be prohibited.

Article 32

Citizens shall have the right to publicly express their opinion on the work of State agencies and other bodies, to submit petitions, complaints and proposals to them and to receive answers thereto.

No one may be held responsible or suffer other adverse consequences because of the public expression of his opinion on the work of State agencies or his statements publicly presented in a complaint, petition and proposal, unless thus committing a criminal offence.

Article 33

Citizens shall have the right to take part in the conduct of public affairs and have access to public service under equal conditions.

Article 34

Citizens shall be guaranteed freedom of profession of national affiliation and culture and the right to use their language and alphabet.

No one shall be obliged to declare national affiliation.

Paragraph 3 of Article 34 has been deleted on the basis of Item 6 of Amendment LVII.

Article 35

Everyone shall have the right to a healthy environment. Everyone shall be bound, in accordance with law and within his possibilities, to protect and improve the environment.

Article 36

The family, mother and child shall enjoy special protection.

Marriage and legal relations in marriage and family shall be regulated by law.

Everyone shall have the right to decide freely to have children.

Parents shall have the right and duty to take care of the upbringing and education of their children.

Children shall be bound to take care of their parents needing help.

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

Minors who are parentally neglected and persons unable to look after themselves and the protection of their rights and interests shall enjoy special protection.

Article 37

Everyone shall be entitled to health care.

The right to health care shall be guaranteed in conformity with law.

Children, pregnant women and elderly persons shall be entitled to health care financed out of the public funds, while other persons shall enjoy such a care under the conditions spelled out in a law.

Article 38

Everyone shall be entitled to education under equal conditions.

Primary schooling shall be compulsory and free.

Everyone shall have access, under the same conditions, to secondary and higher education.

In Paragraph 4 of Article 38 the words "teaching institutions" have been deleted (Item 2 of Amendment XLIII).

Citizens may open private schools under conditions specified by law.

Article 39

Everyone shall have the right to work and to freedom of work.

Forced labour shall be prohibited.

Everyone shall be free to choose his vocation and occupation and all work places and duties shall be accessible to everyone under the same conditions.

Employment may be terminated contrary to the will of employed persons in the manner and under conditions specified by law and collective agreements.

Every employed person shall have the right to remuneration in accordance with law and collective agreements.

Article 40

Employed persons shall be entitled to limited working hours, daily and weekly rest and annual holiday and leave with pay, in accordance with law and collective agreements.

Employed persons shall have the right to safety at work, in accordance with law.

Young people, mothers and disabled persons shall be entitled to special protection at work.

Article 41

Freedom of forming trade unions and organisation and activities related to them shall be guaranteed.

Article 42

Employed persons shall have the right to strike under conditions specified by law.

Article 43

The right of employed persons and of members of their families to social security and social insurance shall be regulated by law and collective agreements.

The right to relief during temporary unemployment shall be guaranteed, under conditions specified by law.

Citizens who are partially disabled shall be guaranteed the training for a suitable job and are provided conditions for their employment, in accordance with law.

The Republic shall ensure the assistance and social security to citizens incapable to work and unprovided-for.

Article 44

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

Foreign citizens and Stateless persons may be granted asylum in Republika Srpska if prosecuted for the participation in movements for social and national emancipation, supporting democracy, human rights and fundamental freedoms or for the freedom of scientific and artistic creativity.

Article 45

Everyone shall be bound to abide by the Constitution and law.

Everyone shall be bound to perform conscientiously and responsibly the public function assigned to him.

Article 46

Everyone shall be bound to assist a person in danger and to take part in elimination of general danger.

Article 47

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

Article 48

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

Paragraph 2 of Article 48 has been deleted on the basis of Item 8 of Amendment LVII.

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

Everyone violating the human rights and fundamental freedoms guaranteed by this Constitution shall be held personally responsible for it and may not be justified by having obeyed somebody's order to that effect.

Article 49

Freedoms and rights shall be exercised, and duties fulfilled directly pursuant to the Constitution, unless the Constitution provides that conditions for exercising particular freedoms and rights are spelled out by law.

The manner of exercising particular rights and freedoms may be determined by law only when it is necessary for their exercise.

Paragraph 3 of Article 49 has been replaced by Item 3 of Amendment XXXV.

The Chapter on Human Rights and Fundamental Freedoms has been supplemented by Items 1 through 3 of Amendment LVII, reading as follows:

“In the case there are differences between the provisions on rights and freedoms of the Constitution of Republika Srpska and those of the Constitution of Bosnia and Herzegovina, the provisions which are more favourable for the individual shall be applied.

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 the provisions on human rights and fundamental freedoms and shall apply to all, not only to citizens.

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

III. ECONOMIC AND SOCIAL ORDER

Article 50

The economic and social order shall be based on the equality of all forms of ownership and free enterprise, the independence of enterprises and other forms of organisation on management and appropriation of profit and free movement of goods, labour and capital in the Republic as a single economic territory.

Article 51

Through measures of economic and social policy the Republic shall stimulate the economic development and the increase of social welfare of citizens.

Article 52

Free enterprise may exceptionally be restricted by law for the purposes of protecting the interest of the Republic, the human environment, health and security of people.

Monopolies shall be forbidden.

Article 53

The Republic shall ensure consumers protection.

Article 54

All forms of ownership shall enjoy the equal protection of law.

Article 55

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

Article 56

The right to ownership may be restricted or taken away by law against fair indemnity.

Article 56 has been supplemented by Item 1 of Amendment XXXI, reading as follows:

“During the state of war, the imminent war threat or the state of emergency, law may restrict the disposal of or define a special method of the use of a part of assets belonging to legal and natural persons.”

Article 57

Article 57 has been replaced by Amendment XLVIII, reading as follows:

“Foreign persons may acquire the right to property and the rights through the investment of capital in accordance with law.

Property and other rights of a foreign investor acquired through the capital invested may not be lessened or denied by law nor by any other legal act.

Foreign persons shall be guaranteed to conduct economic or any other activities and rights arising from business transfers under the conditions which cannot be changed to his detriment.

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

The establishment of private enterprises by foreign persons concerning certain activities and fields may exceptionally be restricted by law when required by the general social interest.

Article 58

Property rights and obligations relating to socially-owned resources and the conditions of transforming the resources into other forms of ownership shall be regulated by law.

Paragraph 2 of Article 58 has been replaced by Item 2 of Amendment XXXI, reading as follows:

Socially- or State-owned property may as a rule be alienated only according to the market criteria.

Article 59

Natural resources, urban construction sites, real estate and property of particular economic, cultural and historical significance determined by law to be of general interest, shall be State-owned.

Certain goods of general interest may also be privately owned under the conditions determined by law. Under the conditions determined by law, the right of use may be instituted on property of general interest as well as on urban construction sites.

The use and exploitation of property of special cultural, scientific, artistic or historical significance, or significant for the protection of nature or the environment, may be restricted against a full compensation to the owner.

The protection, use, improvement and management of the property of general interest, as well as the payment of compensation for the use of property of general interest and urban construction sites shall be regulated by law.

Article 60

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

The ownership of farming land shall be guaranteed, while the framework of ownership of forests and forest land shall be specified by law.

Article 61

The Republic shall guarantee to citizens a minimum of social security and it shall provide for functioning of public services, in accordance with law.

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

Article 62

The Republic and municipalities shall establish public revenues and expenditures by means of a budget.

Budget resources shall be raised from taxes, fees and other levies specified by law.

Article 63

The duty to pay taxes and other levies shall be universal and it shall be defined in accordance with taxpayer's income bracket.

Article 64

The Republic shall protect and encourage the following:

- the rational use of natural resources with the view of protecting and improving the quality of life and protecting and reviving the environment to the general benefit;
- conservation and enrichment of historical, cultural and artistic wealth;
- scientific research;
- economising of all kinds, in particular the one pertaining to economic activities and the purchase of apartments;
- co-operative societies and general co-operation;
- crafts;
- physical culture and sports.

Article 65

Employees shall have the right to participate in the company management in accordance with law.

The citizens' influence on the management of State-owned funds and property shall be specified by law.

IV. RIGHTS AND DUTIES OF THE REPUBLIC

Article 66

The rights and duties of the Republic shall be exercised by the republican bodies specified by the Constitution.

Human rights and freedoms, the equality before the law, the independence and the equal status of enterprises and other organisations, the constitutional status and the rights of local self-government units shall be the basis and the measurement for powers and responsibilities of republican bodies.

Article 67

Within the rights and duties of the Republic laid out by the Constitution, the republican bodies shall formulate the policy, enact and enforce laws, other regulations and general acts and carry out the protection of the constitutionality and legality.

The bodies and organisations in municipalities may be assigned the enforcement of laws and other regulations and general acts from within the framework of the rights and duties of the Republic.

The responsibility for the enforcement of laws, other regulations and general acts shall be regulated by law.

Article 68

Article 68 has been replaced by Amendment XXXII, reading as follows:

“The Republic shall regulate and ensure:

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

In Sub-item 1 of Amendment XXXII the words: “sovereignty, independence” have been replaced by the words: “integrity, constitutional order” (Item 1 of Amendment LVIII).

2. defence and security;

3. measures in case of the state of, imminent threat of war and the state of emergency;

4. constitutionality and legality;

5. implementation and protection of human rights and freedoms;

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

In Sub-item 6 of Amendment XXXII after the words: “economic relations with foreign countries” the words: “which have not been transferred to institutions of Bosnia and Herzegovina, market and planning” (Item 2 of Amendment LVIII) have been added.

7. banking and tax system;

In Sub-item 7 of Amendment XXXII, the words: “monetary”, “foreign exchange” and “customs” have been deleted (Item 3 of Amendment LVIII).

8. main objectives and directions of economic, scientific, technological, demographic and social development, the development of agriculture and the village, the use of space, politics and measures for direction of the development and commodities;

9. control of legality of the disposal of means of legal entities and the collection of statistical and other data of general interest;

10. organisation, competence and the work of State bodies;

11. public services system;

12. work relations, safety at work, employment, social insurance and other forms of social care, health care, soldiers and invalid protection, child and youth care, education, culture and cultural resources protection, physical culture;

13. environmental protection;

14. public information system;

15. international co-operation, with the exception of the one transferred to institutions of Bosnia and Herzegovina.

In Sub-item 15 of Amendment XXXII, the words: “with the exception of the one transferred to institutions of Bosnia and Herzegovina” (Item 4 of Amendment LVIII) have been added.

- 16.co-operation with the Serb people outside of the Republic;**
17.financing the exercise of the rights and duties of the Republic;
18.other relations relevant for the Republic, in accordance with the Constitution”.

V. ORGANISATION OF THE REPUBLIC

Article 69

The State government in the Republic shall be organised according to the principle of the separation of powers.

The constitutional and legislative powers shall be exercised by the National Assembly.

Paragraph 3 of Article 69 has been replaced by Amendment XXXII, reading as follows:

“The Republic is represented and its national unity symbolised by the President of the Republic.”

The executive power shall be vested in the Government.

The judicial power shall belong to the courts.

The protection of constitutionality and legality shall be provided by the Constitutional Court.

1. The National Assembly

Article 70

The National Assembly shall:

1. decide on amending the Constitution;
2. enact laws, other regulations and general enactments;
3. adopt a development plan, urban plan, budget and annual balance sheet;
4. determine the territorial organisation of the Republic;
5. call for the republic referendum;
6. float the public loan of the Republic and decide on contracting debts by the Republic;
7. call for the elections for Assembly deputies and the President of the Republic;
8. elect, appoint and dismiss the officials, in accordance with the Constitution and the laws;
9. exert control over the work of the Government and other bodies responsible to it, in accordance with the Constitution and law;
10. grant amnesty;
11. carry out other activities in accordance with the Constitution and law.

Article 70 has been supplemented by Amendment LIX, reading as follows:

“ National Assembly shall:

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

Article 70 has been amended by Amendments XXXV and Amendment LXI, reading as follows:

“ The National Assembly, in accordance with law, shall declare

- 1. the state of war in the case of an armed attack of the Republic**
- 2. imminent threat of war in case of a serious threat of war**
- 3. state of emergency for the Republic or a part of Republic if the security, human rights and freedoms and normal functioning of the constitutional institutions are threatened”**

Article 70 has also been amended by Item 3 of Amendment XXXV (see Article 81 of the Constitution).

Article 71

Paragraph 1 of Article 71 has been replaced by Amendment LII, reading as follows:

“The National Assembly shall have 83 deputies”

Paragraph 2 of Article 71 has been replaced by Item 2 of Amendment XXXVI, reading as follows:

“The electoral laws shall establish the electoral units and the system of the distribution /allocation of mandates ensuring that all municipalities are appropriately represented in the National Assembly.”

Assembly deputies shall be elected directly and by secret ballot.

The election and the termination of mandates of Assembly deputies and the forming of electoral units shall be determined by law.

Article 72

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

Article 72 has been supplemented by Amendment XXXIX and Amendment LX, reading as follows:

“At the proposal of a minimum of 30 deputies, the National Assembly may shorten its mandate by a two-thirds majority of the total number of deputies.

During the state of war and imminent threat of war, the mandate of the national Assembly shall be prolonged for the duration of such a state.

The national Assembly may not shorten its mandate during the war and imminent threat of war

Should the National Assembly shorten its mandate or should it be dismissed, elections for a new National Assembly must be held within 60 days from the day of issuance of decision on the shortening of mandate. The elections shall be scheduled by the President of the Republic.

By the shortening of mandate of the national Assembly the mandate of the Government shall also stop.

The President of the Republic may, after he has heard the opinion of the President of the Government and the President of the National Assembly decide to dismiss the National Assembly .“

Article 73

Assembly deputies shall enjoy immunity.

An Assembly deputy may not be held criminally liable, or detained or punished for an opinion expressed or a vote cast in the National Assembly.

An Assembly deputy may not be arrested without the approval of the National Assembly, unless he has been caught while committing a criminal offence carrying a penalty of more than five years of imprisonment.

No Assembly deputy may be subject, without the approval of the National Assembly, to instituting criminal proceedings against him after he has invoked parliamentary immunity.

Article 74

The National Assembly shall sit in a continuous session.

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

The President shall be obliged to convene a session upon the request of one third of the total number of deputies, or on the demand by the President of the Republic or the Government.

Article 75

Article 75 has been replaced by Amendment XXXVII, reading as follows:

“The National Assembly shall decide by a majority vote of all Assembly deputies, unless the Constitution provides a special majority.”

Article 76

Article 76 has been replaced by Amendment XXXVIII, reading as follows:

“The President of the Republic, the Government, every Assembly deputy or a minimum of 3,000 voters shall have the right to propose laws, other regulations and general enactments.

The National Bank shall also have the right to propose laws, other regulations and general enactments relating to monetary, foreign exchange and credit system.”

Article 77

The National Assembly may decide to make a decision on some issues falling within its competence after a referendum of citizens has been held.

Article 78

The National Assembly shall regulate its work and organisation and the manner of exercising the rights and duties of deputies.

Article 79

The National Assembly shall have the President and two Vice-Presidents elected for a four year term.

2. The President of the Republic

Article 80

The President of the Republic shall:

1. represent the Republic;
2. propose to the National Assembly a candidate for the Prime Minister;
3. propose to the National Assembly candidates for the president and judges of the Constitutional Court;

Item 4 of Paragraph 1 of Article 80 has been substituted by Item 2 of Amendment XL, reading as follows:

4. **“the President of the Republic shall promulgate laws by decree within seven days from the day of their adoption by the National Assembly. The President of the Republic may, within that timeline, request that the National Assembly make decision on the law anew.**

The President of the Republic is obliged to promulgate the law which has been readopted by the National Assembly”;

5. grant pardons;
6. confer decorations and awards specified by law;
7. perform other tasks in accordance with the Constitution;

Article 80 has been supplemented with Item 1 of Amendment XL, reading as follows:

“The President of the Republic shall:

1) **perform, in accordance with the Constitution and law, tasks related to defence, security and relations of the Republic with other countries and international organisations,**

Sub-item 2 of Item 1 of Amendment XL has been substituted by Amendment L, reading as follows:

2) **the President of the Republic shall, at the proposal of the Government, by decree appoint and recall heads of missions of Republika Srpska in foreign countries, and shall nominate ambassadors and other international representatives of Bosnia and Herzegovina from Republika Srpska.**

3) **form advisory bodies and expert agencies for performing tasks falling within his competence.”**

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

Paragraph 3 of Article 80 has been substituted by Item 3 of Amendment XL, reading as follows:

“The President of the Republic shall decide which of the vice-presidents of the Republic shall replace him in case he is temporary prevented from performing his duties.”

Article 81

When the National Assembly, due to a State of emergency, is not able to convene, the President of the Republic shall, upon obtaining the opinion of the Government, establish the existence of the State of emergency and order that measures be taken for their remedy, in accordance with the Constitution and law.

Paragraph 2 of Article 81 has been substituted by Item 2 of Amendment XXXV reading as follows:

“If not possible to convene a session of the National Assembly, which is ascertained on the basis of a statement given by the President of the National Assembly, a state of war or imminent threat of war shall be declared by the President of the Republic.

If the National Assembly cannot convene during a state of war or imminent threat of war, the President of the Republic shall, at the proposal of the Government or at his own initiative after he has heard the opinion of the President of the National Assembly, pass decrees with the force of law regarding the issues falling under the competence of the National Assembly, and appoint and recall officials which are normally appointed and recalled by the National Assembly.

The President of the Republic shall submit these decrees or decisions on the appointment and recall for approval to the National Assembly as soon as it is able to convene.

Article 81 has been supplemented with Item 3 of Amendment XXXV, reading as follows:

Exceptionally, during a state of war or imminent threat of war, enactments passed by the National Assembly, i.e. enactments by the President of the Republic in case the National Assembly could not convene, may, while such State is in effect, suspend certain provisions of the Constitution relating to the adoption of laws, other regulations and general enactments, to the undertaking of measures by republican bodies, and to certain human freedoms and rights,

except for the freedoms and rights laid down in Articles 10, 11, 13, 14, 15, 17, 18, 19, 20, 24 and 25 of the Constitution, change the organisation and powers of executive, managing and judicial bodies and their personnel, as well as the territorial organisation in the Republic.

Article 82

The President of the Republic may request that the Government presents its stance on certain issues of importance for the Republic, convene a session of the Government and put on the agenda issues falling under its competence.

Article 83

Article 83 has been substituted by Items 4 and 5 of Amendment XL, reading as follows:

Only one Vice-President of the Republic shall be elected at the first direct elections.

The President and Vice-President of the Republic shall be elected for a five-year mandate by the citizens through direct and secret ballot.

The President and Vice-President of the Republic shall be elected simultaneously from the same list of candidates.

The same person may be elected President or Vice-President of the Republic no more than twice in a row.

Article 84

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

Article 85

In case of an imminent threat of war or state of war, the mandate of the President of the Republic shall be extended as long as such state is in effect, i.e. until conditions are created for the election of the President of the Republic.

Article 85 has been supplemented with Item 6 of Amendment XL, reading as follows:

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

Article 86

The President of the Republic shall enjoy the same immunity as the Assembly deputies.

Article 86 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions set forth in Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 87

The term of office of the President of the Republic shall cease before the expiry of the period he was elected for, in case of his resignation or recall.

Article 87 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions set forth in Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 88

The President of the Republic shall be responsible to citizens and they can recall him following the same procedure by which they elected him.

Article 88 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions set forth in Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Article 89

The procedure for nominating, electing and recalling the President of the Republic shall be regulated by the law.

Article 89 has been supplemented with Item 6 of Amendment XL, reading as follows:

“Provisions set forth in Articles 85 through 89 of the Constitution, concerning the President of the Republic, shall also apply to the Vice-President of the Republic.”

Provisions set forth in the Constitution concerning the President of the Republic have been supplemented with Amendment LIII, reading as follows:

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

The Senate shall discuss issues of particular importance for the political, national, economic and cultural development of Republika Srpska, and shall forward its opinion to the highest constitutional institutions concerning the issues falling within their competence.

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

Appointed Senate members shall be distinguished persons from public, scientific and cultural life.

The Senate members shall enjoy the same immunity as the Assembly deputies.

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.”

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, urban plan, budget and the annual balance sheet;
3. ensure the implementation and enforce the laws, other regulations and general enactments;
4. pass decrees, decisions and other enactments necessary for the enforcement of law;
5. express its opinion on drafts of laws, other regulations and general enactments submitted to the National Assembly by another proposer;
6. define principles of the internal organisation of the ministries and other administrative bodies and organisations of the Republic, appoint and recall officials at the ministries, other bodies and administrative organisations of the Republic;
7. guide and co-ordinate the work of ministries and other bodies and administrative organisations of the Republic;
8. carry out supervision of the work of the ministries and other bodies and administrative organisations of the Republic, and annul or cancel their enactments which are in contravention of law or some other regulation passed by the Government
9. carry out other tasks in accordance with the Constitution and law.

Article 90 has been supplemented with Item 1 of Amendment XLI and changed by Amendment LXI, reading as follows:

“The Government shall decide on the establishment of the Republic’s missions abroad.”

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 shall consist of the Prime Minister, Deputy Prime Minister and ministers.

Paragraph 2 of Article 92 has been substituted by Item 2 of Amendment XLI, reading as follows:

“A member of the Assembly who has been nominated for the post of Prime Minister, Deputy Prime Minister or Minister cannot take part in deciding on the election of Government, while a member of the Assembly who has been elected to those positions cannot take part in a vote of no confidence to the Government, in a vote on his recall, on a report made by the Government or the ministry he runs.”

Article 93

The candidate for the Prime Minister shall present his program to the National Assembly and propose a list of ministers of the Government.

The Government shall be elected if the majority of the total number of deputies of the Assembly have voted for it.

Article 94

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

The National Assembly may vote no confidence to the Government.

The proposal for a no confidence vote to the Government may be submitted by at least 20 representatives.

The Government itself may ask for a vote of confidence at the National Assembly.

The Prime Minister may propose to the National Assembly a dismissal of individual members of the Government.

A decision on the dismissal of the Government or any of its members shall be considered adopted if it has been voted by the majority of the total number of deputies.

The Government and each of its members may submit their resignations to the National Assembly.

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

A Government which has been voted no confidence, which has resigned or whose mandate has been revoked because of dissolution of the National Assembly, shall remain in office until a new Government is elected.

Article 94 has been supplemented with Items 3, 4 and 5 of Amendment XLI, reading as follows:

“The President of the Republic shall propose a candidate for the Prime Minister within 10 days from the day his resignation was accepted, no confidence voted or the mandate of the previous Government expired due to the dissolution or the shortening of the mandate of the National Assembly. The new Government must be elected within 40 days from the day the candidate for the new Prime Minister was nominated.

During the mandate of the Government, the Prime Minister may, based on the opinions of the President of the Republic and the President of the National Assembly, make changes in the composition of the Government, of which he shall inform the National Assembly.

If he assesses that there has been a crisis in the work of the Government, the President of the Republic may, at the initiative of at least 20 Assembly representatives and after obtaining the opinion of the President of the National Assembly and the Prime Minister, demand that the Prime Minister resigns. Should the Prime Minister refuse to resign, the President of the Republic may dismiss him.

During a state of war or imminent threat of war, the National Assembly may vote no confidence to the Government by the majority of votes at the session attended by the majority of the deputies.

Article 95

Members of the Government shall enjoy the same immunity as the Assembly deputies.

The immunity of the members of the Government shall be decided upon by the Government.

Article 96

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

Article 97

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

The ministries and other administrative bodies of the Republic shall implement laws and other regulations and general enactments of the National Assembly and Government, as well as enactments by the President of the Republic, shall decide in administrative matters, carry out supervision and other administrative affairs prescribed by law.

The ministries and other administrative bodies of the Republic shall be independent in exercising their competencies prescribed by the Constitution and law.

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

4. The National Bank

Article 98

The Republic shall have a National Bank.

The status, organisation, management and operation of the National Bank shall be regulated by law.

5. Agency for Payment Operations and Financial Control

Article 99

The Republic shall have an Agency for Payment Operations and Financial Control.

The status, organisation, management and operation of the Agency for Payment Operations and Financial Control shall be regulated by law.

VI. TERRITORIAL ORGANIZATION**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 shall, through its bodies, and in accordance with the law:

1. enact a development program, urban planning, budget and annual balance sheet;
2. regulate and ensure performing of the municipal activities;
3. regulate and ensure the use of urban construction sites and business premises;
4. take care of construction, maintenance and use of local infrastructure, and other public facilities of importance to the municipality;
5. take care of meeting specific needs of citizens in the areas of culture, education, health and social welfare, physical culture, public information, handicrafts, tourist trade and catering services, environment protection and other areas;
6. execute laws, other regulations and general enactments of the Republic whose execution is entrusted to the municipality, provide for the execution of regulations and general enactments of the municipality;
7. establish agencies, 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.

The performance of tasks of local government may be entrusted to the city by law.

Article 103

The city and municipality shall be entitled to revenues as established by law, and resources for administering the tasks entrusted to them.

VII. DEFENCE**Article 104**

The defence and protection of the territory and constitutional order of Republika Srpska is the right and duty of all citizens.

The words "sovereignty" and "independence" have been deleted from Paragraph 1 of Article 104 (Amendment LXIII).

The rights and duties regarding defence shall be set out in a separate law.

Article 105

Republika Srpska shall have its own Army, consisting of standing units and reserve units.

Permanent units shall consist of professional soldiers and soldiers serving the Army.

A separate law shall be passed on the Army of the Republika Srpska.

Article 106

At war and at peace time, the Army of Republika Srpska shall be commanded by the President of the Republic, according to the Constitution and law.

The President of the Republic shall nominate, promote and recall the officers of the Army of Republika Srpska in accordance with law, he shall nominate and recall the president, judges and members of the jury of the military courts as well as the Army prosecutors.

Article 107

Military courts and Army prosecutors shall be established by law.
 Military courts shall be independent and shall adjudicate in accordance with the law.

VIII. CONSTITUTIONALITY AND LEGALITY**Article 108**

P> Laws, statutes, other regulations and general enactments must be in conformity with the Constitution.
 Regulations and other general enactments must be in conformity with the law.

Article 109

Laws, other regulations and general enactments shall enter into force not earlier than on the eighth day after the day of their publication, unless, for particularly justified reasons, it is stipulated that they enter into force at an earlier date.
 Before entering into effect, laws, other regulations and general enactments of State agencies shall be published in an appropriate official gazette.

Article 110

Laws, other regulations and general enactments may not have retroactive effect.
 If so required by public interest established in the procedure of enactment of the law, the law may stipulate that some of its provisions shall have a retroactive effect.
 Punishable offences shall be prescribed and punishments for their commission pronounced according to law or other regulation which was in force at the time of the commission of the offence, unless the new law, i.e. regulation, is more favourable for the perpetrator.

Article 111

State agencies and organisations exercising public powers may decide in individual cases 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 his rights and interests and to appeal against the issued act or apply any other legal remedy prescribed by law.

Article 112

In the proceedings before a court or other State agency or organisation which, in exercise of public powers rules on his rights and duties, each person shall be guaranteed the right to use his own language and to familiarise himself with the facts of the proceedings in his language.

Article 113

An appeal may be lodged with a competent body against the individual rulings issued in the first instance by judicial, administrative and other State bodies, as well as by organisations exercising public powers.
 Exceptionally, an appeal may be disallowed by law if the right to legal remedy and protection of legality have been secured in some other way.
 The legality of final and binding individual acts by which State agencies and organisations exercising public powers decide on rights and duties, shall be decided upon by a court in the administrative dispute proceedings, unless another kind of judicial protection has been provided for the specific matter.
 By way of exception, the administrative dispute proceedings may be excluded only by law in specific kinds of administrative matters.

Article 114

The Government of the Republic shall have the right to suspend the implementation of a regulation, a general or individual enactment, which it considers to be unconstitutional or unlawful, until the Constitutional Court has reached a decision.

The Republic shall have the right and duty to ensure the enforcement of laws and other regulations directly through the agencies of the Republic, if the agencies and organisations of the Republic do not enforce them themselves.

IX. THE CONSTITUTIONAL COURT

Article 115

The Constitutional Court shall decide on:

1. conformity of laws, other regulations and general enactments with the Constitution;
2. conformity of regulations and general enactments with the law;
3. conflict of jurisdictions between bodies of legislative, executive and judicial branch;

In Item 4 of Paragraph 1 of Article 115 the word “region” has been deleted (Item 3 of Amendment XLIII).

4. conflict of jurisdiction between agencies of the Republic, city and municipality;
5. conformity of programmes, statutes and other general enactments of political organisations with the Constitution and the law.

Article 115 has been supplemented with Items 1 and 2 of Amendment XLII, reading as follows:

“The Constitutional Court shall monitor events of interest for the achievement of constitutionality and legality, and inform the highest constitutional bodies of the Republic on the status and problems in that area, offering them opinions and proposals for adopting laws and undertaking other measures for the purpose of ensuring constitutionality and legality, as well as the protection of freedoms and rights of citizens, organisations and communities.

The Constitutional Court may assess the constitutionality of laws and both the constitutionality and legality of regulations and general enactments which have ceased to be effective, provided that not more than one year has elapsed from the date of the cessation of validity to the date of initiating the proceedings.

Article 116

The Constitutional Court shall have seven judges.

Constitutional Court judges shall be elected for the period of eight years, and may not be re-elected.

The same person may not be elected twice to the office of the president of the Constitutional Court.

Article 117

A judge of the Constitutional Court may not hold another public function.

Paragraph 2 of Article 117 has been substituted by Item 5 of Amendment XLII, reading as follows:

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

Article 118

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

Paragraph 2 of Article 118 has been substituted by Item 6 of Amendment XLII, which reads:

A judge of the Constitutional Court shall be relieved of his duty if he is convicted of a crime which makes him unworthy of performing his function, if he becomes permanently incapable of performing the function, as well as due to other reasons prescribed by the Constitution and law.

Article 119

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

The words “in the territory of the Republic” have been added after the word “enforceable” in Paragraph 1 of Article 119 (Amendment LXIV).

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

Article 120

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.

Article 120 has been supplemented with Items 3 and 4 of Amendment XLII, reading as follows:

“Anyone can give an initiative to start the proceedings for assessing the constitutionality and legality.

Proceedings with 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 may initiate the proceedings itself to assess the constitutionality and legality.

When the Constitutional Court assesses that a law is not in accordance with the Constitution, or that another regulation or general enactment is not in accordance with the Constitution or law, such law, regulation or general enactment shall cease to be effective on the day of the publication of the Constitutional Court’s decision.”

X. COURTS AND PUBLIC PROSECUTOR’S OFFICES

Article 121

Judicial power shall be exercised by courts.

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

The courts shall protect human rights and freedoms, the established rights and interests of legal subjects and legality.

Article 122

The establishment and jurisdiction of courts, as well as the procedure before the courts, shall be specified by law.

Article 123

The Supreme Court of the Republic, as the highest court in the Republic, shall ensure a unified enforcement of law.

Article 124

Court hearings shall be public.

The public may be excluded from a court hearing in the cases specified by the law for the purpose of protecting special interests of the Republic, preserving a secret, protecting moral and interest of juveniles, private life of the parties to the proceedings and protecting other public interest.

Article 125

The court shall sit in panels.

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

Lay judges shall also take part in the trial, in a manner prescribed by the law.

It may be prescribed by law that in specific courts and in particular matters only judges shall participate in adjudication.

Article 126

No one participating in the trial shall be held responsible for an opinion expressed in the passing of a court decision, nor can anyone be detained in proceedings instituted because of a criminal offence committed in performing the judicial function without the approval of the National Assembly.

Article 127

Judges shall have life tenure.

A judge may not hold a public office or a job defined by law as incompatible with the judicial function.

A judge’s term of office shall terminate:

1. at his own request;
2. when he meets the requirements for retirement;
3. if he has permanently lost the working capacity to perform his judicial function;
4. if he has been convicted of a crime which makes him unworthy of performing the judicial function.

A judge shall be entitled to file a request for protection with the National Assembly, against the decision whereby his term of office was terminated.

Article 128

Public prosecutor's office is an independent State body which prosecutes the perpetrators of criminal offences and other criminal acts which are punishable under the law, and applies legal remedies in order to protect constitutionality and legality.

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

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

Article 129

A public prosecutor shall have a life tenure.

A public prosecutor may not engage in a service or job defined by law as incompatible with his function.

Article 130

Judges and public prosecutors are elected or appointed and recalled by the National Assembly.

Article 131

Law practice shall be an autonomous and independent activity and service which renders public assistance.

The organisation and work of law practice shall be regulated by the law.

XI. AMENDING THE CONSTITUTION**Article 132**

A proposal to amend the Constitution of the Republic may be submitted by the president of the Republic, the Government, and at least 30 deputies of the National Assembly.

A proposal to amend the Constitution shall be decided upon by the National Assembly by the majority of votes of the deputies.

Article 133

Draft Amendment to the Constitution shall be set forth by the National Assembly by the majority of votes of the total number of deputies.

Draft Amendment to the Constitution shall be open for a public debate.

Article 134

After a public debate on the Draft Amendment to the Constitution has been held, the National Assembly Commission for Constitutional Issues shall set forth a Proposal Amendment to the Constitution.

Article 135

The National Assembly shall decide on a proposed Draft Amendment to Constitution.

The Constitutional Amendment shall be considered as adopted if at least two thirds of the total number of deputies have voted for it.

If the Constitutional Amendment has not been adopted, a proposal for amendment regarding the same issue may not be repeated before three months have passed from the day when the proposal was rejected.

Article 136

The Amendment to the Constitution shall be promulgated by the National Assembly.

Article 137

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

In case of a state of war or an imminent threat of war, the National Assembly may draft a proposal to amend the Constitution and adopt constitutional amendments at the same session (without holding a public debate).

XII. FINAL PROVISIONS

Article 138

Article 138 has been substituted by Amendment LI and supplemented with Amendment LXV, reading as follows:

“When enactments of the institutions of Bosnia and Herzegovina or enactments of the Federation of Bosnia and Herzegovina, in contravention of the Constitution of Republika Srpska and the Constitution of Bosnia and Herzegovina, violate the equality of Republika Srpska, or when its rights and lawful interests are otherwise endangered without any protection being provided, agencies of the Republic shall temporarily, pending a decision of the Constitutional Court of Bosnia and Herzegovina, and in cases when irredeemable detrimental consequences might occur, pass enactments and undertake measures for the protection of rights and interests of the Republic.”

Article 139

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

<B< B>

A constitutional law shall be enacted for the enforcement of this Constitution.

Index of the Constitution of Republika Srpska

I. Basic Provisions 1-9

II. Human Rights and Freedoms 10- 49

III. Economic and Social Order 50-65

IV. The Rights and Duties of the Republic 66-68

V. Organisation of the Republic 69

1. National Assembly 70 - 79

2. The President of the Rep. 80 - 89

3. The Government and the Administration of the Republic 90 - 97

4. The National Bank 98

5. Service for Currency Exchange and Financial Control 99

VI. Territorial Organisation 100 -103

VII. Defence 104 - 107

VIII. Constitutionality and Legality 108 - 114

IX. The Constitutional Court 115 - 120

X. Courts of Law and Public Prosecutor's Offices 121 - 131

XI. Amending the Constitution 132 - 137

XII. Concluding Provisions 138 - 140