

ZEDE related Articles from Honduran Constitution

Article 294.

(1) The national territory shall be divided into departments. Its creation and limits shall be decreed by the National Congress.

(2) The departments are divided into autonomous municipalities administered by corporations elected by the people, in accordance with the law.

(3) Without prejudice to the provisions of the two preceding paragraphs, the National Congress ***may create zones subject to special regimes in accordance with Article 329 of the Constitution.***

Article 303.

(1) The power to administer justice emanates from the people and is administered free of charge in the name of the State by independent judges and magistrates, subject only to the Constitution and the law. The Judicial Branch is made up of a Supreme Court of Justice, the Courts of Appeal, ***courts with exclusive jurisdiction in areas of the country subject to special regimes created by the Constitution of the Republic*** and also dependencies established by law.

(2) In no trial shall there be more than two instances; a judge or magistrate who has exercised jurisdiction in one of them may not hear the other, or an extraordinary appeal in the same matter, without incurring liability.

(3) Nor can spouses and relatives within the fourth degree of consanguinity or second degree of affinity judge the same case.

Article 329.

(1) The State shall promote economic and social development, which shall be subject to strategic planning. The law regulates the planning system and process with the participation of the State Powers and duly represented political, economic and social organizations.

(2) In order to carry out the function of promoting economic and social development and complementing the actions of other agents of this development, the State, with a medium- and long-term vision, must design, in concert with Honduran society, a planning containing the precise objectives and the means and mechanisms to achieve them.

(3) Medium- and long-term development plans should include strategic policies and programs that ensure continuity of implementation from conception and approval to completion.

(4) The nation plan, the comprehensive development plans and the programs incorporated therein are binding on successive governments.

ZONES OF EMPLOYMENT AND ECONOMIC DEVELOPMENT:

(5) The state may establish zones of the country subject to special regimes which shall have juridical personality, and are subject to a special fiscal regime and may incur obligations which do not require the guarantee or collateral of the state in solidarity, and may create contracts until the fulfillment of their timely objectives and during various governments. They shall enjoy functional and administrative autonomy that shall include the functions, abilities, and obligations that the Constitution and the laws confer on the municipalities.

(6) The creation of a zone subject to a special regime is the exclusive power of the National Congress, by a qualified majority, given an approving plebiscite by two thirds in accordance with that established in article five of the Constitution. This requirement is not necessary for special regimes created in zones of low population density. A zone of low population density means those in which the number of permanent inhabitants per square kilometer is less than the average for rural zones calculated by the National Institute of Statistics, which shall issue the corresponding ruling.

(7) The National Congress, upon approving the creation of zones subject to special regimes must guarantee that where appropriate there is respect for the ruling issued by the International Court of Justice of the Hague on the 11th of September, 1992 and that provided in articles 10, 11, 12, 13, 15, and 19 of the Constitution of the Republic regarding the territory. The zones are subject to the national legislation in all topics related to sovereignty, application of justice, national defense, foreign relations, electoral matters, and issuance of identification documents and passports.

(8) The Gulf of Fonseca must be subject to a special regime in accordance with international law, and that established in Constitutional article 10 and this article. The Honduran coasts of the Gulf and the Caribbean Sea remain subject to the same constitutional provisions.

(9) For the creation and operation of these zones the National Congress must approve an Organic Law, which may only be modified, reformed, interpreted or revoked by a favorable two thirds of the members of the National Congress. The celebration of a referendum or plebiscite by the people who inhabit the zone subject to the special regime is also necessary when its population is greater than one hundred thousand inhabitants. The Organic Law shall expressly establish the applicable regulations.

(10) The authorities of the zones subject to special regimes have the obligation of adopting the best national and international practices to guarantee the existence and permanence of the social, economic, and legal environment adequate in order to be competitive at the international level.

(11) In order to solve conflicts within the zones of the country subject to special regimes, the judicial branch through the Council of the Judiciary must create tribunals with exclusive and autonomous competency over them. The judges of the zones subject

to special jurisdiction shall be proposed by the special zones before the Council of the Judiciary, who shall appoint judges given prior competition of a proposed list from a special commission formed in the manner described in the Organic Law of those regimes. The law may establish obligatory subjection to arbitration for the solution of conflicts of natural or juridical persons that live within the areas included in those regimes for certain matters. The tribunals of the zones subject to a special judicial regime may adopt judicial systems or traditions from other parts of the world as long as they guarantee equal or better constitutional principles of protection of human rights and have prior approval of the National Council.