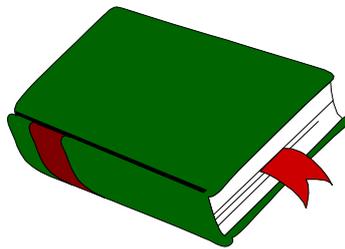




Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



CONSTITUTION OF CENTRAL BOSNIA CANTON

“Official Gazette of Central Bosnia Canton”, 1/97, [5/97](#),
[6/97](#), [6/97](#)

NOTE: Amendments to the Constitution of the Central Bosnia Canton, published in the “Official Gazette of Central Bosnia Canton”, [2/98](#), [7/98](#) (Corrigenda), [8/98](#), [10/00](#), [8/03](#), [2/04](#), and [14/04](#) are not included in this translation.

On the basis of the Constitution of the Federation of Bosnia and Herzegovina, the expressed self-determination of Bosniak and Croat people, as well as other citizens of Bosnia and Herzegovina, the principles of organization and constitutional structure of the Federation of Bosnia and Herzegovina and its federal units, the independence and territorial integrity of B&H, as well as the conviction that democratic institutions founded on the respect of human rights and freedoms best insure the realizations of democratic relations and principles, full national equality and the development of the free market, the Assembly of the Central-Bosnian Canton on the basis of article V. 4 and 6 of the Constitution of the Federation of Bosnia and Herzegovina, on the session held on March 28, 1996, adopts the

CONSTITUTION OF CENTRAL BOSNIA CANTON

I. ESTABLISHMENT OF THE CANTON

Article 1.

Bosniaks and Croats, as constitutive nations, with others, and citizens of the Middle Bosnia Canton exercise their independent rights in the Federation of the Bosnia and Herzegovina and in the Middle Bosnia Canton in accordance with the Constitution of the Federation and this Constitution.

Article 2.

The Middle Bosnia Canton is a federal unit of the Federation of Bosnia and Herzegovina (hereafter: the Canton).

The borders of the Canton are determined by the Law on Federal units (Official Gazette of the Federation of B&H, No.9/96).

Article 3.

This Constitution must be in accordance with the Constitution of the Federation, and it guarantees the institutions of the cantonal government and the protection of rights and freedoms set forth by the Constitution of the Federation.

Article 4.

The structure of all bodies in the Canton and the municipalities must reflect national structure of the population of the Canton/municipality, as expressed through general and free elections, and on the basis of election results.

Article 5.

The official name of the Canton is Central-Bosnia Canton.

Article 6.

The central office of the Canton is in Travnik.

Article 7.

The Canton has an escutcheon, flag, seal, and other symbols that are adopted by the Assembly of the Canton.

Symbols of the Canton will be used along with symbols of the Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina, in accordance with law.

As for the acceptance of symbols, a majority of the votes in the Assembly of the Canton, including the majority of the Bosniak delegates and majority of the Croat delegates is necessary.

Article 8.

Official languages of the Canton are Bosnian and Croatian. Official alphabet consists of Latin characters. Other languages can be used as means of communication and teaching.

II. HUMAN RIGHTS AND BASIC FREEDOMS

Article 9.

While executing duties from its authority, the Canton:

- a. undertakes all necessary measures for protection of human rights and freedoms established in Articles II. A 1. to 7., and those foreseen through the instruments in the Annex of the Constitution of the Federation, and acts in accordance with the Constitution of the Federation and this Constitution.
- b. executes duties under its authority, taking into account the national structure of the population in every municipality.

Article 10.

Canton especially undertakes measures to enable the fulfillment of the right of free return for all refugees, displaced, and dislocated persons from the territory of the Canton into the places and homes from which they took refuge, were displaced, or dislocated, and creates conditions for accepting and accommodating refugees, displaced, and dislocated persons, with

the residence on the territory of the Canton, if they are not able to return to their homes, and will undertake other measures to provide them with conditions for life and work.

Article 11.

All individuals have the right, in accordance with the law of the Federation and the Canton, to have all the property taken away from them during the ethnic prosecution returned to them, as well as the compensation for all property, which cannot be returned to them. All statements and responsibilities given under duress, and especially the ones relating to giving up the right to land and other property, are null and void.

Article 12.

The Canton, in accordance with the law of the Federation and the Canton, undertakes measures for the realization of the rights and the protection of the invalids and the soldiers of the homeland war, and the members of the families of fallen soldiers.

Article 13.

The courts and organs of government, and other bodies of the cantonal government implement and respect the rights and freedoms anticipated in documents mentioned in the Annex of the Constitution of the Federation.

Article 14.

All organs of the Canton will, within the framework of the co-operation which is achieved by the organs of the Federation, co-operate with international observing bodies for human rights founded for Bosnia and Herzegovina, as well as with the supervising bodies founded through the instruments listed in the Annex of the Constitution of the Federation.

III. CO-OPERATION WITH OMBUDSMEN

Article 15.

Human rights and freedoms determined by the Constitution of the Federation and the Ombudsmen will protect this Constitution.

Organs of the Canton and municipalities will create conditions for the work of the Ombudsmen and their deputies.

Article 16.

Organs of the Canton and municipalities will enable Ombudsmen, on their request, to investigate into the work of any institution of the Canton or municipality, as well as any other institution or person who negated human dignity, rights or freedoms, including execution of the ethnic prosecution or maintaining its consequences, will ensure access to all official documents, including secret ones, as well as court and governing documents, and will ensure co-operation of every individual, including any official, especially when acquiring necessary information, documents, acts.

Canton will enable Ombudsmen, while they are performing their functions, to witness Court and other governing proceedings, as well as meetings of other organs, and ensure access and control to all places where individuals are denied their freedom, where they are locked up, or where they work.

Organs of the Canton and municipality are obliged to consider reports of Ombudsmen and respond in the time period fixed therein.

IV. AUTHORITY OF THE CANTONAL GOVERNMENT

Article 17.

The Canton has all authorities which are not explicitly given to the federal authority, or which are not established as joint authorities of the Federation and the Canton by the Constitution of the Federation.

Article 18.

The Canton is authorised, unless differently determined by this Constitution, for:

- a. establishment and supervision of police forces, which will have common federal uniforms with the cantonal emblems.
- b. establishment of the educational policies, including bringing regulations on education and ensuring education,
- c. establishment and implementation of the cultural policies,
- d. establishment of the housing policies, including bringing regulations on putting in order and building housing objects,
- e. establishing policies related to regulating and ensuring public services,
- f. bringing regulations on usage of the local land, including zoning,
- g. bringing regulations on promoting the local business and humanitarian activities,
- h. bringing regulations on local facilities for production of energy and ensuring their accessibility,
- i. establishment of policies in connection with ensuring radio and television, including bringing regulations on ensuring their work and construction,
- j. implementation of the social policies and establishment of the services of social protection,
- k. creation and application of the policies of cantonal tourism, and development of tourist resources,
- l. financing activities of the cantonal authority or its agencies through taxing, taking loans or other methods,
- m. bringing regulations on local self-governance.

Article 19.

In accordance with the Constitution of the Federation, the Federation and the Canton are authorised for:

- a. guaranteeing and implementing human rights,
- b. health care,
- c. politics of the protection of human environment,
- d. communications and transport infrastructure,
- e. social politics,
- f. implementation of laws and other regulations on citizenship,
- g. immigration and granting asylums,
- h. tourism,
- i. using natural resources.

Article 20.

In view of the needs, the competence listed at Article 19. of this Constitution can be realised jointly or separately, either by the Canton or co-ordinated by the federal government. In respect to these competencies, federal government and the Canton make agreements on permanent basis.

When the laws and other regulations which are binding on the territory of the whole Federation are in question, the federal government, in accordance with the Constitution of the Federation and the decisions of the Assembly of the Federation, proceeds by taking into account the Cantonal competence, the specificity of the Canton, and the need for flexibility in implementing, determines the policies in accordance with the needs, and brings laws related to the competence listed at Article 19 of this Constitution.

Article 21.

The Canton can, in accordance with the Law of the Canton, delegate their competence to the federal government.

The majority of 2/3 of the votes adopts the Law from the previous paragraph, including the majority of the votes of Bosniak delegates and the majority of the votes of Croat delegates.

Article 22.

When adopting regulations pertaining to local self-governance, the Canton is obliged to consult the municipal authorities in an appropriate way.

The cantonal government will secure sources of financing to the municipalities for the competence transferred to them.

The cantonal government conducts administrative supervision over the work of the municipal government in executing authorities transferred to municipalities.

Article 23.

At the request of the municipality, the Canton will delegate to the municipality their responsibilities related to:

- education,
- culture,
- tourism,
- local business,
- charitable activities, and
- radio-television.

The Canton is obliged to do that towards the municipalities whose majority population, on the national structure, is not the population, which constitutes the majority of the Canton as a unit.

V. STRUCTURE OF THE CANTONAL GOVERNMENT

A. LEGISLATIVE AUTHORITY OF THE CANTON

CANTONAL ASSEMBLY

1. General provisions

Article 24.

The legislative body of the Canton is the Assembly, which consist of one House.

Article 25.

Amendment II to the Middle Bosnia Canton's Constitution

I

Within the Constitution of Middle Bosnia Canton, article 25 has been changed and now reads as follows: "The Cantonal Assembly consists of 50 delegates".

II

This Amendment will be enforceable on the day of the announcement of the elections of the Cantonal Assembly and will be published within the "Official Gazette of Middle Bosnia Canton".

No: 01/1-012-2271/97
July 31, 1997

Chairman of the Assembly
Enver Sabic

The Cantonal Assembly consists of 55 delegates.

Article 26.

The national structure of the delegates of the Cantonal Assembly reflects the national structure of the population in the Canton.

Article 27.

The delegates in the Cantonal Assembly have two-year mandate.

Article 28.

The voters through democratic and direct election elect the delegates in the Cantonal Assembly by secret voting on the whole territory of the Canton, in accordance with the Constitution and the Law.

Every voter has a right to vote for any of the registered parties.

Article 29.

Before every election, all registered party publishes the list of candidates for the election.

The delegates in the Cantonal Assembly will be elected from the top of the list of that party in relation to the number of acquired votes. Replacements for the delegates are done from the individuals, which follow in the rest of the list.

Article 30.

Every voter can be elected as delegate to the Cantonal Assembly.

The position of delegate in the Cantonal Assembly and the position of Governor of the Canton or Deputy Governor, of Prime Minister or deputy Prime Minister, of members of government, as well as of judges at the Cantonal Court, can not be cumulated.

Article 31.

The Cantonal Assembly will be convened, for the first time and at the latest, 10 days after the publishing of the results of elections.

Article 32.

The Cantonal Assembly elects the President and his deputy, which cannot belong to the same constitutive nations, among the delegates in the Assembly.

Article 33.

The Cantonal Assembly holds its session in public, unless under extraordinary conditions as provided by its book of rules, and publishes reports on these sessions and decisions.

Article 34.

Cantonal regulations come into force as is determined by them, but not before they are published in an Official Gazette of the Canton.

Cantonal regulations can be published in the "Official Gazette of the Federation".

Article 35.

The delegates of the Cantonal Assembly will be reimbursed their per diem and expenditures, in accordance with the law of the Canton.

Article 36.

Criminal proceeding or civil case cannot be initiated against the delegate in the Cantonal Assembly, nor can the delegate be kept in custody or punished in any other way because of the opinion expressed, or because of the vote given in the Cantonal Assembly.

2. Decision-making in the Cantonal Assembly.

Article 37.

Decisions in the Assembly are taken by a simple majority of the total number of delegates, unless otherwise determined by this Constitution or by the book of rules of the Assembly.

Article 38.

The decisions, which concern vital interest of any of constitutive nations in the Canton, require a special majority of the delegates in the Assembly, including the majority of the Bosniak and the majority of Croat delegates. This provision can be invoked by a majority of the Bosniak or Croat delegates. If a majority of the remaining delegates opposes the invocation of this provision, a joint Commission of Bosniak and Croat delegates shall be established in order to solve that issue. If the Commission is unable to do so within 7 days of the provision's invocation, the question shall be determined by the Cantonal Court, by urgent proceeding. If that question is not under the exclusive authority of the Canton, the decision is taken by the Cantonal Court, with a possibility of appeal to the Constitutional Court of the Federation.

Article 39.

When the Governor of the Canton, jointly with the deputy Governor of the Canton, determines that the Assembly is not able to adopt a decision in accordance with the procedure from the Article 38 of this Constitution, he/she elaborates, jointly with the deputy Governor of the Canton, a proposed decision and submits it to the Government of the Canton to be adopted. This procedure can last 30 days at most.

If the Cantonal Assembly does not accept this regulation within this time frame, the Governor of the Canton, jointly with the deputy president, can adjourn the Assembly, taking into account that the Assembly cannot be adjourned within the six-month period after the first convening.

Article 40.

The Governor of the Canton, jointly with the deputy Governor, adjourns the Assembly if it does not succeed to pass the budget of the Canton before the beginning of the budgetary year.

3. Authority of the Cantonal Assembly

Article 41.

The Cantonal Assembly needs a majority of two thirds of votes to:

- a. prepare and adopt the Constitution of the Canton, and the constitutional laws and amendments,
- b. appoints and revokes the Governor of the Canton and deputy Governor of the Canton,
- c. confirms the appointment of the Cantonal Government,
- d. elects the judges of the Cantonal Court,
- e. establishes the authority of the cantonal and municipal courts,
- f. adopts the law and other regulations for the implementation of the cantonal competence,
- g. adopts the budget of the Canton, takes laws on taxing , and in other ways ensures the necessary financing,
- h. approves the international agreements with States and International Organizations, jointly with the Federal Assembly, in accordance with the Constitution of the Federation,

- i. examines the reports of Ombudsmen,
- j. conducts investigations, and in doing so can request witnessing, proofs and documents, without interfering with the authority of the Courts,
- k. adopts the Book of Rules of the Assembly,
- l. implement other authorised activities, which have been entrusted to it.

B. THE EXECUTIVE POWER OF THE CANTON

1. Governor and deputy Governor of the Canton

Article 42.

The Canton has a Governor and a deputy Governor of the Canton.

Article 43.

The Governor and the deputy Governor of the Canton are elected by the majority of votes in the Cantonal Assembly among candidates proposed by the delegates.

During the election of the Governor and the deputy Governor of the Canton, the Club of Bosniak delegates and the Club of Croat delegates separately propose one person as a candidate.

The choice of the Governor and the deputy Governor requires the acceptance of both candidates jointly, through the majority of votes of Bosniak delegates and majority of votes of Croat delegates.

If the joint candidature does not get the required majority, the Clubs will reconsider the candidature for the Governor and the deputy Governor of the Canton.

Article 44.

Elected individuals will alternately, one year each, be Governor of the Canton, and then deputy Governor of the Canton within the period of two years.

The Governor and the deputy Governor of the Canton cannot hold that function for longer than two consecutive mandates.

Article 45.

The Governor and the deputy Governor of the Canton can be revoked with a majority of two thirds of the votes in the Cantonal Assembly, including the majority of the votes of the Bosniak delegates and the majority of the votes of the Croat delegates in the Cantonal Assembly.

Article 46.

If the Governor and the deputy Governor of the Canton dies, is revoked, or is, according to the Cantonal Government deciding by consensus, permanently unable to perform his/her constitutional duties attached to his/her position, the procedure provided for in the Paragraph 3 (a) of the Amendment 1 to the Constitution of the Federation will be implemented within the time-frame of 30 days in the Club of delegates which nominated that individual, so that the empty position is filled until the end of the started mandate.

The Governor and the deputy Governor of the Canton will execute both functions during the period anticipated in the previous paragraph, if in the opinion of the Government adopted through consensus, the other one is unable to execute his/her duties for a certain period of time.

If both positions stay vacant, the Chairman of the Assembly will execute both functions for the necessary period.

Article 47.

The Governor of the Canton is authorised to:

- a. represent and act on behalf of the Canton,
- b. appoint the Cantonal Government,
- c. propose the judges of the Cantonal Court,
- d. bring a decree enacting the laws of the Assembly after their adoption,
- e. sign and ratify the international agreements on the behalf of the Canton, jointly with the Federal Assembly and in accordance with the Constitution of the Federation,
- f. give amnesty for acts to be determined by cantonal law, but other than war crimes, crimes against humanity and genocide,
- g. seize the Constitutional Court of the Federation, in accordance with the Article IV.C.10 (2) of the Constitution of the Federation,
- h. examine the reports of the Ombudsmen and enable them to work.

Article 48.

Deputy president of the Canton is authorised to:

- a. replace the Governor of the Canton in the situations mentioned at Article 46. of this Constitution,
- b. co-operate with the Governor of the Canton in the situations where it is necessary for the Governor of the Canton to act jointly.
- c. execute those duties entrusted to him/her by the Governor of the Canton or by the Cantonal Assembly.

2. Cantonal Government

Article 49.

The Cantonal Government consists of the President of the Government, the deputy President of the Government and Ministers.

President of the Government cannot belong to the same constitutive nation as the Governor of the Canton.

The President of the Government and the deputy President of the Government cannot be members of the same constitutive nation.

Article 50.

The Government of the Canton is appointed by the Governor of the Canton jointly with the deputy Governor of the Canton, after consultations with the President of the Government or with the candidate for that duty, and is confirmed in the Cantonal Assembly by a vote requiring a two-thirds majority.

Every vacant position is filled through the same procedure.

Article 51.

The Government of the Canton can be revoked either by decision of the Governor of the Canton jointly with the deputy Governor of the Canton, or by the vote of distrust towards the Government, with a majority of two thirds of votes in the Cantonal Assembly.

The Governor of the Canton, jointly with the deputy Governor of the Canton, revokes ministers and deputy ministers on proposal of the president of the Government, to be confirmed by the Assembly with a 2/3 majority.

Article 52.

The organization of the Government of Canton is ordered in accordance with this Constitution and the laws of the Canton.

Government is made up of a certain number of members of Bosniak and Croat nation, and a certain number of members belonging to the group of others.

Every minister has a deputy who do not belongs to the same constitutive nation in relation to minister.

Article 53.

The government of the Canton is competent for:

- a. implementing the cantonal policies and proposing and enforcing the cantonal laws and other regulations,
- b. enforcing the decisions of every cantonal or federal court and enforcing every other competence entrusted upon the Canton by the federal government,
- c. preparing the proposal for the budget,
- d. ensuring the co-operation of the Cantonal Government with the ombudsmen,
- e. supervising the investigation into and the criminal prosecution of any breach to the cantonal laws, as well as the cantonal police,
- f. ensuring that national structure of the police reflects the national structure of the population of the Canton, taking into account that the national structure of the police in every municipality must reflect the national structure of population of that municipality,
- g. executing other authorities determined by the Constitution

Article 54.

The president of the Government is responsible for:

- a. implementing the policies and enforcing the cantonal regulations, including ensuring the security of the enforcement of the decisions of cantonal courts.
- b. proposing and giving recommendations as regard cantonal legislation,
- c. preparing the budget proposals for the Cantonal Assembly,
- d. any other questions entrusted by this Constitution and by the law of the Canton.

Article 55.

The Deputy president of the Government is responsible for:

- a. assisting the president of the Government in implementing policies and enforcing cantonal regulations,
- b. executing the duties of the president of the Government, if he/she is unable to execute their duties, or if the position of president of the Government remains vacant, and before a new president of the Government assumes his/her responsibilities.

Article 56.

Every minister is responsible for:

- a. implementing the cantonal policies and enforcing the cantonal laws within the frame of competence of his/her ministry, or executing the tasks given to them by the president of the Government of the Canton or the deputy president of Government,
- b. proposing and giving recommendations in connection with regulations within the frame of competence of his/her ministry, or in accordance with the task given to him/her by the president of the Cantonal Government or deputy president of the Government,
- c. governing, co-coordinating, and supervising the activities of his/her ministry,
- d. giving advice, instructions, directions, and bringing regulations in order to enable the enforcement of the law related to the field of competence of his/her ministry, and those entrusted upon him/her by the president of the Cantonal Government or deputy president of the Government, in accordance with this Constitution and laws of the Canton.
- e. preparing, explaining, and analysing the budget related to the field of competence of his/her ministry, or executing other tasks at the request of the president of the Cantonal Government or the deputy president of the Government,
- f. responding to the questions of delegates in the Cantonal Assembly from the standpoint of authority of his/her ministry, and executing every other task entrusted upon him/her by the president of the Cantonal Government or the deputy president of the Government,
- g. helping the president or the deputy president of the Cantonal Government in guiding the policies and enforcing the laws of the Canton.

Deputy minister is competent for:

- a. helping the minister in conducting the policies and enforcing the laws of the Canton,
- b. assisting the minister in conducting other functions determined in the Paragraph 1. of this Article,
- c. standing in for the minister if he/she is unable to perform his/her function, or if the position of minister remains vacant, until the new minister takes over the duty.

3. Immunities

Article 57.

The Governor of the Canton and the deputy Governor of the Canton, The President and deputy President of the Government, and the ministers cannot be criminally prosecuted nor held responsible in the civil proceeding for any action performed while they are conducting their function.

C. JUDICIAL AUTHORITY OF THE CANTON

Article 58.

The judicial function in the Canton is held by the Cantonal Court and Municipal Courts.

Article 59.

The Cantonal Court is competent to:

- decide on appeals on decisions of the municipal courts,
- adjudicate in first instance on criminal and civil questions determined by the law of the Canton,
- adjudicate cases determined through this Constitution, and
- perform other competencies in accordance with the Cantonal law.

Article 60.

The decisions of the Cantonal Court taken in appeals on decisions of the municipal courts are final and binding, unless they concern a questions which relates to the Constitution of the Federation, or to Laws and other regulations of the Federation.

Verdicts as well as the decisions of the Cantonal Court that relate to appeals submitted in accordance with the Paragraph 1. of this Article are binding especially for parties to the proceeding, as well as for the Court whose decisions was appealed.

Article 61.

When adjudicating under urgent procedure, in accordance with the Article 38 of this Constitution, the Cantonal Court is bound to take a decision within seven days.

Article 62.

The judicial authority in the Canton is independent and autonomous, and is conducted in accordance with the Constitution and the Laws of the Federation and Canton.

Article 63.

Cantonal Courts ensure equal position to all parties in court proceedings.

Article 64.

Court proceedings are public, if not differently determined by law for some certain extraordinary situations.

Article 65.

The Cantonal Assembly can, in accordance with the law of the Federation, order additional rules of conduct for the Cantonal Court and municipal courts.

In accordance with the rules of conduct mentioned at the previous paragraph, every court determines their internal organization, and will adopt additional rules in relation to that.

The number of judges is determined by the cantonal law, in relation to the needs.

Article 66.

The judges of the Cantonal Court are recommended by the Governor of the Canton jointly with deputy Governor of the Canton, from a number of respectable jurists, provided that the national structure of the Court in its entirety reflects the national structure of the population of the Canton.

Article 67.

Judges of the Cantonal Court will be in service until the age of 70, unless they resign or are revoked through consensus by the Supreme Court of the Federation.

The conditions of service will be determined through a separate law of the Canton. Salary and other compensations of the judges cannot be decreased during their service.

For the president of the Cantonal Court, a separate compensation can be determined.

Article 68.

The Cantonal Court chooses the president of the Court among the judges of that court in accordance with the law.

VI. MUNICIPAL AUTHORITIES

Amendment III to the Constitution of Central Bosnia Canton

Within the Constitution of the Middle Bosnia Canton, after chapter VI, Municipal authorities, is added a new chapter which reads as follows:

VI. A City authorities

1. A City is going to be establishing as unit of local administration/management and self-government for the areas made up of two or more municipalities, which are in urban and territorial way connected by the daily needs of the citizens, and in accordance with Federal Law.
The responsibilities of the city encompass:
 - a. Financial and taxation policies, in accordance with Federal and Cantonal Laws;
 - b. Joint infrastructure
 - c. town-planning
 - d. Public traffic
 - e. other responsibilities given to the city by the Canton, i.e. responsibilities transferred by the municipalities.
2. The city has a Statute, which has to be in accordance with the Federal Constitution, the Cantonal Constitution and Cantonal legislation.
3. The City has a City Council whose structure includes an equal number of councillors from each municipality; the number of councillors, procedure for their elections and duration of their mandate will be determined by the Statute of the city.
The City Council cannot have less than 15, but not more than 30 councillors.
4. The City Council:
 - a. prepares and adopts by a 2/3 majority the Statute of the city;
 - b. elects the Mayor;
 - c. adopts the budget of the city;
 - d. enact regulations on the exercise of transferred authorities and carry out other responsibilities specified in the Statute.

5. Responsibilities of the Mayor are:
 - a. appointing and removing the city officials;
 - b. conducting and enforcing city policies and regulations;
 - c. ensuring the co-operation of city officials with Ombudsmen;
 - d. reporting to City Council and to the Public on the implementation of city policies
6. City shall secure income by taxation, borrowing and other means, in accordance with Law.

This Amendment will be on power on eight day after publishing within "Official gazette of Middle Bosnia Canton".

No: 01/1-012-2272/97
July 31, 1997
Travnik

Chairman of the Assembly
Enver Sabic

1. General provisions

Article 69.

Local self-governance is realised in the municipality. Local self-governance is realised through executing duties authorised by this law and the law of the Canton. Responsibilities for local self-governance are:

- a. adopting regulations on using local land in the framework of zoning determined by the law of the Canton,
- b. bringing regulations on advancing local business transactions and charitable activities,
- c. bringing regulations on local facilities for production of energy and ensuring its availability,
- d. enacting social policies and establishing the social protection services, especially service about elderly exhausted, and poor citizens care,
- e. constructing and maintaining local infrastructure,
- f. governing with public goods and goods which serve for satisfaction of public needs (parks, playgrounds, etc.),,
- g. hygiene and local public health,
- h. funeral services.

Article 70.

Each municipality has a statute.

The statute of a municipality and other regulations of municipality must be in accordance with the Constitution of the Federation, this constitution, and cantonal legislation.

Article 71.

Municipalities are competent for executing duties of local self-governance in accordance with the Constitution and law.

While carrying out their authorities, the municipalities:

- a. undertake all necessary measures in order to secure the protection of rights and freedoms determined in the Constitution and in the instruments listed in the Annex of the Constitution of the Federation,
- b. take into account the national structure of the population of the municipality.

2. Municipal council

Article 72.

Every municipality has a municipal council.

Article 73.

Amendment I to the Constitution of the Middle Bosnia Canton

Within the Constitution of the Middle Bosnia Canton, the article 73 has been amended and reads as follows:

” Municipal Council has 15 to 30 councillors.”

Municipal council has 15 to 31 councillors.

The number of councillors will be determined by the statute of the municipality.

Article 74.

The mandate of the members of the municipal councils is two years.

Article 75.

Municipal councillors are chosen, in a democratic way, by the voters on direct and secret elections on the entire territory of municipality. Every voter has a right to vote for any registered party and be elected for a councilor. Every political party will gain a number of positions in the council in proportion to the percentage of captured votes out of the total number of votes.

Article 76.

Municipal council:

- a. prepares and adopts the statute of the municipality by the majority of two thirds of the votes,
- b. elects and revokes municipal head,
- c. adopts municipal budget and brings regulations on taxation, and in different ways ensures necessary financing which is not secured by the cantonal or federal authority,
- d. adopts the book of rules for its conduct,
- e. brings other regulation in executing municipal authorities.

Article 77.

Municipal council has public sessions, unless in extraordinary cases predicted by its book of rules, and keeps a record of adopted decisions.

Article 78.

Municipal regulations come into force as specified by them, but not before they are published in the Official Gazette of the municipality.

Article 79.

The procedure and election of the President of municipal council is established by the statute of the municipality.

3. Municipal head

Article 80.

Every municipality has a municipal head.

Article 81.

Municipal head is chosen by the municipal council among many candidates, on the basis of the program submitted by the candidates. Municipal council will enable the presentation of the candidates and their programs to the citizens of the municipality. More specific provisions related to the elections of the municipal head are prescribed by the statute of the municipality.

Article 82.

Functions of municipal head and municipal councillor are not compatible.

Article 83.

Municipal head is competent for:

- a. executing municipal politics, executing municipal regulations, and delegated or transferred authorizations of the municipality from the side of cantonal and federal authority,
- b. ensuring co-operation of municipal officials with ombudsmen,
- c. submitting reports to the municipal council and public on executing municipal politics and its activities,
- d. care of organization of municipal governance and its work,
- e. governing work of municipal services and municipal officials,
- f. appointment and revoking municipal officials,
- g. consultations for the election of judges of municipal court,
- h. preparation of proposals which are considered by the municipal council, and
- i. executes other authorities determined and by the law and statute of municipality.

4. Municipal courts

Article 84.

Municipal courts are established by the law of the Canton.
Financing municipal courts is done from the budget of the Canton.

Article 85.

A municipal court is established for the territory of the municipality. One municipal court can be established for two or more municipalities.

Article 86.

Municipal courts have original authority for all civil and criminal issues, except on the part of the original authority is transferred to some other court by the Constitution of the Federation, this constitution, law of Federation, or the law of the Canton.

Article 87.

Judges of municipal courts are appointed by the president of the Cantonal Court, after consultations with municipal head.

Article 88.

Municipal judges will be in service until the age of 70, unless they resign or are revoked through the consensus of the judges of the Cantonal Court.

Article 89.

Conditions of the service of municipal judges will be determined by the cantonal law. Salaries and other compensations for the judges are determined by separate law and cannot be decreased during the service in municipal courts.

VII. AMENDMENTS TO THE CONSTITUTION

Article 90.

Amendments to the Constitution can be proposed by the Governor of the Canton (jointly with deputy Governor of the Canton), the Cantonal Government, a majority of delegates in the Assembly, or a majority of Bosniak or Croat delegates in the Cantonal Assembly.

The proposed amendments to the Constitution will not be finally considered by the Cantonal Assembly before the expiration of the time period of two weeks after it has been submitted for the first time.

The proposed amendment is adopted with majority of two thirds of the delegates in the Cantonal Assembly.

Article 91.

No amendment to the Constitution can annul or weaken any of the rights and freedoms determined in the Article 11. A.1 to 7 of the Constitution of the Federation, nor change this Article of the Constitution.

VIII. ADOPTION AND COMING INTO FORCE OF THE CONSTITUTION - TRANSITIONAL PROVISIONS

Article 92.

The Cantonal Constitution will be adopted and proclaimed by the Cantonal Assembly in the transitional period, consisting of 5 committee members from every municipal assembly, which will be chosen from and among committee members of the municipality chosen in 1990., whose mandates are still valid. Adopting the Constitution requires majority of two thirds in the Assembly in the transitional period, including consensus among the majority of delegates of Bosniak nationality and the majority of delegates of Croat nationality. This constitution comes into force at midnight of the day when the Assembly in transitional period adopts it.

Article 93.

The Cantonal Assembly in the transitional period:

- a. adopts the Cantonal Constitution in accordance with the Article VII.1 of the Constitution of the Federation,
- b. chooses the Governor of the Canton in transitional period and deputy Governor of the Canton, and the Cantonal Government in the transitional period.

Article 94.

Until the first convocation of the Cantonal Assembly, its functions, according to this constitution, are executed by the Cantonal Assembly in the transitional period.

As soon as this constitution comes into force, the Cantonal Assembly in transitional period chooses president and deputy president of the Canton in transitional period.

The Governor of the Canton during the transitional period, jointly with deputy Governor of the Canton, proposes the Cantonal Government in transitional period and appoints judges of the Cantonal Court in transitional period immediately after that.

The Governor of the Canton and deputy Governor of the Canton, and the members of the Cantonal Government in transitional period, execute duties of appropriate permanent officials in accordance with this constitution, until they are replaced by the officials elected or appointed in accordance with this constitution.

The Cantonal Assembly in the transitional period will choose all other organs in transitional period in accordance with the Constitution of the Federation and this constitution within the time period of ten days. Committee members in every municipal assembly who were elected in 1990 and whose mandates are still valid, will in shortest possible time, choose municipal bodies in transitional period in accordance with the Constitution of the Federation and this constitution.

Article 95.

Within the time period of two weeks after the first convocation, the Cantonal Assembly will elect president and deputy president of the Canton.

Within the time period of two weeks after election, the president of the Canton, with agreement of deputy president, will appoint the Cantonal Government, and the Cantonal Assembly will consider appointment of the Government by urgent procedure.

Not one individual convicted of war crimes, or against whom the court procedures has been put in motion for the committed crimes, can be chosen to any public post in the Canton.

Article 96.

The published results of the population census from 1991 will be used for the calculations, which require information on population.

Number: 01/1-002-299/96.
March 28th, 1996
Travnik

PRESIDING OVER THE ASSEMBLY
OF THE CENTRAL-BOSNIAN CANTON