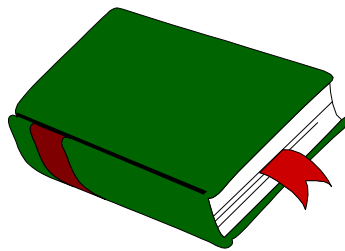




Emerika Bluma 1, 71000 Sarajevo  
Tel. 28 35 00 Fax. 28 35 01

## Department for Legal Affairs



# CONSTITUTION OF THE HERZEGOVINA- NERETVA CANTON

**“Official Gazette of the Herzegovina-Neretva Canton”, 2/98,  
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**NOTE:** Amendment II, published in the “Official Gazette of the Herzegovina-Neretva Canton”, 4/00, and the High Representative's Decision Enacting Amendments to the Constitution of the Herzegovina-Neretva Canton (Amendments III-VIII), published in the “Official Gazette of the Herzegovina-Neretva Canton”, 1/04 and 7/04, as well as Amendments IX-XII, published in the “Official Gazette of the Herzegovina-Neretva Canton”, 7/04, are not included in this translation.

# **CONSTITUTION OF THE HERZEGOVINA- NERETVA CANTON**

Pursuant to Article I, 1. V, 4.6.(a) and in regard to Article IX, 3.(4) of the Constitution of the Federation of Bosnia-Herzegovina and Amendment I to the Constitution of the Federation of Bosnia-Herzegovina (Federation Official Gazette, No. 1/94), the Assembly of the Herzegovina - Neretva Canton number in the transitional period, at the session held on 23. 12. 1996 adopted the

## **I ESTABLISHMENT OF A CANTON**

### **Article 1.**

The Croats and the Bosniacs, being constitutive peoples, together with other peoples realizing their sovereigns rights, hereby establish Canton no. 7 (hereinafter: Canton).

### **Article 2.**

The Canton is a federal unit of the Federation of Bosnia-Herzegovina (hereinafter: Federation), with the Croat people being the majority and having a special regime.

The territory and borders of the Canton shall be determined through a special regulation.

### **Article 3.**

The bodies of the Canton authorities shall be established through the Constitution hereof, which shall also guarantee the protection of rights and freedoms established by the Constitution of the Federation and by the Constitution hereof.

### **Article 4.**

The composition of all the bodies of authority, in Canton and its municipalities shall reflect the national structure of the population of the Canton, i. e., municipalities, if not determined otherwise by the Constitution of the Federation.

### **Article 5.**

The official name of the Canton is the Herzegovina-Neretva Canton.

### **Article 6.**

The capital of the Canton is Mostar.

#### **Article 7.**

The Canton has its coat of arms, flag, and seal, as well as other symbols determined by the Assembly of the Cantons.

A majority vote in the Assembly, of the Canton is required for the acceptance of the symbols, including a majority vote of Croat representatives and a majority vote of Bosniac representatives.

The symbols of the Canton shall be used according to law.

#### **Article 8.**

The official languages in the Canton are Croatian and Bosnian.

The official script is Latin.

Other languages may be used as means of communication and education according to the law.

### **II HUMAN RIGHTS AND BASIC FREEDOMS**

#### **Article 9.**

In order to perform the duties from its jurisdiction, the Cantons:

- a. shall undertake all necessary measures concerning the protection of human and national rights and freedoms determined by the Constitution of the Federation and by anticipated means of the Constitution of the Federation. It also carries out its authorizations in accordance, with the Constitution of the Federation and this Constitution.
- b. shall carry out its authorizations bearing in mind the national structure of the population in each municipality

#### **Article 10.**

All refugees and displaced persons have the right to freely return to the places of residence from which they were expelled.

All persons have the right, according to the federal and county legal system, to their property that was removed during the ethnic expulsion, as to claim compensation for property that cannot be returned.

All statements and obligations that were obtained by force, especially, those relating to the denouncement of persons right to his land and other property are now null and void

#### **Article 11.**

The courts and other bodies of the Canton authorities implement and respect the rights and freedoms anticipated in the acts stated in the Constitution and in the Annex to the Constitution of the Federation.

#### **Article 12.**

All the bodies of the Canton shall, as a part of the cooperation realized by the bodies of the Federation, cooperate with the international monitoring bodies for human rights established for Bosnia-Herzegovina, as well as with supervisory bodies established by instruments stated in the Annex to the Constitution of the Federation.

### **III CO-OPERATION WITH OMBUDSMEN**

#### **Article 13.**

The bodies of the Canton and municipality authorities shall cooperate with ombudsmen.

#### **Article 14.**

The bodies of the Canton and municipality authorities shall be enable ombudsmen, if they request, to investigate activities of any Canton or municipality institutions, as well as of any other institution or person who violated human dignity rights or freedoms, including ethnic expulsion or its consequences. They shall also allow investigation of all official documents including even confidential documents, as well as court and administrative documents, provide cooperative to any person, including any official, in order to obtain the necessary information, documents and administrative documents.

The Canton shall enable ombudsmen access to court and administrative procedures as well as to meetings of other bodies and access to and control of all places where persons are deprived of their freedom, where they are imprisoned or where they are employed.

The bodies of the Canton and municipality authorities shall consider ombudsmen reports and issue a reply within the time limit determined by the ombudsmen.

### **IV JURISDICTION OF CANTON AUTHORITY**

#### **Article 15.**

The Canton has control of all the authorities which were not particularly given to the federal authority by the Constitution of the Federation, or which were not determined as mutual authorities of the Federation and Canton by the Constitution of the Federation, particularly referring to:

- a. establishment and supervision of the police forces which shall have one federal uniform with the Canton symbols,
- b. establishment of the educational policies, including enactment of regulations on education
- c. and organization of education,
- d. establishment and implementation of cultural policies,
- e. establishment of housing policies, including enactment of regulations referring to improvement and construction of housing facilities.
- f. establishment of policies referring to the regulation and organization of public services,
- g. enactment of regulations concerning, the improvement of local affairs and charity activities,
- h. enactment of regulations on local facilities for the production of energy and providing their accessibility
- i. establishment of policies concerning the organization of radio and television, including the enactment of regulations on securing their work and construction,
- j. implementation of social policies and the establishment of services of social care,
- k. establishment and implementation of policies concerning the Canton tourism; development of tourist facilities.

#### **Article 16.**

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

- a. guaranteeing and implementing human rights;
- b. health care,
- c. policies concerning the protection of the environment,
- d. communication and traffic infrastructure,
- e. social policy;
- f. implementation of laws and other regulations on citizenship,
- g. immigration and asylum;
- h. tourism,
- i. use of national resources.

#### **Article 17.**

The responsibilities stated under Article 16 of Constitution may be performed independently or mutually by the Canton through coordination with the federal authority in accordance with the provisions of the Constitution of the Federation and law.

The Canton shall together with the Federation, regulate the manner of realization of responsibilities, stated under Paragraph, 1. of the Article hereof, on a permanent basis.

#### **Article 18.**

The Canton may transfer its authorizations with municipalities on its territory.

The Canton shall transfer the authorizations, stated under Article V.2.(2) of the Constitution of the Federation, to the municipality if the municipality requests so.

#### **Article 19.**

The Canton shall determine the sources and the manner of financing the transferred authorizations.

The Canton authorities shall perform its administrative supervision over the work of municipal authorities concerning the transferred authorizations.

#### **Article 20.**

The Canton is under the obligation of competently consulting the municipal authorities when adopting regulations relating to the local self-administration.

### **V STRUCTURE OF THE CANTONS AUTHORITIES A - LEGISLATIVE AUTHORITY OF THE CANTON ASSEMBLY**

#### **1. General provisions**

#### **Article 21.**

The legislative body of the Canton is the Canton Assembly (hereinafter: Assembly), which consists of one house.

**Article 22.**

The Assembly consists of 50 representatives.

**Article 23.**

The national structure of representatives in the Assembly reflects the national structure of the population in the Canton.

**Article 24.**

Representatives in the Assembly have a two-year mandate.

**Article 25.**

Representatives of the Assembly are elected by voters at democratic and direct elections, by secret ballot, throughout the Canton territory, in accordance with the Constitution and law.

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

**Article 26.**

Prior to elections each registered party, which participates at the elections, presents its party minister representatives Assembly shall be elected from the top of the party list according, to the number of gained votes.

Should a representative be replaced, the person following on the party list shall replace him.

**Article 27.**

Every person with the right to vote can be elected for the function of the representative in the Assembly.

One person cannot perform the function of both a representative in the Assembly and the following the president of the Canton, deputy president of the Canton, member of the Government and judge of the country courts, as well as some other functions regulated by law.

**Article 28.**

The Assembly shall be convoked for the first time ten days after the results of the elections have been published at the latest.

**Article 29.**

The Assembly make its rules of procedure concerning their work.

**Article 30.**

The Assembly has a President and Vice-President who are elected from the ranks of the representatives of the Assembly. The president and the vice-president of the Assembly cannot belong to the same constitutive people.

### **Article 31.**

The Assembly's sessions are open to the public except under special circumstances anticipated by the rules of procedure. The Assembly also publishes reports on sessions and decisions that were adopted.

### **Article 32.**

The Canton regulations enter into force as stipulated therein, but not before they are published in the official gazette of the Canton.

The Canton regulations can be published in the official gazette of the Federation as well.

### **Article 33.**

Representatives of the Assembly, according to the Canton law have the right to compensation.

### **Article 34.**

A criminal procedure or civil suit cannot be raised against representative in the Assembly.

A representative also cannot be detained or punished in any way, because of an expressed opinion or a given at the Assembly without previous consent of the Assembly.

## **2. Decision-making process in the Assembly**

### **Article 35.**

The Assembly can hold its sessions if most representatives are presents.

Decisions at the Assembly are made with a 51% majority vote, unless stipulated otherwise in the Constitution or in the rules of procedure of the Assembly.

### **Article 36.**

The Assembly does the following with a two-third majority:

- a. prepares and adopts file Constitution of the Canton,
- b. passes the Law on Transfer of Authorizations of Canton to the Municipality or Federation Authority;
- c. replaces president and deputy president of the Canton, including most of Croat representatives and most of Bosniacs representatives.

### **Article 37.**

Decisions referring to the vital interests of any of the constitutive peoples in the Canton demand the consent of the majority of representatives in the Assembly including most of the Coat representatives and most of the Bosniacs representatives.

The implementation of the provision stipulated under Paragraph of the Article hereof may be demanded through majority vote of either Croat or Bosniac representatives present at the session.

If the majority of the remaining representatives opposes the implementation of the provision stated under Paragraph. 1. of the Article, a joint commission of Croat and Bosniacs representatives shall be established in order to settle the issue.

If the Commission is not able to solve the issue within seven days of the provision under Paragraph. 1. of the Article hereof being named, this issue shall be solved by file highest Court of the Canton as soon as possible, unless this issue does not belong exclusively to the authorities of the Canton.

If the issue is not the exclusive authority of the decisions is made by the highest court of the Canton with the possibility of appeal to the Constitutional Court of the Federation.

The court procedure stipulated under Paragraph 3. and 4. of the Article hereof shall be regulated through a special law.

### **Article 38.**

When the president, in accordance with the deputy president of the Canton, finds that the Assembly cannot adopts a regulation following the procedure under Article 37 of the Constitution hereof, he shall determine the bill of the regulation together with the deputy and forward it to the Canton Government, so that they make a decision within seven days.

This regulation shall be valid for a maximum of 60 days.

If the Government does not adopt the regulation under Paragraph 1. of the Article hereof within seven days the president and deputy president of the Canton shall proclaim the bill null and void

If the Assembly does not adopt this regulation within 60 days from the day the regulation under Paragraph 1. of the Article hereof was enacted, the President can dismiss the Assembly with the consent of the Deputy president, bearing in mind that the Assembly cannot be dismissed before 6 months have elapsed from the first convocation.

The President dismisses the Assembly, with the consent of the Deputy president of the Canton, in case the Assembly does not adopt the budget of the Canton until the end of the fiscal year.

## **3. JURISDICTION OF THE ASSEMBLY**

### **Article 39.**

The Assembly:

- a. prepares and adopts the Constitution of the Canton;
- b. elects and replaces President and Deputy president;
- c. confirms the appointment of the Canton Government;
- d. elects judges of the Canton courts;
- e. determines Jurisdiction of the Canton and municipality courts;
- f. passes laws and other regulations necessary for executing the activities belonging to the jurisdiction of the Canton;
- g. adopts the Canton budget and passes laws on taxation and insures necessary financial means;
- h. carries out investigations and, for this purpose, it can demand access to the evidence in the form of personal documents and testimonies of witnesses but it must not interfere with the judicial jurisdiction;
- i. adopts the rules of procedure of the Assembly,
- j. elects representatives of the Canton to the House of the People of the Federation Parliament from the rents of representatives of the Assembly, according to the Constitution of the Federation;
- k. performs other tasks within its jurisdiction, as well as those entrusted to it;
- l. approves international agreements with other states and international organizations with the consent of the Parliament of the Federation.



## **B. EXECUTIVE AUTHORITY OF THE CANTON**

### **Article 40.**

The executive authority of the Canton is executed by the President, Deputy president and the Canton Government.

#### **1. President and Deputy president of the Canton**

### **Article 41.**

And the Club of Croat Representatives and the Club of the Bosniac Representatives separately, nominate one person for the post of President and Deputy president of the Canton.

The election of President and Deputy president of the Canton requires that both candidates be accepted by the representatives with majority vote of Croat representatives and Bosniac representatives.

If the joint nomination does not win the necessary majority, the Clubs shall reconsider the nominations for President and Deputy president of the Canton.

### **Article 42.**

The elected persons shall take turns in the role of President, and Deputy president of the Canton, after the period of one year, and then Deputy president in the period of two years.

The President and Deputy president of the Canton cannot perform the function for more than two consecutive annual mandates.

The functions of the President, President of the Assembly and President of the Canton Government cannot belong to the same constitutive people simultaneously

### **Article 43.**

The Club of Representatives with dominated the person who is about to be replaced in order to fill the vacant post until the end of the current mandate shall carry out the procedure anticipated under Article 39, of the Constitution hereof within 30 days, if the President or Deputy president passes away if he is replaced or if he is, according to Canton Government opinion adopted by consensus, permanently incapable of performing the constitutional duties of that role.

The President or Deputy president shall perform both functions during, the period mentioned under Paragraph 1. of the Article hereof, if the latter is not able to perform his duties for a certain period of time according to the opinion of the Canton Government adopted by consensus.

Should both posts be vacant, the Assembly President shall perform both functions for the necessary period.

#### **Article 44.**

The President and Deputy president represent the Canton within the boundaries confirmed by the Constitution and law.

#### **Article 45.**

The President is responsible for:

- a. appointing of the Canton Government,
- b. proposing judges for the Canton courts,
- c. passing the laws of the Assembly
- d. granting pardons for acts determined by the Canton law; except for war crimes, crimes against humanity, and genocide.
- e. submitting the request to the Constitutional Court of the Federation, consistent with Article IV,C.10.(2) (b) and (d) of the Constitution of the Federation,
- f. considering the Ombudsmen's reports and ensuring the cooperation between the bodies of the Canton and Ombudsmen.
- g. implementation of policies and enforcement of laws of the Canton, including ensuring the execution of the decision of the Canton courts and the Federation courts.
- h. giving suggestions and initiatives covered by the Canton legislature
- i. ensuring the cooperation with the bodies of the Federation
- j. signing international agreements on behalf of Canton
- k. other issues determined by this Constitution and the Canton law, as well as the tasks entrusted to him by the Assembly

#### **Article 46.**

The President in agreement with the Deputy president of the Canton appoints and replaces the Government proposes the judges of the Canton court and amendments to the Canton Constitution.

#### **Article 47.**

The Deputy president is responsible for:

- a. replacing the President in the cases mentioned in Article 44 of the Constitution,
- b. operating together with the President, consistent with Article 47 of this Constitution,
- c. executing the authority entrusted to him by President of the Assembly,
- d. assisting the President in the implementation of the policy of the enforcement of the Canton laws.

## **2. CANTONAL GOVERNMENT**

#### **Article 48.**

The Cantonal Government is comprised of the President, Vice-President, and ministers.

The President and the Vice-President, as well as the corresponding ministers and their deputies cannot be from the same constitutive nation.

The Government is comprised of the same number of members from the Croatian and Bosniac nations, as well as determined number of members of other nations.

#### **Article 49.**

The Cantonal Government and deputy ministers are appointed by the President in agreement with the Deputy president of the Canton, and confirmed by a two-third majority of the Assembly votes.

Each vacant seat is filled through the same procedure.

#### **Article 50.**

The Cantonal Government can be replaced by the President's decision in agreement with the Deputy president's of the Canton's, or if a two-third majority in the Assembly gives a vote of no-confidence to the Government.

The President replaces the ministers upon the proposal of the Prime Minister and the Deputy Prime Minister of the Government.

#### **Article 51.**

The Cantonal Government is responsible for:

- a. implementation of the Canton policy; proposing and enforcing the Canton laws and other regulations
- b. carrying out the decisions of each Canton or Federal court and exercising any other authority, entrusted to the Canton by the Federal authorities,
- c. preparing the budget bill
- d. ensuring the cooperation between the Canton Government and the Ombudsman,
- e. supervising the investigation and criminal prosecution regarding the violation of the Canton laws, as well as the Canton police,
- f. ensuring that the national structure of the police reflects the ethnic structure of the population of the Canton, provided that the national structure of the police of each municipality reflects the ethnic structure of the population of that municipality
- g. exercising other rights determined by this Constitution or other regulations.

#### **Article 52.**

The Government is authorized to pass decrees when the Assembly is not able to operate, i.e. in extraordinary circumstances.

The regulation pass in accordance with Paragraph 1 of this Article cease to be valid the moment the circumstances by which the Assembly was not able to operate change 30 days after it is passed at the latest.

The regulations from Paragraph 1 of this Article cannot derogate this rights and freedoms determined by the Constitution of the Federation and the Constitution.

The Government passes the regulations from Paragraph 1 of this Article by two-third majority, including the majority of votes of the Government members from the ranks of the Croat people and majority of votes of the Government members from the ranks of the Bosniac people.

#### **Article 53.**

The President and Deputy president of the Canton, the Assembly, President and Vice-President, the Prime Minister and the Deputy Prime Minister, ministers and their deputies cannot be criminally prosecuted nor held liable in a civil procedure for any act committed while performing, their functions without the previous agreement of the Assembly.

## **C) JUDICIAL AUTHORITY OF THE CANTON**

### **Article 54.**

The judicial function in the Canton is performed by the Cantonal Court and municipality courts.

### **Article 55.**

The Cantonal Courts are responsible for:

- making decisions regarding the complaints of the decisions of the municipality courts
- passing the first-degree decisions in the criminal and civil procedures determined by the Canton law
- making decisions concerning the cases determined by the Constitution
- exercising other authorities consistent with the Canton law

### **Article 56.**

The decisions of the Cantonal Courts made in regard to the complaints on the decisions of the municipality courts are valid and executive unless when the issues regarding the Constitution of the Federation, laws and other regulations of the Federation are concerned.

### **Article 57.**

When the court is undertaking urgent proceedings as determined by Article 37 of the Constitution, the Cantonal Court is obliged to make a decision within a seven-day period.

### **Article 58.**

The judicial authority in Canton is independent and is exercised on the basis of the Constitution and the law.

### **Article 59.**

The courts in the Canton ensure equal treatment of all parties in the courts proceedings.

### **Article 60.**

The court proceedings are public unless the law specifies otherwise in certain extraordinary circumstances.

All rulings are announced in public.

### **Article 61.**

The Assembly, in accordance with the law of the Federation, can establish additional rules to ensure the unity of the proceedings and the basic principles of justice in the Cantonal Courts.

Consistent, with rules from Paragraph 1 of this article, each court establishes its own internal organizations.

The number of the judges is determined by specific regulations.

### **Article 62.**

The judges of the Cantonal Court proposed by the President of the Canton in agreement with the Deputy president of the Canton, from the ranks of suitable lawyers, and are elected by a majority vote of the Assembly, provided that the national structure of the Cantonal Court judges reflects the national structure of the population of the Canton in its entirety.

### **Article 63.**

The judges of the Cantonal courts shall be employed until the age of 70, unless they submit their resignation, or are replaced by consensus of the judges of the Federation Supreme Court.

The conditions and termination of that role shall be determined by a special law of Canton.

Salaries and all other allowances of the judges cannot be reduced while they perform their function in the Cantonal Court.

### **Article 64.**

The judges of the Cantonal Courts elects the President of the court from the ranks of the judges of the court, in accordance with the law.

## **VI MUNICIPAL AUTHORITIES**

### **1. General regulations**

#### **Article 65.**

The local self-administration is executed in the municipality, in accordance with the Constitution, law and Municipality statute.

#### **Article 66.**

The municipality has the statute.

The municipality statute and other regulations must be in accordance with the Constitution of the Federation, this constitution, and the Cantonal legislature.

#### **Article 67.**

The municipality is authorized to perform the affairs of local self-administration as well as the affairs transferred to it by the Canton or the Federation.

In exercising its authority, the municipality:

- a. undertakes all measures necessary for ensuring the protection of the rights and freedoms determined by the Constitution of the Federation and the instruments mentioned in Annex to the Constitution of the Federation and this Constitution.
- b. pays attention to the national structure of populations of the municipality.

## **2. MUNICIPAL COUNCIL**

### **Article 68.**

Each municipality has a municipal council.

### **Article 69.**

The number of the councilors is determined by the municipality statute. The number can be no greater than 30.

### **Article 70.**

The members of the municipal council have a two-year mandate, whereas the first have a one-year mandate.

### **Article 71.**

The municipal council:

- a. prepares and adopts the municipality statute by a two-third majority of votes
- b. organizes the election of the president of the municipal council
- c. elect and replaces the municipal prefect
- d. adopts the municipal budget and passes the tax regulations, and ensures the necessary financial support that has not been provided by the Canton or Federal authorities
- e. passes the rules of procedure on its work
- f. passes other regulations on exercising the municipal authority
- g. performs other affairs in accordance with the law.

### **Article 72.**

The municipal council holds sessions in public unless in specific conditions determined by the rules of procedure, and take minutes on the discussions and the decisions reached.

### **Article 73.**

The municipal regulations come into effect as determined by the municipal council, although not before being, publicly announced in the official municipality gazette.

### **Article 74.**

The municipality statute determines the procedure and the manner by which the president of the municipal council shall be elected.

### **3. MUNICIPAL PREFECT**

#### **Article 75.**

Each municipality has a municipal prefect.

#### **Article 76.**

The municipal prefect is elected by the Municipal Council.

More specific regulations of the election of the municipal prefect are determined by the Statute of the municipality.

#### **Article 77.**

The functions of the municipal prefect and municipal councilor are mutually exclusive.

#### **Article 78.**

The municipal prefect is responsible for:

- a. the implementation of municipal policies, execution of the municipal regulations both of the transferred and delegated authorities by the Cantonal or Federal authority
- b. ensuring the cooperation of the municipal officials with the ombudsman's
- c. submitting the reports on the implementation of the municipal policy and its activities to the municipal council and the public.
- d. attending to the organization of the municipal administration and its work
- e. coordinating the work of the municipal services and officials
- f. consultations for the election of judges for the municipal court
- g. preparing the proposals considered by the municipal council
- h. exercising other resolutions determined by the law and the statute of the municipality

### **4. MUNICIPAL COURTS**

#### **Article 79.**

The municipal courts are established by the law of the Canton.

The municipal courts are financed by the Canton budget.

#### **Article 80.**

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

#### **Article 81.**

The municipal court have all civil and criminal matters under their jurisdiction, unless a part of that jurisdiction is transferred to another court by the Constitution of the Federation, this Constitution, law of the Federation or Canton.

#### **Article 82.**

The judges of the municipality courts are appointed by the President of the Cantonal Court after consulting the municipal prefect, and considering proportional national representation.

#### **Article 83.**

The municipality judges shall be in active service until the age of 70 unless they submit resignation or are replaced by the consensus of the judges of the Cantonal Court.

The conditions and termination of the service of the municipal judges shall be determined by the Canton law.

#### **Article 84.**

Salaries and other allowances of the judges cannot be reduced during their service in the municipal court.

### **VII AMENDMENTS TO THE CONSTITUTION**

#### **Article 85.**

Amendments to the Constitution can be proposed by the President of the Canton in agreement with the Deputy president of the Canton, the Cantonal Government, majority of the Assembly representatives or majority of the Croat and Bosniac Assembly representatives.

The proposed amendments to the Constitution shall not be ultimately considered in the Assembly before the two-week deadline expires, after it has been submitted for the first time.

The proposed amendments are adopted by two-third majority of votes of the Assembly representatives.

#### **Article 86.**

The rights and freedoms determined by Article 11 A. 1.-7 of the Constitution of the Federation can be neither abolished nor limited by any of the amendments to the Constitution of the Federation, and this article of the Constitution cannot be altered.

### **VIII ADOPTION AND COMING INTO FORCE OF THE CONSTITUTION AND TEMPORARY SOLUTIONS**

#### **Article 87.**

The Constitution of the Cantonal shall be adopted and proclaimed in the transitional period by the Assembly consisting of five councilors from each of the assembly municipalities who will be elected among the councilors of the municipal assemblies elected in 1990 and whose mandates are still valid.

The adoption of the Constitution requires a two-third majority of the Assembly in the transitional period.

This Constitution comes into force at midnight of the day when it is adopted by the Assembly in the transitional period.



## **Article 88.**

The Assembly in the transitional period:

- a. adopts the Constitution of the Cantonal in accordance with Article 88 of this Constitution
- b. elects the President of the Canton and the Deputy president of the Canton in the transitional period and confirms the Cantonal Government in the transitional period.

## **Article 89.**

Prior to the first session of the Assembly, the Assembly functions in accordance with this Constitution, are performed by the Assembly in the transitional period.

In the transitional period, the President of the Canton in agreement with the Deputy president of the Canton appoints the Cantonal Government in the transitional period.

The President and Deputy president of the Canton, the President and the Vice-President of the Assembly, as well as members of the Cantonal Government in the transitional period perform the functions of the corresponding permanent officials consistent with this Constitution, until they are replaced by the officials elected or appointed in accordance with this Constitution.

The Assembly in the transitional period shall elect all other bodies of authority, in the transitional period in accordance with Constitution of the Federation and this Constitution.

The councilors in each Assembly elected in 1990, whose mandates are still valid shall elect in the shortest period the municipal bodies of authority in the transitional period consistent with the Constitution of the Federation and this Constitution.

## **Article 90.**

var. 1: Any person serving a sentence passed by the International Tribunal for the Former Yugoslavia and any person accused by the International Tribunal for the Former Yugoslavia who does not appear before the International Tribunal upon its request, cannot run in the elections or perform any public function in the territory of the Canton.

var. 2: Any person convicted of war crimes or against whom court proceedings are pending by the International Tribunal for War Crimes because of the committed crimes, cannot be elected to public duty in the Canton.

# **AMENDMENTS TO THE CONSTITUTION OF HERZEGOVINA- NERETVA CANTON**

## **Amendment I**

In article 4, the words "cities and" are inserted before the word "municipalities"

In article 13, the words "cities and" are inserted before the word "municipalities"

In article 14, the words "cities and" are inserted before the word "municipalities" (3x)

In article 19, paragraph 1, the words "cities and" are inserted before the word "municipality"

In article 19, paragraph 4, the words "city and" are inserted before the word "municipal"

In article 20, the words "city administration" is added before the words "local", and the words "city and" are added before the word "municipal".

In article 36.b) the word "city" is added before the word "municipal"

Added is the new article 42, paragraph 4, to read as follows:

“The Governor of the Herzegovina-Neretva Canton and the Head of Mostar City may not be of the same constitutive nationality. Appointment of the Mayor and his Deputy shall be done at the same time as the appointment of the Governor and his Deputy.”

After article 64, added are new chapters, V.A. and V.B. to read as follows:

## **“V.A. CITY AUTHORITIES**

### **Article 64a.**

1. For the territory of two or more municipalities, which are connected territorially or by common facilities, established is the City as the Unit of Local self-management, in accordance with the Federal Constitution and law and this Constitution.

The responsibilities of the city include:

- a. finances and tax policy, in accordance with Federal and Cantonal law;
  - b. common infrastructure (water, power - utilities);
  - c. urban planning of the city needs;
  - d. public traffic;
  - e. other competencies entrusted to the City by the municipalities or the Canton.
2. The City has its Statute, which complies, with the Federal Constitution, this Constitution and Cantonal law.
  3. The City has its City Council, which is composed of equal number of councilors from each municipality, while the number of councilors and the method of their election and duration of their mandate is to be determined by the Statute.  
The City Council may not be comprised of less than 15 or more than 30 representatives.  
In case of City of Mostar, the City Council shall continue to operate with the current number of councilors, but their number shall be adjusted to the provision of the previous line in the next election at latest.  
The particularities of the City of Mostar, including the central city zone, must be taken into consideration when determining number of councilors and procedures of their appointment.

2. The City Council:
  - a. prepares and by two-third majority adopts the Statute of the City;
  - b. appoints the Mayor;
  - c. adopts budget of the City;
  - d. passes the regulation related to discharging the transferred authorities, and performs other duties defined by the Statute.
5. The duties of the Mayor are:
  - a. appointing and replacing the city functionaries;
  - b. conducting the city policy and implementing the city regulation
  - c. insuring cooperation of the city authorities and the ombudsmen;
  - d. reporting to the City Council and to public on the implementation of the city politics.
6. The City realizes its income in accordance with the law.

## **V. B. CITY OF MOSTAR**

### **Article 64.b.**

1. City of Mostar is comprised of six municipalities and the Central Zone, which is not a municipality, but is under the administration of the City Council in accordance with the

provisions of the Roman Agreement. The borders of the six city municipalities and the Central Zone are defined by the Statute of the City of July 2, 1996.

2. The responsibilities of the City of Mostar include:
  - a. finances and tax policy, in accordance with the Federal and Cantonal law.
  - b. urban planning;
  - c. infrastructure (utilities);
  - d. economic policy, in accordance with the Federal and Cantonal law;
  - e. public traffic, including the railway station;
  - f. Mostar Airport
  - g. other duties entrusted to the City by the Municipalities or the Canton.
3. City of Mostar has its City Council comprised of councilors of each municipality. Number of the councilors and duration of their mandate is defined by the Statue.

City Council of the City of Mostar has an equal number of representatives Croats, Bosniacs and Other.”