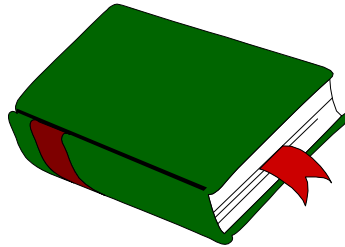




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CONSTITUTION OF TUZLA CANTON

“Official Gazette of Tuzla-Podrinje Canton”, 7/97

NOTE:

1. Amendments to the Constitution of Tuzla Canton, published in the “Official Gazette of Tuzla Canton”, 3/99, 13/99, 10/00, 14/02 and 6/04 are not included in this translation.
2. By the Sentence of the Constitutional Court of the Federation of Bosnia and Herzegovina, U-14/98, published in the “Official Gazette of Tuzla-Podrinje Canton”, 8/98, Article 4, Paragraph 1, is not in accordance with the Constitution of the Federation of Bosnia and Herzegovina.
3. * By the Amendment I on the Constitution of Tuzla-Podrinje Canton, published in the “Official Gazette of Tuzla-Podrinje Canton”, 3/99, Article 4, Paragraph 1. of the Constitution of Tuzla, are changing and it should be read as it follows: “The name of the Canton is: Tuzla Canton”.

Having strong belief that democratic institutions, operating on the base of respecting human rights and freedoms best ensure the harmony between themselves and their community; refusing the violence of war; improving peace, individual freedom, economical development through protection of private property and market economy; led by the principles of the United Nations Charter on Human Rights and General Framework Peace Agreement for Bosnia and Herzegovina and* its Annexes;

The assembly of Tuzla-Podrinje Canton, a federal unit of the Federation of Bosnia and Herzegovina, where the Bosniak and Croat peoples and citizens of Tuzla-Podrinje Canton were presented, being determined to ensure full national equality, democratic relations and highest standards of human rights and freedoms, on the basis of Article V 1.4. of the Constitution of the Federation of Bosnia and Herzegovina, on the session held on June 19, 1997, adopted the

CONSTITUTION OF TUZLA CANTON*

I - GENERAL PROVISIONS

Article 1.

Bosniaks and Croats, being the constituting, nations, to-ether with others, citizens of the Canton, exercise their sovereign rights in the State of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina (Hereinafter: the Federation), Tuzla-Podrinje Canton (Hereinafter: Canton), in accordance with the Constitution of Bosnia and Herzegovina and its annexes, the Constitution of the Federation of Bosnia and Herzegovina and its annex, and this Constitution.

Article 2.

Canton is a federal unit of the Federation, which includes municipalities and cities, which are within the Canton, in accordance with the Federal regulations.

Article 3.

Composition of all bodies in the Canton, municipalities and cities must reflect national structure of the population in the Canton, municipality or city, unless the Constitution of the Federation provides otherwise.

Article 4*.

Name of the Canton is Tuzla-Podrinje Canton. The Canton seat is in Tuzla.

* By sentence of Constitutional Court of Bosnia and Herzegovina No. U – 14/98 from 06. VII 1998. ("Federation Official Gazette" No. 34/98) was fixed that Article 4. paragraph 1. of the Constitutional is not in accordance with Constitution of Federation of Bosnia and Herzegovina.

Article 5.

Canton has a coat of arms, flag and seal. The design of the coat of arms, flag and seal is defined by the cantonal law.

Canton may also have other symbols, as decided by the Assembly of Tuzla-Podrinje Canton (hereinafter: Cantonal Assembly).

The symbols of the Canton shall be used as provided in the Cantonal law.

Article 6.

Official languages in the Canton are Bosnian language and Croatian language.

Official alphabet is Latin alphabet. Other languages may be used in communication and education.

II - HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 7.

In implementing its Jurisdiction, the Canton ensures and undertakes all necessary measures for protecting human rights and freedoms set forth in the Constitution of Bosnia and Herzegovina and its annexes, Constitution of the Federation of Bosnia and Herzegovina and its annexes, and this Constitution, paying special attention to ensuring equality of all peoples and citizens in the Canton, municipalities and cities.

Article 8.

All refugees and displaced persons, in accordance with the General Framework Agreement on peace in Bosnia and Herzegovina, have the right to free return to their original places of living from where they had been expelled during the ethnic cleansing and animosities which happened since 1991.

Article 9.

All individuals have the right to return of their property which was taken away, from them during the ethnic cleansing and animosities since 1991.

If it is impossible to return their property to the individuals from the previous article, such persons are entitled to monetary compensation for the full value of their property.

All statements given and liabilities taken by coercion or fraud, which concern all movable and immobile property, as well as all property and non-property rights, are annulled.

The rights from the above given paragraphs of this article shall be exercised in accordance with the General Framework Agreement on peace in Bosnia and Herzegovina, legislation of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, and this Canton.

Article 10.

The bodies of the Canton, municipalities and cities are liable to ensure conditions for work of ombudsmen and to cooperation with them.

III - JURISDICTION OF CANTONAL AUTHORITIES

Article 11.

The canton has full jurisdiction in all domains, which the Constitution of the Federation does not expressly place within the Jurisdiction of the Federal authorities, the following in particular:

- a. passing and implementing the regulations, within the determined economic policy, for the purpose of stimulating, economic and social development;
- b. establishing and supervising cantonal police forces, who shall wear common Federal uniforms, with Cantonal insignia;
- c. defining and implementing educational policy;
- d. defining and implementing policies in the domain of science, culture and sports;
- e. defining and implementing housing, policy, including the regulations related to set-up and building of new housing facilities;
- f. passing and implementing the regulation on using land, including zoning;
- g. passing and implementing regulations related to energy plants and ensuring, their accessibility;
- h. conducting social policy and establishing social care services;
- i. defining and implementing, policy related to regulation and providing public services;
- j. defining and implementing the policy related to ensuring radio, television and other means of communication;
- k. financing operation of Cantonal authorities and activities which are within the Jurisdiction of cantonal authorities by imposing taxes, borrowing money, or in some other ways;
- l. defining and implementing the policy of cantonal tourism and development of tourist resources;
- m. passing regulation on local self-administration of the municipalities upon appropriate consultations, with municipal or city authorities.

Article 12.

The Cantons and the Federation, as provided by the Constitution of the Federation of Bosnia and Herzegovina, are in charge of:

- a. guarantying and implementing human rights;
- b. health services;
- c. environment protection policy;
- d. communication and transport infrastructure, in accordance with the Constitution of Bosnia and Herzegovina;
- e. social policy;
- f. implementing the legislation dealing with citizenship and passports of the citizens of Bosnia and Herzegovina from the Federation of Bosnia and Herzegovina, and the legislation related to the stay and movement of foreign citizens;
- g. tourism;
- h. use of natural resources.

Article 13.

The Jurisdiction from the previous article can be exercised jointly or separately, or by the canton in coordination with Federal authorities, agreeing on permanent basis, in accordance with actual needs.

Article 14.

The Canton may transfer its jurisdiction to municipality or city, which is located on its territory, or to Federal authorities, on the grounds of mutual agreement and acceptance.

The Canton may transfer to the municipalities or cities from its territory the responsibilities for education, culture, tourism, local business and humanitarian activity, and radio and television. The Canton is liable to do that if, in terms of national composition, the majority of that particular municipality or city is not the same as the majority of the population in the Canton as a whole.

The Canton may conclude international agreements upon obtaining prior agreement of the Parliamentary Assembly of Bosnia and Herzegovina, except such agreements for whose conclusion the agreement of the Parliamentary Assembly, by the regulations dealing with Parliamentary Assembly of Bosnia and Herzegovina, is not required.

IV - STRUCTURE OF CANTONAL AUTHORITIES

LEGISLATIVE POWER OF THE CANTON

1. General Provisions

Article 15.

The legislative authority of the Canton is executed by the Cantonal Assembly.
The Cantonal Assembly is unicameral.

Article 16.

The Cantonal Assembly consists of 50 delegates.

Article 17.

The delegates to the Cantonal Assembly have a two-year term of office.

In case of pronouncing State of War, State of Emergency and State of Imminent War Danger, the mandate of the delegates is extended for as long as such a state may lasts, ending at latest six months since the special circumstances cease to exist.

Article 18.

The delegates to the Cantonal Assembly are elected by the voters in democratic and direct elections, by secret ballot, in the entire territory of the Canton, in accordance with the Constitution of Bosnia and Herzegovina and its annexes, the Constitution of the Federation of Bosnia and Herzegovina and its annex, this Constitution and law. Each voter has the right to vote for any of registered parties.

Each voter may be elected delegate to the cantonal Assembly.

Cantonal Assembly shall convene no later than ten days after the election results are officially released.

Article 19.

The Cantonal Assembly has a Chairman and Deputy Chairman, who are elected among the delegates to the Cantonal Assembly.

The mandate of the Chairman and Deputy Chairman is two years.

The Chairman represents the Cantonal Assembly, convenes the sessions of the Cantonal Assembly, chairs them and signs documents that are adopted at the sessions of the Cantonal Assembly.

The Chairman of the Cantonal Assembly exercises the function of the President of Canton in case that the President of the Canton is temporarily unable to perform his duties.

The Deputy Chairman replaces the Chairman of the Cantonal Assembly in case that he is prevented from performing his duty; he assists the Chairman of the Assembly, while chairing the sessions of the Cantonal Assembly.

Article 20.

The Cantonal Assembly has its Secretary, who is appointed for a two-years term of office.

The Secretary of the Cantonal Assembly assists the Chairman of the Cantonal Assembly in preparation for the sessions of the Cantonal Assembly, ensures the conditions for work of the Cantonal Assembly, and performs duties and tasks related to sessions, as well as other activities as determined by the Rules of Procedure or which are assigned to him by the Chairman of the Cantonal Assembly.

The Secretary of the Cantonal Assembly may not be criminally prosecuted, nor held responsible in civil procedure, for any action he did while performing his function, without the approval of Cantonal Assembly.

Article 21.

The Cantonal Assembly sessions are public, except in extraordinary circumstances, as determined in the Rules of Procedure. The Cantonal Assembly publishes reports on its sessions and decisions it made.

Article 22.

The rights and duties of the delegates to the Cantonal Assembly shall be defined by separate regulations.

Article 23.

The delegates to the Cantonal Assembly during their term of office enjoy the delegate immunity.

Against the delegates to the Cantonal Assembly, no civil proceedings may be initiated, and they may, not be criminally prosecuted, summoned, detained or kept in custody, or their freedom taken away for any action conducted in the course of performing their duty by any authority, without approval of the Cantonal Assembly.

2. Jurisdiction of the Canton

Article 24.

The Cantonal Assembly:

- a. prepares and adopts the Constitution of the Canton and amendments to the Constitution of the Canton;

- b. adopts the Cantonal Budget, passes the laws on taxation, and otherwise ensures sources of financing;
- c. passes the laws and other legislation which are necessary for execution of the cantonal responsibilities;
- d. approves the agreements made with other countries and international organizations, upon prior approval of the Parliamentary Assembly of Bosnia and Herzegovina;
- e. passes Rules of Procedure for the Cantonal Assembly;
- f. provides authentic interpretation of the Constitution, laws and other regulation it passes;
- g. elects and relieves of duty the Chairman and Deputy Chairman of the Cantonal Assembly;
- h. appoints and releases from duty the Secretary of the Cantonal Assembly;
- i. elects and releases from duty the delegates of the Canton to the House of Peoples (Dom Naroda) of the Parliament of the Federation from its ranks, in accordance with the Constitution of the Federation;
- j. elects and releases from duty the President of the Canton;
- k. verifies appointments and replacements in the Cantonal Government;
- l. defines jurisdiction of Cantonal and Municipal courts;
- m. elects and relieves of duty the judges and juror-judges of the Cantonal Court;
- n. appoints and relieves of duty the Cantonal Prosecutor and Deputy Cantonal Prosecutor;
- o. verifies appointment and replacement of the cantonal law-defender (pravobranitelj) and his Deputy;
- p. conducts other activities, as defined in the Constitution of the Federation, this Constitution, and other laws.

At request of one-third of the delegates, the Cantonal Assembly may initiate procedure for determining whether the Constitution of the canton, proposed law or the law adopted by the Cantonal Assembly comply with the Constitution of the Federation.

3. Decision-Making in the Cantonal Assembly

Article 25.

By two-third majority of votes of the full number of the delegates, the Cantonal Assembly:

- a. prepares and adopts the Constitution of the Canton and Amendments thereto;
- b. passes the law on transferring or delegating the cantonal jurisdiction to Federal, municipal or City level;
- c. replaces and relieves of duty the President of Canton.

Cantonal Assembly passes other decision by over-half majority of the full number of delegates in the Cantonal Assembly.

Article 26.

The Amendments to the Constitution of the Canton take effect at midnight of the day when they were adopted by the Cantonal Assembly.

The cantonal laws take effect as stipulated in them, but not before being published.

Other cantonal regulations may take effect as provided in them, but not before the date they were adopted.

EXECUTIVE AUTHORITY OF THE CANTON

1. President of Canton

Article 27.

President of Canton represents and acts for the Canton, and he is the chief of the Cantonal executive authorities.

Article 28.

The President of Canton is elected by majority of votes of the delegates to the Cantonal Assembly among the candidates proposed by them, in the way as provided by the Rules of Procedure of the Cantonal Assembly.

Article 29.

If the President of Canton is elected from the ranks of the delegates to the Cantonal Assembly, his mandate of a delegate to the Cantonal Assembly ceases.

Article 30.

The President of Canton has two-year mandate, and may not be elected more than twice in a row.

Article 31.

The Cantonal Assembly may replace the President of Canton if he has violated his solemn oath or otherwise became unworthy of his position or the position of the canton.

Article 32.

If the position of the President of Canton becomes unoccupied, the Cantonal Assembly shall elect a new President within 30 days.

Article 33.

The President of canton is responsible for:

- a. appointing Government of the canton;
- b. appointing Cantonal Law-Defender (pravobranitelj) and his Deputy,;
- c. proposing the Cantonal Court Judges;
- d. proposing the Cantonal Prosecutor and Deputy Cantonal Prosecutor,
- e. passing decrees on pronouncing laws adopted by Cantonal Assembly;
- f. implementing cantonal policy;
- g. notifying the Cantonal Assembly on implementation of Cantonal Policy as determined by decisions and guidelines of the Cantonal Assembly, and, related to

- that, proposing to the Cantonal Assembly consideration of particular issues and decisions;
- h. signing and ratifying international agreements on behalf of the Canton, which are approved by the Cantonal Assembly and by the Parliamentary Assembly of Bosnia and Herzegovina, except such agreements for whose signing and ratification the approval of the Parliamentary Assembly of Bosnia and Herzegovina is not required.
 - i. giving pardons for the offenses, as provided in the law;
 - j. filing requests with the Constitutional Court of the federation for the purpose of ascertaining that the Amendments to the Cantonal Constitution or the proposed law, or the law which has been adopted by the Cantonal Assembly is in accordance with the Constitution of the Federation;
 - k. filing request with the Constitutional Court of the Federation for the purpose of ascertaining that the regulations adopted by an organ of municipal or city authorities is in accordance with the Federal Constitution;
 - l. considering reports of the ombudsmen and ensuring conditions for their work;
 - m. ensuring cooperation with bodies of the federation;
 - n. conducting other duties entrusted to him by the Cantonal Assembly.

2. Government of the Canton

Article 34.

The Cantonal Government is consisted of the President, two Vice Presidents, and the Ministers, whose number is defined in the Law on the Cantonal Government.

The Cantonal Government has a two-year mandate.

Article 35.

The President of the Government is appointed by the President of Canton and verified by the Cantonal Assembly.

Article 36.

The Vice Presidents of the Government are appointed by the President of Canton upon consultations with the President of Government or the candidate for the position of the President of Government. The appointment has to be verified by the Cantonal Assembly.

Each vacancy shall be filled following the same procedure.

President of Government, Ministers and their Deputies may not be at the same time delegates to the Cantonal Assembly.

Article 37.

Cantonal Government reports to the President of Canton and Cantonal Assembly.

Article 38.

Cantonal Government may, be replaced by the decision of the President of Canton. Such decision has to be verified by the Cantonal Assembly, or by the majority, delegates voting non-trust to the Government.

Cantonal Government, or each its member individually may resign, submitting their resignation to the President of Canton and Cantonal Assembly

Article 39.

President of Canton may release from duty the President of Cantonal Government, which has to be verified by the Cantonal Assembly.

The President of Canton may, on proposal of the President of Government, release from duty an individual Vice President or Minister.

Article 40.

The organization of the Cantonal Government is defined by, the Cantonal law, which has to be in accordance with this Constitution.

The cantonal law shall determine the position rights and responsibilities of Cantonal Administration, its organization and responsibilities, in accordance with the Constitution of the Federation, other Federal legislation and this Constitution, in such a way that the composition of the Cantonal Government reflects the national composition of the entire canton, but in any case to ensure representation of both constituting peoples.

Article 41.

The Cantonal Government is responsible for:

- a. implementing Cantonal policies, proposing and implementing cantonal laws and other regulations;
- b. implementing decisions of every Cantonal and federal Court and exercising any other authority, entrusted to the Canton by the Federal Government;
- c. preparing budget proposals;
- d. ensuring cooperation between the Cantonal Government and ombudsmen;
- e. supervising investigation and criminal prosecution in the cases related to violation of cantonal laws, and supervision of cantonal police;
- f. ensuring that the national structure of the police forces adequately reflects the national structure of the population in the Canton, providing at the same time that the national structure of police forces in each municipality, reflects the national structure of the population living in that municipality;
- g. other issues as defined in this Constitution and other regulations.

Article 42.

President of the Cantonal Government is in charge of:

- a. implementing policy and cantonal regulations, including ensuring implementation of the decisions of Cantonal and Federal Courts;
- b. giving proposals and recommendations from the domain related to the cantonal legislation;
- c. preparing cantonal budget proposal;
- d. other issues as defined in this Constitution and other Cantonal regulations.

Article 43.

Each Vice President of Cantonal Government helps the President of Cantonal Government in performing his duty and executes other tasks entrusted to him by the President of the Cantonal Government.

More detailed description of the responsibilities of the Vice President of Government are determined in the Law on Cantonal Government.

Article 44.

Each Minister is in charge of:

- a. implementation of cantonal police and cantonal laws and other regulations from the domain of his particular Ministry;
- b. preparation of the regulations from the competence of the Ministry it heads, and issuing the opinion and recommendations in respect to such regulations ;
- c. management, coordination and supervision of the activities of the Ministry he heads;
- d. issuing instructions, orders and passing regulations for the purpose of implementing laws from the competence of his Ministry;
- e. preparation, explanation, and analysis of the budget proposals for his Ministry;
- f. responding to the questions of the delegates to the Cantonal Assembly which are related to the domain of his Ministry;
- g. assisting the President of Cantonal Government in conducting politics and implementing laws of the canton and other regulations;
- h. executing other tasks entrusted to him by the President of Cantonal Government.

Article 45.

In extraordinary circumstances, while the country and the Canton are in danger, and when it is practically impossible to convene the Cantonal Assembly, the Cantonal Government has the authority to pass regulations which are of critical importance for the Canton, and which fall within the competencies of the Cantonal Assembly, but which can not derogate the rights and freedoms guaranteed by the Constitution of the Federation, this Constitution and other regulations.

A regulation passed in accordance with the previous paragraph must be submitted to the verification of the Cantonal Assembly, as soon as the reasons which made it impossible for the

Cantonal Assembly to convene cease to exist.

In case of State of War, Imminent War Danger and State of Emergency, the mandate of Cantonal Government is extended for as long as such circumstance lasts, but not longer than six months since such circumstances cease to exist.

Article 46.

President of Canton, President of Cantonal Government, Vice presidents of Cantonal Government, criminally prosecutor or be held responsible in civil Government, and the Ministers may, not be held responsible in civil proceedings for any action done while conducting their official duty.

The immunity of the bearers of the executive power, defined in previous paragraph, is decided upon by the Cantonal Assembly.

JUDICIAL AUTHORITY OF THE CANTON

Article 47.

The Judicial Power in the Canton is executed by the Cantonal Court and Municipal Courts.

The courts in Canton are established by Cantonal law, and are financed from Cantonal Budget.

The highest court of the Canton is Cantonal Court of Tuzla-Podrinje Canton.

Article 48.

The Judicial Power in the Canton is independent, and is executed on the basis of the Constitution, law and other regulations.

Article 49.

The Courts in Canton ensure the equal treatment of all litigants.

Article 50.

The Proceedings in Court of Law is public, unless the law proscribes otherwise.

The judgments are publicly read.

Article 51.

The jurisdiction of the Courts in the Canton and procedures before the Courts are defined by law.

Article 52.

Uniformity in acting, as well as the basic principles of equity in all proceedings in all courts shall be provided in Federal law.

Each court determines its own internal organization.

Article 53.

The number of Jurors and Juror-Judges of Cantonal and Municipal Courts is defined by the Cantonal Law.

Article 54.

The Judges of Cantonal and Municipal Courts are elected from among, distinguished lawyers of the highest moral characteristics.

The judges of Cantonal and Municipal Courts shall not be criminally prosecuted nor held responsible in civil proceedings for any action conducted while executing their official duty.

Article 55.

The Judges of the Cantonal Courts are proposed by, the President of Canton., and elected by the Cantonal Assembly.

The Juror-Judges are proposed by the President of the Cantonal Court and elected by the Cantonal Assembly.

The general national structure of the Judges must reflect the national structure of the population in the Canton.

Article 56.

The Judges in Cantonal and Municipal Court shall remain in service until they reach the age of 70 unless they resign or get replaced by the following procedures:

- a. the Judges of the Cantonal Court- by the consensus of the Judges of the Supreme Court;
- b. the Judges of Municipal Courts-by the consensus of the judges of the Cantonal Court.

The conditions of the service shall be determined in a separate cantonal law.

The salaries and other compensations to the judges may not be reduced during the course of their service.

Article 57.

The Cantonal Court Judges elect the President of the Court in accordance with Law.

Article 58.

The Municipal Courts are founded by the Municipality, to operate on territory of one or several municipalities.

Article 59.

The Municipal Courts have original jurisdiction for all civil and criminal cases, except when the Constitution of the Federation, law of the Federation, this Constitution or Cantonal law, place such jurisdiction within the jurisdiction of some other court.

Article 60.

The Judges in Municipal Courts are appointed by the President of the Cantonal Court upon consultations with the Head of Municipality.

The Juror-Judges in Municipal Courts are appointed by the President of the Cantonal Court upon proposal of the President of the Municipal Court.

Article 61.

The Judges of Municipal Court elect the President of that Court, in accordance with the Law.

COUNCIL OF CANTONS

Article 62.

The Canton may, jointly with other Cantons, establish Council of Cantons, for the purpose of coordinating policy and activities related to the issues of common interests, and within the council, it may establish coordinating bodies, committees, and working group whose tasks would be the exchange of information and coordination of the cantonal activities in executing their powers, but they may not include military agreements.

V. GIVING SOLEMN OATH

Article 63.

When resuming their positions, the delegates to the Cantonal Assembly, President of the Canton, president and Members of the Cantonal Government, give a solemn oath as follows:

"I solemnly state that I shall perform the duty entrusted to me with diligence and responsibility; I shall adhere to the Constitution of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, and Tuzla-Podrinje Canton; I shall act to ensure human rights, freedoms and equality of citizens and peoples in Bosnia and Herzegovina."

When resuming positions, the Judges, Juror-Judges of Cantonal and Municipal Courts; Cantonal Prosecutor; Deputies of Cantonal Prosecutors, Municipal Prosecutors, Deputy Municipal Prosecutors; Cantonal Law-Defender (pravobranitelj) and his deputies, give solemn statement.

The text of the solemn statement mentioned in the previous paragraph shall be defined by a special law.

VI. MUNICIPAL AND CITY AUTHORITIES

1. General Provisions

Article 64.

The citizens are guaranteed the right to local self-administration.

Article 65.

The local self-administration is implemented in the Municipality and City being territorial units of local self-administration.

The territory of the Municipality, its name, discontinuance or merging, alterations of border, and other issues of importance for the territorial units of local self-administration are defined by special law.

A city as a unit of local self-administration may be formed to include territories of two or more municipalities, which are administratively or territorially connected in their daily activities, in accordance with special law.

The scope of influence of local units of self-administration, forms of direct participation of citizens in decision making, the bodies of the local units of self-administration, their property and financing, acts of the units of self-administration, supervision and protection of local self-administration shall be more specifically described by cantonal law.

Article 66.

In exercising their responsibilities, each municipality:

- a. undertakes necessary protective measures and ensures conditions for respecting human rights and freedoms provided by the Constitution of Bosnia and Herzegovina and Annexes to General Framework Agreement on peace in Bosnia and Herzegovina, Constitution of the Federation, federal law, this Constitution and cantonal law on local self-administration; statute of the municipality and other municipal regulations;
- b. exercises its competencies taking into account the national structure of the population living in that municipality.

The local authorities shall, within the limits of law, shall have full discretion to implement their own initiatives related to all issues which are not exempted from their competence, nor placed within the competence of any other authority.

When transferring competencies to municipal or city level, the account shall be taken of the scope and nature of the activity, as well as the requirements of efficiency and cost effectiveness.

In cases of transferring competencies from Canton to municipality or city level, the local authorities shall, to the largest possible degree, be allowed to adjust the implementation of the transfer to the local conditions.

Local authorities shall be consulted, as much as possible, in time and in appropriate way, in the process of planning and decision making about all issues they are directly concerned with.

Article 67.

In executing their competencies, the city shall primarily:

- a. ensure conditions for respecting human rights and fundamental freedoms in accordance with the Constitution of Bosnia and Herzegovina and Annexes to the General Framework Agreement on the peace in Bosnia and Herzegovina, Constitution of the Federation and Annex to the Constitution of the Federation, Federal laws, this Constitution, cantonal laws, city statute and other city regulations;
- b. ensure that the needs of city population In terms of common infrastructure and public transportation are met;
- c. manage the city property;
- d. conduct the city policy and ensure funds necessary for proper functioning of the city, in accordance with the Federal and Cantonal law.

Other responsibilities of the city shall be defined in cantonal law.

Article 68.

The citizens may directly decide on the issues of interest and importance for the local population through referendums and assemblies of the citizens, in accordance with the law and statute of the city.

The citizens have the right to start a civil initiative for resolving particular issues, in accordance with the law.

The citizens have the right to establish other forms of local self-administration, within the limits of law and statute of the municipality or city.

Article 69.

The rights given to the municipality or city shall, typically, be full and exclusive. They must not be denied or limited on the part of cantonal authorities, except in cases stipulated by law.

The bodies of municipality or city are independent in conducting the affairs, which are of interest or importance for local population. They independently decide on how to organize administrative services needed in the municipality or city.

The supervision of the work of the bodies of local self-administration is done in accordance with the law.

The administrative supervision over the work of organs of local self-administration may be conducted within the limits and in the way which guaranties the rights and responsibilities of the municipality or city, which are defined by the Charter on Local Self-Management, or Federal law.

Article 70.

Municipality and city are entitled to adequate sources of their own income. They independently dispose of the funds that belong to them.

The income defined by the law, as well as the funds which are given by the Canton or the Federation for the purpose of exercising the delegated or transferred responsibilities from within the competence of the Canton or the Federation, belong to the municipality or city.

Article 71.

Municipality and city have their statute.

The statute defines the self-administration scope of the bodies and organizations of the municipality or the city.

The statute of the municipality or the city must be in accordance with the Constitution of Bosnia and Herzegovina, Constitution of the Federation and Annex to the Constitution of the Federation, this Constitution and Cantonal law.

Article 72.

Municipalities and cities, while performing the activities from within their Jurisdiction, cooperate with each other and with other municipalities or cities from all over the world, in accordance with the European Charter on Self-Management.

Municipalities and cities, for the purpose of enhancing and protecting their common interests and needs, may join into an association of municipalities and cities of Bosnia and Herzegovina.

2. Municipal and City Council

Article 73.

Municipality has its Municipal Council.

City has its City Council.

Article 74.

Number of members of municipal or city council, procedures of the election and duration of the mandate of the members of municipal or city councils are defined by the statute of the municipality or the city.

Municipal Council may not have less than 15 nor more than 30 members.

City Council may not have less than 15 nor more than 30 members, provided that each municipality in the city has the same number of representatives.

Article 75.

The mandate of the members of Municipal or City Council is two years, provided that the mandate of the members of the Municipal or City Councils, who are elected in the first post-war elections, lasts one year.

In case of State of War, Imminent War Danger, or State of Emergency, the mandate of the members of the Councils elected in the last elections extends while such conditions exist, but may not be extended to more than six months since the special circumstances cease to exist.

Article 76.

The members of Municipal Council are elected in a democratic way by the voters in direct and secret elections organized on the whole territory of the municipality. Each voter has the right to vote for any of registered parties, or become elected member of the council. Each party shall have the number of seats in the Municipal Council, which is proportionate to the number of votes they won in the elections.

The members of City Council are delegated by the members of municipal council of each of the municipality comprising the city, by majority of votes of the members of their original municipal council.

Article 77.

Municipal Council:

- a. prepares and passes the statute of the Municipality, which is adopted by two-third majority of votes;
- b. elects and guides the Head of Municipality;
- c. adopts the municipal budget and passes the regulations dealing with taxation and otherwise ensures the necessary funds which are not provided by the Cantonal or Federal authorities;
- d. passes the Rules of Procedure for its work,
- e. passes other regulations on implementation of municipal responsibilities.

Cantonal Council:

- a. prepares and adopts the Statute of the City, by two-thirds majority
- b. elects and dismisses the Mayor;
- c. adopts the City Budget;
- d. passes other regulations defining implementation of their own and competencies transferred to them, and conducts other activities as stipulated in the Statute.

Article 78.

Municipal and City Councils hold their sessions in public, except in extraordinary circumstances which are identified in the Rules of Procedure, and they publish the reports from their sessions and decisions made.

Article 79.

The Municipal and Cantonal legislation take effect in accordance with what is proscribed within, but not before the date they are published.

3. Head of Municipality and Mayor

Article 80.

Municipality is headed by Head of Municipality.

City is headed by the Mayor.

The provisions on election or dismissal of Head of Municipality and Mayor are defined in the Statute of the Municipality or City.

The term of office of the Head of Municipality and Mayor is two years. The term of office of the Head of Municipality and Mayor elected in the first post-war election lasts one year.

Article 81.

The functions of a Head of Municipality and Mayor are incompatible with the function of a member of Municipal or Cantonal Councils.

Article 82.

Head of Municipality is responsible for:

- a. appointing and replacing municipal officials;
- b. conducting municipal policy, executing municipal regulations and the regulations delegated or transferred to the municipality from the Cantonal or Federal level;
- c. ensuring cooperation of municipal officers with ombudsmen;
- d. submitting reports to municipal council and public on implementing of the policy of Municipal Council and his own activities;
- e. taking care of the organization of municipal administration and its work;
- f. managing the work of municipal services and municipal officials;
- g. giving opinion on election of Judges of Municipal Court;
- h. preparing proposals for consideration of Municipal Council; and
- i. other duties as defined by law and Statute of the Municipality.

Article 83.

The Mayor is in charge of:

- a. appointing and dismissing city, officials;
- b. conducting city policy and implementing city legislation or the regulations delegated or transferred to the city by Cantonal or Federal authorities;
- c. ensuring cooperation of city officials with ombudsmen;
- d. submitting reports to the Municipal Council and the public on implementation of the policy of the City Council;
- e. taking, care of the organization of local administration and self-administration, and their work;

- f. managing the work of the city services and city officials;
- g. preparing proposals for consideration of the City, Council;
- h. conducting other affairs as defined by laws and Statute of the City.

VII. AMENDMENTS TO THE CANTONAL CONSTITUTION

Article 84.

Amendments to the Constitution of the Canton may be proposed by the President of Canton, Cantonal Government, majority, of delegates in the Assembly, and majority or Bosniak and Croat delegates in the Cantonal Assembly.

The proposed amendment to the Constitution of the Canton shall not be considered in the Cantonal Assembly sooner than two weeks after it has first been submitted.

Article 85.

In case that the Cantonal Assembly refuses the proposed amendment, a new amendment on the same issue may not be proposed sooner than six months after the first amendment has been refused.

No amendment to the Constitution of the Canton may annul or restrict any of the rights and freedoms stipulated in the Constitution of Bosnia and Herzegovina and the annexes to the General Framework Agreement on peace in Bosnia and Herzegovina, Constitution of the Federation of Bosnia and Herzegovina and instruments stipulated in the Annex to the Constitution of the Federation, nor may it change this article of the Constitution of the Canton.

VIII. PROVISIONS ON PROCEDURES FOR ADOPTION OF LAW

Article 86.

The initiative for passing a law, other regulations and general acts may be started by citizens, enterprises, associations and other organizations or communities, political organizations and state bodies.

The right to propose a law, other regulations and general acts has every delegate in the Cantonal Assembly, working groups of the Cantonal Assembly, President of the Canton, Cantonal Government, Municipal and City Councils.

Article 87.

The procedure of adopting a law includes consideration of draft law and proposal of the law.

In exceptional cases, a law may be passed by emergency or shortened procedure.

More detailed provisions on ways and procedures for adopting a law are defined in the Rules of Procedures of the Cantonal Assembly.

IX. ADOPTION OF THE CANTONAL CONSTITUTION

Article 88.

This Constitution shall take effect at midnight on the day it is adopted by the Cantonal Assembly.

This Constitution shall be published in the Official Gazette of the Canton.

Article 89.

On the day when this Constitution gets into force, the effectiveness of the Constitutional Law of Tuzla-Podrinje Canton, which was adopted on August 22, 1994, and the Amendments I-X to the Constitutional Law of Tuzla-Podrinje Canton, which were adopted and pronounced on November 29, 1996, cease.

X. -TRANSITIONAL PROVISIONS

Article 90.

All laws, other regulations that are in force in the Canton on the day of this Constitution's taking effect, shall remain force to the degree they are not in contravention of this Constitution.

Article 91.

No person who is serving sentence pronounced by the court of law, for severe violation of international humanitarian law, and no person who is charged by the court of law of severe violation of international humanitarian law, may be a candidate nor he/she may execute any elected or other public function.

Article 92.

The published results of the 1991 census shall be applied in all situations, which require data about population.

Bosnia and Herzegovina
Federation of Bosnia and Herzegovina
TUZLA-PODRINJE
CANTON
No. 01-011-240-14/97
Tuzla, June 19,1997.

Chairman of the Assembly of
Tuzla-Podrinje canton

Fuad Hadziavdic