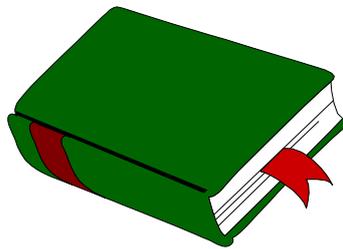




Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



CONSTITUTION OF THE WESTERN- HERZEGOVINA CANTON

**“Official Gazette of the West Herzegovina Canton”, 1/96,
2/99, 14/00, 17/00, 1/03, 10/04**

NOTE: Amendments published in the “Official Gazette of the West Herzegovina Canton”, 17/11, are not included in this translation.

At the session held on March 26, 1996, on the basis of Article V.6. (a) and in regard to Article IX. 3. (4.) of the Bosnia-Herzegovina Federation Constitution ("Official Gazette of the B- H Federation 1st issue 1/94), the Assembly of the Western Herzegovina Canton for the transitional period adopted the following

CONSTITUTION OF THE WESTERN-HERZEGOVINA CANTON*

I ESTABLISHMENT OF THE CANTON

Article 1.

The Western-Herzegovina Canton (hereinafter: Canton) is a federal unit of the Federation of Bosnia-Herzegovina (hereinafter: Federation).

Article 2.²

Croats, Bosniaks and Serbs, as constituent peoples in the Federation, along with national minorities and citizens of the Canton, shall exercise their sovereign rights pursuant to the Constitution of the Federation and this Constitution.

Article 3.

The composition of all bodies of authorities in the Canton and municipalities of the Canton must reflect the national structure of the population in the Canton, i.e., municipality, unless otherwise stipulated by the Federation Constitution.

Article 4.

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

Article 5.

The seat of the Canton is in Siroki Brijeg.

Article 6.

* By sentence of Constitutional Court of Bosnia and Herzegovina No. U - 7/98 from 07. VII 1998. ("Federation Official Gazette" No. 34/98) was fixed that Article 8.9. 10. and 30. of the Constitutional is not in accordance with Constitution of Federation of Bosnia and Herzegovina.

On the same sentence was also fixed that application of term "Zupanija" in Article 1-18,21,26,27,29,30,36,38,42,43,45,47, 57,71,73,78,82 and 84 of the Constitutional is not in accordance with Constitution of Federation of Bosnia and Herzegovina.

² In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton ("Official Gazette of the West Herzegovina Canton", 17/11), Article 2 was amended.

Previously:

Article 2.

The Croats and the Bosniacs, as constitutive nations in the Federation, together with other Nations, and as citizens of the Canton shall exercise their sovereign rights in accordance with the Federation Constitution and this Constitution.

The territory of the Canton entirely includes the territory of the current municipalities of:

1. Grude
2. Liubuski
3. Posusje and
4. Siroki Brijeg

The borders of the Canton shall be determined by a special law.

Article 7.³

The Canton has a coat of arms, flag and seal.

The looks of the coat of arms, flag and seal of the Canton their use and protection shall be regulated by the law of the Canton.

The Canton may also have other symbols on which the Cantonal Assembly decides.

Article 8.⁴
(deleted)

Article 9.
(deleted)

Article 10.

³ In Bold-Underline – According to Amendments XV-XVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 14/00), Article 7 was amended.

Article 7.

The Canton has a coat of arms, flag and seal, as well as other insignia, which the Canton Assembly shall decide upon.

The insignia of the Canton from Paragraph I of this Article shall be used with the Federation insignia in accordance with the laws of the Federation and Canton.

⁴ In Bold-Underline – According to Amendments XV-XVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 14/00),

Previously:

Article 8.

The Canton coat of arms is the historical Croat coat of arms in the shape of a stylized shield divided horizontally and vertically into 25 red and white fields - squares, so that the first field in the upper left corner of the stylized shield is red. Above the -stylized shield, there is a horizontally positioned triple-braid pattern-above the three central fields.

The ratio between the height of the triple-braid pattern and the height of a square field is 1:1, and the ratio between the length of the triple-braid pattern and a square field is 3:1. The coat of arms is bordered by a gold-colored line.

Article 9.

The flag of the Canton is comprised of three colors: red, white and blue, with the coat of arms of the Canton in the center.

The ration between the width and length of the flag is 1: 2. The colors of the flag are laid our horizontally in the following order from the top: red, white and blue. Each color comprises one-third of the flag's width. The Canton coat of arms is located in the center of the flag in such way that the upper part of the coat of arms (triple braid pattern) overlaps the red field of the flag and the lower part of the coat of arms (at a height of one square field) overlaps the blue field of the flag. The central point of the coat of arms corresponds to the point at which the diagonals of the flag cross.

The Croatian language and the Bosniac language are the official languages in the Canton. The Roman alphabet is the official alphabet.

Other languages can be used as a means of communication and for education in accordance with the Law.

Article 11.

The Canton can, in cooperation with other Cantons and the Croat majority population, establish Council of Cantons in order to harmonize the policies and activities in regard to issues of common interest to the cantons in question.

For more effective performance of tasks within the jurisdiction of the Canton, the Canton may establish a common body with other Cantons on the basis of a special agreement.

II HUMAN RIGHTS AND BASIC FREEDOMS

Article 12.

In carrying out its authorities, the Canton shall:

- a. undertake all necessary measures for the protection of human rights and freedoms stipulated in the Constitution of the Federation and determined in the instruments of the Annex to the Federation Constitution and shall act in accordance with the Federation Constitution and this Constitution:
- b. execute its authorities, taking into account the national structure of the population in every municipality.

Article 13.

The Canton shall undertake measures to ensure the rights of refugees and displaced persons for the free return to their homes of origin and residence, from which they were expelled, to the return of all property that was seized during the ethnic expulsion, as well as to compensation for all property that cannot be returned.

The rights under Paragraph 1 of the Article hereof shall be realized according to federal and Canton regulations.

Article 14.

The Canton shall ensure the cooperation of all Canton and municipal bodies of authority within its composition with ombudsmen.

III AUTHORITY OF THE CANTON AUTHORITIES

Article 15.

The Canton has all the authority not directly entrusted to the federal authorities by the Constitution, particularly for:

- a. adoption of decisions regarding, economic policies in order to improve economic and social development,
- b. financing activities of the Canton authorities or activities under its auspices, through taxation, loans and other means,
- c. establishment and supervision of police forces that have a common federal uniform with the Canton insignia,
- d. determination of educational policies, including the adoption of regulations regarding education, as well as securing education,
- e. determination and implementation of cultural policies,
- f. determination of housing policies, including the adoption of regulations related to the planning and construction of housing units,
- g. determination of policies regarding the regulation and assurance of public services,
- h. adoption of regulations on local land, including zoning,
- i. adoption of regulations on local jobs and humanitarian activities and their improvement
- j. adoption of regulations on local facilities for production of energy and securing their accessibility,
- k. determination of policies regarding the securing of radio and TV stations and the adoption of regulations on ensuring their activities and work,
- l. implementation of social policies and establishment of a social protection service,
- m. creation and implementation of the policies of Canton tourism, development of tourist resources.

Article 16.

The authority under Article III.2 of the Constitution of the Federation may be realized either jointly or separately, or by the Canton through coordination with the federal authorities, according to the provisions of the Federation Constitution and laws.

Article 17.

The Canton may, pursuant to the Constitution of the Federation, transfer some of its authority to the municipalities in its territory or to the federal authorities by way of a law.

The Canton may transfer to a municipality or city within its territory powers concerning the education, culture, tourism, local business and charitable activities, as well as concerning the radio and television.

The Canton may conclude international agreements upon obtaining prior agreement of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina and the Parliament of Bosnia and Herzegovina, except such agreements for whose conclusion the agreement of the Parliamentary Assembly Bosnia and Herzegovina is not required.⁵

IV ORGANIZATION OF THE CANTON AUTHORITIES

⁵ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), in Article 17, after Paragraph 1, Paragraphs 2 and 3 were added.

A. Legislative branch of the Canton

Article 18.

The legislative duties of the Canton shall be carried out by the Assembly of the Canton (hereinafter: Assembly).

The Assembly of the Canton is unicameral.

*(deleted)*⁶

Article 19.

The Assembly consists of 23⁷ representatives.

Article 20.⁸

Representatives in the Assembly are elected for a term of four years.

Article 21.

Voters elect Assembly representatives at democratic and direct elections, through secret voting throughout the Canton territory, pursuant to the Federation Constitution and laws.

Each voter can give one secret vote to any of the registered political parties.

Before the elections, each registered party is obligated to release a list of its candidates.

Elected representatives of the Assembly from each party are persons who were listed at the top of parties' rosters, according to the number of obtained votes.

Replacements for representatives are persons listed on the top of the remainder of the roster.

Each voter with the right vote may be elected as a representative in the Assembly.

The Assembly shall be convened for the first time within ten days after the election results are published.

Article 22.⁹

⁶ In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/11), in Article 18, paragraph 3 was deleted.

Previously:

The representation of each municipality in the Assembly shall be ensured through electoral regulations.

⁷ In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), in Article 19, the numeral “31” was replaced with numeral “23”.

⁸ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 20 was amended.

Previously:

Article 20.

Representatives in the Assembly are elected for a term of two years.

⁹ In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/11), Article 22 was amended.

Previously:

Assembly shall have Speaker and Deputy Speakers.

Assembly shall elect the Speaker by majority vote of the delegates of the Assembly.

Deputy Speakers from the ranks of the constituent peoples shall be elected by caucuses of the peoples, and the Assembly shall verify them by majority vote of the delegates in the Assembly.

Article 23.

The Assembly shall adopt the Rules of Procedure regarding its activities.

Article 24.

The Assembly session is open to the public, except in exceptional circumstances stipulated by the Rules of Procedure of the Assembly. The Assembly shall also publish reports on its sessions and decisions.

Article 25.

Representatives in the Assembly shall not be criminally prosecuted or held responsible in civil proceedings for acts committed in performing their duty.

No representative shall be detained or arrested by any federal or Canton authority without the consent of the Assembly.

Article 26.

The Assembly:

- a. drafts and adopts the Constitution of the Canton
- b. (deleted)¹⁰
- c. (deleted)
- d. determines the jurisdiction of the Canton and municipal courts
- e. adopts laws and other regulations necessary for carrying out the authorities of the Canton
- f. adopts the Canton budget and adopts laws on taxation and ensures the necessary financing in other ways
- g. approves the signing of international agreements with states and international organizations, with the consent of the Federation Parliament

Article 22.

The Assembly shall elect a speaker and two vice-speakers from the ranks of the Assembly representatives who shall not be from the same constituent people.

If in the Assembly no vice-speaker from the ranks of other two constituent peoples is elected, the Assembly may elect the deputy speaker of the Assembly.

¹⁰ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), in Article 26, paragraph 1, lines b) and c) were deleted.

Previously:

- b. elects the President of the Canton
- c. elects judges of the Canton court

- h. adopts the Rules of Procedure of the Assembly
- i. ***elects the Speaker and other officials in accordance with the law, and verify the Deputy Speakers***¹¹
- j. ***appoints and dismisses the Government of the West Herzegovina Canton***
- k. elects the representatives of the Canton into the House of Nations of the Parliament of the Federation from the ranks of representatives of the Assembly pursuant to the Federation Constitution
- l. carries out investigation and may thus demand gathering of evidence in the form of personal documents of witnesses, without interfering with the competence of the judicial branch,
- m. ***announces the referendum***,¹²
- n. carries out other duties within its jurisdiction.

Article 26a¹³

Cantonal Assembly may make decisions on the basis of the declaration of the citizens' will at a referendum.

It shall be decided at a referendum by a majority vote of those who cast the ballot, provided that the majority of the total number of voters within the Canton voted in the referendum.

Decision made at a referendum shall be binding.

Article 27.

With a two-thirds majority, the Assembly may

- a. prepare and adopt the Constitution of the Canton
- b. adopt the law on transferring the authority of the Canton to the municipal or federal authorities
- c. (deleted)¹⁴

Article 28.

¹¹ In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/11), in Article 26, lines i) and j) were amended.

Previously:

- i. elects the president and deputy president of the Assembly, as well as other officials pursuant to law
- j. approves the appointments of the Canton Government

¹² In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), in Article 26, paragraph 1, new line m) was added. Current line m) shall become line n).

¹³ In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), after the Article 26, new Article 26a was added.

¹⁴ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), in Article 27, paragraph 1, line c) was deleted.

Previously:

- c. replace the President of the Canton.

The Assembly makes other decisions within its Jurisdiction b-, a majority vote of the representatives in the Assembly.

Article 29.

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

*Article 29a*¹⁵

The Speaker of the Assembly of the Canton shall nominate a candidate for the position of Prime Minister in consultation with Deputy Speakers. The candidate for the position of Prime Minister shall propose the ministers to the Assembly for the verification of the Government.

B. Executive Branch of the Canton

1. President¹⁶

¹⁵ In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/11), Article 29a, added by Amendment XXVIII, was amended.

Previously:

Article 29a

The Speaker of the Assembly of the Canton shall nominate a candidate for the position of Prime Minister in consultation with Deputy Speakers. The candidate for the position of Prime Minister shall propose the ministers to the Assembly for their confirmation. The ministers shall not have deputies.

¹⁶ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), in Chapter IV.B, the subtitle “1. President” and articles 30 to 37 were deleted.

Previously:

1. President

Article 30.

The Canton has a President.

Article 31.

The President of the Canton is elected by a majority vote of representatives in the Assembly from amongst the candidates they nominate, in the manner stipulated in the Rules of Procedure of the Assembly.

Article 32.

If the President of the Canton is elected from the ranks of representatives of the Assembly, his term as a representative shall be terminated.

Article 33.

The President has a two-year term in office and cannot be elected for two consecutive terms.

Article 34.

The Assembly may replace the President of the Canton with a two-third vote of the representatives of the Assembly.

Article 35.

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

If the President of the Canton is temporarily incapable of performing his duty, the President of the Assembly shall act as President of the Canton.

Article 36.

The President of the Canton is responsible for:

- a. appointment of the Government

(deleted)

Article 30.

(deleted)

Article 31.

(deleted)

Article 32.

(deleted)

Article 33.

(deleted)

Article 34.

(deleted)

Article 35.

(deleted)

Article 36.

(deleted)

Article 37.¹⁷

(deleted)

2. Government of the Canton

Article 38.¹⁸

The Government of the Canton (hereinafter: the Government) consists of the Prime Minister of the Canton (hereinafter: the Prime Minister) and the ministers (hereinafter: members of the Government).

Two Deputy Prime Ministers shall be appointed from the ranks of ministers.

-
- b. signing the laws of the Assembly of the Canton
 - c. nominations of judges of the Canton courts
 - d. signing of international agreements on behalf of the Canton
 - e. granting amnesty for crimes determined by the Canton laws, except war crimes and crimes against humanity and genocide
 - f. considering reports by ombudsmen and ensuring the conditions for their work
 - g. attending to ensuring cooperation with the bodies of the Federation
 - h. implementing policies and carrying out regulations by the Canton, including ensuring that rulings of the Canton courts and Federation courts are executed
 - i. carrying out other duties entrusted to him by the Assembly

¹⁷ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), Article 37 was deleted.

Previously:

Article 37.

The President of the Canton may, if so decided by the Assembly, perform the duty of the Prime Minister.

¹⁸ In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), Article 38 was amended.

Previously:

Article 38.

The Government of the Canton consists of the Prime Minister and Deputy Prime Minister and the ministers.

The composition of the Government reflects the national composition of the population of the Canton.

The composition of the Government reflects the national composition of the population of the Canton.

Article 39.¹⁹

The Government of the Canton shall be confirmed by the Assembly of the Canton by majority vote.

The Government shall assume its duty after it is confirmed in the Assembly.

Article 40.²⁰

The ministers shall be responsible to the Prime Minister and Assembly of the Canton. The Prime Minister shall also be responsible to the Assembly.

The ministers shall bear the full responsibility for the functioning of their respective ministries.

The Government shall resign if the Assembly of the Canton votes no confidence in government at any time.

Article 41.

The organization of the Government is regulated through a special law pursuant to the Constitution.

Article 42.

The Government is responsible for:

- a. implementation of the Canton policies, proposals and application of Canton laws and other regulations,
- b. preparation of budget proposals,
- c. securing cooperation between the Canton Government and ombudsmen,
- d. supervision over investigations and criminal prosecution in regard to violations of the Canton laws, as well as supervision over the Canton police,
- e. ensuring the national structure of the police reflects the national structure of the population of the Canton, provided that the national structure of the police

¹⁹ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 39, amended by Amendment III was amended.

Previously:

Article 39.

The President of the Canton shall appoint the members of the Government upon the consultations with the Prime Minister of the Government or with candidate for that position.

Appointment of the members of the Government shall be approved by the majority vote of the representatives of the Assembly.

²⁰ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 40 was amended.

Previously:

Article 40.

The Government may be dismissed by a decision of the President of the Canton or through a vote of no confidence to the government by the Assembly through a majority vote of the Assembly representatives.

The President of the Canton may replace the ministers and deputy ministers at the recommendation of the Prime Minister.

- of each municipality must reflect the national structure of the population of that municipality,
- f. carrying out other competencies determined by the Constitution hereof and other regulations.

Article 43.

The Government is authorized to adopt decree laws in special circumstances and when the Assembly is unable to function.

A regulation adopted-pursuant to Article I of the Article hereof shall cease to be valid upon the termination of circumstances due to which the Assembly could not function. (*deleted*)²¹

Article 44.²²

The members of the Government shall not be subject to contractual and tort liability for any activity made in the exercise of their duties in the executive bodies of the Canton.

C. Judicial branch of the Canton

Article 45.

The judicial function in the Canton shall be conducted by the Canton and municipal courts.

Article 46.

The judicial branch in the Canton is independent and its authority shall be earned out pursuant to the Constitution and the laws of the Federation and the Canton.

Article 47.

The courts in the Canton ensure equality for all parties in judicial proceedings.

Article 48.

²¹ In Italic-Bold – According to Amendments XLVII-LII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/11), in Article 43, paragraph 2, the words: “and at the latest after 60 days from the day it is published in the official gazette of the Canton” were deleted.

²² In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 44 was amended.

Previously:

Article 44.

The President of the Canton, the Prime Minister and Deputy Prime Minister, as well as ministers cannot be criminally prosecuted or held responsible in civil proceedings for any act committed in performing their duty.

All legal procedures are public, unless otherwise stipulated by law for special circumstances.

All rulings shall be publicly announced.

Article 49.

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

Article 50.

The jurisdiction of courts under Article 44 of the Constitution hereof shall be determined by a special law.

Article 51.

Rulings of the Canton courts concerning appeals to the rulings of municipal courts are final and binding.

Article 52.²³ (deleted)

Article 53.

Judges of the Canton and municipal courts shall serve the court until they reach the age of 70, unless they tender their resignation or unless they are replaced, and this is possible in the following manner:

- a. judges of the Canton court by a consensus of judges of the Supreme Court of the Federation,
- b. judges of municipal courts by a consensus of judges of the Canton court.

The conditions for service shall be determined by a special law of the Canton.

Their income and other forms of compensation shall not be reduced during their service in the Canton and municipal court.

Article 54.

The Canton court elects the presiding judge of the court pursuant to the law.

Article 55.

All judges of the Canton and municipal courts shall be prominent lawyers of the highest moral characteristics.

²³ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 52 was deleted.

Previously:

Article 52.

The President of the Canton nominates judges for the Canton court from the ranks of prominent lawyers, and they are elected by the Assembly, but the national structure of the judiciary as a whole must reflect the national structure of the population of the Canton.

Judges of the Canton and municipal courts shall not be criminally prosecuted or held responsible in civil proceedings for any act committed in performing their duty.

V ORGANIZATION OF THE MUNICIPAL AND CITY AUTHORITIES²⁴

1. General provisions

Article 56.

In applying its authority, each municipality shall do the following:

- a. undertakes all the necessary measures for the protection of human rights and freedoms determined by the Federation Constitution and stipulated by the provisions in the annex of the Federation Constitution, and acts according to the Federation Constitution hereof and the municipal statute,
- b. carries out its authority, taking into account the national structure of the population in the municipality.

Article 56a.²⁵

The citizens shall be guaranteed the right to local self-government.

Local self-government shall be exercised within a municipality or city as territorial units of the local self-government, by carrying out duties set forth in this Constitution, Federation and cantonal laws, and by the statute of the municipality or city.

The area of the municipality, its name, abolishment or merger, change of borders and other issues important for the territorial local self-government units, shall be regulated by a separate law.

For the territories of two or more municipalities that comprise one urban whole and are territorially connected due to daily needs of the citizens, a city may be formed as a local administration and self-government unit, in accordance with the law.

Article 57.

(deleted)²⁶

²⁴ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), the title of the Chapter V “MUNICIPAL AUTHORITIES” shall be amended to read: “ORGANIZATION OF THE MUNICIPAL AND CITY AUTHORITIES”.

²⁵ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), new Article 56a was added.

²⁶ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), in Article 57, Paragraphs 1 and 2 are deleted.

Previously:

In the municipality, local self-administration is implemented and duties stipulated by the Constitution hereof are carried out, as are those transferred by the Canton or the Federation

Local self-administration is implemented through the execution of authorities determined by the Constitution hereof, the Canton law and the municipal statute.

The municipality particularly:

- a. creates and develops material and other conditions for life, work and fulfillment of the general and common needs and interests pursuant to the Constitution hereof, the Federation and Canton regulations, and the established municipal policies,
- b. develops and maintains the infrastructure of local significance (roads, water supply, etc.),
- c. ensures measures for protection against weather-related and other accidents, as well as primary health and sanitary protection,
- d. administers public goods and goods that are publicly used and that are of local significance,
- e. ensures financing of general and common needs within the Jurisdiction of the municipality,
- f. ensures general conditions for the provision of supplies for citizens and the execution of basic activities,
- g. adopts regulations for the implementation of municipal authority.

Article 57a²⁷

The city shall acquire its incomes through taxation, debt and other ways, in accordance with the law.

Article 57b

Responsibilities of a city shall include:

- a. **Finances and taxation policy, in accordance with the Federation and cantonal laws;**
- b. **Joint infrastructure;**
- c. **City planning;**
- d. **Public transport;**
- e. **Management of the city property; and**
- f. **Other competences trusted to the city by the Canton, i.e. those transferred by the municipalities.**

Article 58.²⁸

The municipality and the city shall have a statute.

²⁷ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), after the Article 57, new articles 57a and 57b were added.

²⁸ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), Article 58 was amended.

Previously:

Article 58.

The municipality has a statute.

The statute and other regulations of the municipality must be in accordance with the Federation Constitution, the Constitution hereof and Canton legislation.

The statute shall regulate the self-governing scope of work of the bodies and organizations of the municipality, i.e. of the city.

The statute and other regulations of the municipality and city must be in accordance with the Constitution of Bosnia and Herzegovina, Federation Constitution, the Constitution hereof and Canton legislation.

Article 58a.²⁹

The citizens may directly decide on issues of interest and importance for the local populace in a referendum and association of citizens, in accordance with the law and statute of the municipality or city.

The Citizens shall be entitled to submit a citizens' initiative for resolution of certain issues in accordance with the law.

The citizens shall be entitled, in accordance with the law and statute of the municipality or city, to also establish other forms of the local self-government.

2. Municipal and City Council³⁰

Article 59.³¹

²⁹ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), after Article 58, new Article 58a was added.

³⁰ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), title: “2. Municipal Council” shall be amended to read:

“2. Municipal and City Councils”.

³¹ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), Articles 59 to 66 were amended.

Previously:

Article 59.

Each municipality has a municipal council.

Article 60.

The number of members in the municipal council is determined by the Statute of the municipality but it may not have less than 9 or more than 15 members.

Article 61.

The term of office of members of the municipal council is two years. The term of office of the first members of the municipal council is one year.

Article 62.

The municipal council is elected by voters in a democratic way, through direct and secret ballot, throughout the territory of the municipality. Each voter has the right to vote for any registered party and to be elected a councilor. Each party shall receive the number of council seats in proportion to the percentage of obtained votes.

Article 63.

The municipal council is responsible for:

- a. preparation and adoption of the statute of the municipality that must be adopted with a two-thirds majority vote of the councilors of the municipal council,
- b. organization of elections for the president of the municipal council,
- c. election and replacement of the head of the municipality,
- d. adoption of the municipal budget and adoption of regulations on taxation, as well as other ways of providing the necessary finances not ensured by the Canton authorities or federal authorities,
- e. adoption of the Rules of Procedure in regard to its work,
- f. adoption of other regulations in the execution of municipal duties.

**Each municipality shall have a municipal council.
Each city shall have a city council.**

Article 60.
*(deleted)*³²
Article 61.³³

The term of office of the members of the municipal council shall be four years.

The number of members of the municipal council and election procedure shall be determined by the statute of the municipal council.

Article 62.

Municipal councilors shall be democratically elected by voters at direct and secret elections in the whole area of the municipality in manner specified by law.³⁴

Article 64.

The municipal council has open sessions, except in special circumstances stipulated in the Rules of Procedure, and it keeps minutes on the adopted decisions.

Article 65.

The municipal regulations enter into force as stipulated therein, but not sooner than they are published in the official gazette of the municipality.

Article 66.

The Statute of the municipality determines the procedure and the election of the president of the municipal council and the head of the municipality.

³² In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), Article 60 was deleted.

Previously:

Article 60.

Municipal council may not have less than 15 or more than 31 members.

City council may not have less than 15 or more than 30 members, and its composition shall be comprised by equal number of councilors from each municipality.

³³ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 61, amended by amendments XI and XXII, was amended.

Previously:

Article 61.

The number of members of the municipal council, election procedure and term of office shall be determined by the statute of the municipal council.

The number of members of the city council, election procedure and term of office shall be determined by the statute of the city.

³⁴ In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), in Article 62, amended by Amendment XI, paragraph 1 was amended.

Previously:

The municipal council is elected by voters in a democratic way, through direct and secret ballot, throughout the territory of the municipality. Each voter has the right to vote for any registered party and to be elected a councilor. Each party shall receive the number of council seats in proportion to the percentage of obtained votes.

After paragraph 2, new paragraph 3 was added.

Councilors of the city council shall be elected by the councilors of the municipal council of each municipality that comprises the city, by majority vote of the municipal councilors.

Every voter can be elected a municipal councilor in accordance with the law.

Article 63.

The municipal council shall be responsible for:

- a. preparation and adoption of the statute of the municipality that shall be adopted with a two-thirds majority vote;**
- b. organization of elections for the President and Deputy President of the municipal council;**
- c. adoption of the municipal budget and adoption of regulations on taxation, as well as other ways of providing the necessary finances not ensured by the Canton authorities or Federation authorities;³⁵**
- d. adoption of the Rules of Procedure in regard to its work; and**
- e. adoption of other regulations in the execution of municipal responsibilities.**

The city council shall be responsible for:

- a) preparation and adoption of the statute of the city that shall be adopted with a two-thirds majority vote;**
- b) election and replacement of the mayor;**
- c) adoption of the city budget; and**
- d) adoption of the regulations in the execution of its own and transferred responsibilities in execution of other duties set forth by the statute.**

Article 64.

The municipal and city councils shall have open sessions, except in special circumstances stipulated in the Rules of Procedure, and they shall publish the reports on the sessions and adopted decisions.

Article 65.

The municipal and city regulations shall enter into force as stipulated therein, but not sooner than they are published.

Article 66.

The Statute of the municipality or of the city shall determine in further detail the procedure and the election and dismissal of the president and deputy president of the municipal council and of the city council.

³⁵ In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), in Article 63, amended by Amendment XIII, in paragraph 1, line c) was deleted, and lines d), e) and f) shall become lines c), d) and e).

Previously:

- c. election and replacement of the head of the municipality;**

Article 66a³⁶

Municipal head and the president of a municipal council in municipalities or municipal councils with multiethnic composition shall not be from the same constituent people i.e. from amongst the Others, except in those municipalities where one constituent people comprise more than 80% of the population according to the last population census in Bosnia and Herzegovina.

3. Head of the Municipality and City Mayor³⁷

Article 67.³⁸

Each municipality shall have a head of the municipality.

Each city shall have a mayor.

Municipal head shall be democratically elected by voters at direct and secret elections in the whole area of the municipality in manner specified by law.³⁹

³⁶ In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), After Article 66, new Article 66a was added.

³⁷ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), title: “3. Head of the Municipality” shall be amended to read:

“3. Head of the Municipality and City Mayor.”

³⁸ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), Articles 67, 68, 69 and 70 were amended.

Previously:

Article 67.

Each municipality has a head of the municipality.

Article 68.

The municipal council shall elect the head of the municipality.

The statute of the municipality stipulates the provisions on the election of the head of the municipality.

Article 69.

The functions of the head of the municipality and the municipal councilor are not compatible.

Article 70.

The head of the municipality is responsible for:

- a. appointing and replacing municipal officials,
- b. executing municipal policies, carrying out municipal regulations and the authorities transferred to the municipality by the Canton or federal authorities,
- c. securing of cooperation between municipal officials and ombudsmen,
- d. submitting reports to the Municipal Council and the public regarding the implementation of the municipal policies and its activities,
- e. consultation regarding the election of judges to the municipal court,
- f. preparation of proposals to be discussed by the municipal council, and
- g. carrying out other authorities determined by law and the statute of the municipality.

³⁹ In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), in Article 67, amended by Amendment XIII, paragraph 3 was amended.

Previously:

The statute of the municipality or of a city shall stipulate the conditions and the procedures of election and dismissal of the head of the municipality or of the mayor.

After paragraph 4, new paragraph 5 was added.

Term of office of the head of the municipality or of the mayor shall be four years.⁴⁰
Every voter can be elected a municipal head in accordance with the law.

Article 68.

The functions of the head of the municipality and the municipal councilor are not compatible.

Article 69.

The head of the municipality shall be responsible for:

- a. appointing and dismissing municipal officials;**
- b. implementation of the municipal policies, execution of municipal regulations and the delegated or transferred responsibilities to the municipality by the Canton or Federation authorities;**
- c. securing of cooperation between municipal officials and the ombudsmen;**
- d. submitting reports to the Municipal Council and the public regarding the implementation of the municipal policies and its activities;**
- e. ensuring care on organization of the municipal authority and its operation;**
- f. managing the operation of the municipal services and officials;**
- g. preparation of proposals to be discussed by the municipal council; and ⁴¹**
- h. carrying out other tasks determined by law and the statute of the municipality.**

Article 70.

The mayor of a city shall be responsible for:

- a. appointing and dismissing city officials;**
- b. implementation of the city policies and execution of the city regulations;**
- c. securing of cooperation between the city officials and the ombudsmen;**
- d. submitting reports to the City Council and the public regarding the implementation of the city policies;**
- e. ensuring care on organization of the local administration and self-government and its operation;**
- f. managing the operation of the city services and officials;**
- g. preparation of proposals to be discussed by the city council; and**
- h. carrying out other tasks determined by law and the statute of the city.**

⁴⁰ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), in Article 67, paragraph 4, amended by Amendment XIII, the words “two years” were replaced with words “four years”.

⁴¹ In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), in Article 69, amended by Amendment XIII, in paragraph 1, line g) was deleted, and lines h) and i) shall become lines g) and h).

Previously:

g. consultation regarding the election of judges to the municipal court;

4. Municipal Courts

Article 71.

The municipal courts are financed by the Budget. (deleted)⁴²

Article 72.

The municipal court shall be established for the area of the municipality
One municipal court may be established for two or more municipalities.

Article 73.

Municipal courts have primary competence for all civil and criminal issues, unless a part of its primary competence is transferred to some other court by the Federation Constitution, the Constitution hereof, the law of the Federation or the law of the Canton.

Article 74.⁴³

The High Judicial and Prosecutorial Council of the Federation shall select and appoint judges of the Cantonal Court and municipal courts, including the presidents, as well as conduct disciplinary proceedings against them and dismiss them, in accordance with law.

Article 75.⁴⁴ (deleted)

VI AMENDMENTS TO THE CANTON CONSTITUTION

Article 76.

Amendments to the Canton Constitution may be proposed by (deleted)⁴⁵ the Government of the Canton and the majority of Assembly representatives.

⁴² In Double-Underline – According to Amendments XLI-XLVI to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 10/04), In Article 71, paragraph 1, the words: “of the Canton” were deleted.

⁴³ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 74 was amended.

Previously:

Article 74.

The presiding judge of the Canton court shall appoint the judges of municipal courts, after consultation with the head of the municipality.

⁴⁴ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), Article 75 was deleted.

Previously:

Article 75.

Each municipal court shall elect the presiding judge of that court pursuant to the law.

The proposed amendment to the Canton Constitution shall be finitely discussed in the Assembly only after a period of two weeks from the moment it is first presented.

The proposed amendment may be adopted with a two-thirds majority vote of Assembly representatives.

Article 77.

No amendments to the Canton Constitution can be revoked or lesson any of the rights and freedoms determined by the Federation Constitution and the instruments stipulated in the Annex of the Federation Constitution.

VII ADOPTION OF THE CONSTITUTION OF THE CANTON AND TRANSITIONAL SOLUTIONS AND PUTTING THEM INTO FORCE

Article 78.

The Constitution of the Canton shall be adopted and declared by the Assembly in the transitional period, consisting of up to five committee members in each municipal assembly stipulated under Article 6 of the Constitution hereof, elected amongst the committee members in each municipal assembly, who were elected at the 1990 elections and whose terms of office are still valid.

The Constitution is adopted with a two-thirds majority vote of the representatives in the Assembly of the Canton in the transitional period, and it enters into force on the day it is adopted.

Article 79.

All laws, regulations and judicial regulations that are currently in force in the Federation, as well as the regulations of the Croat Republic of Herzeg-Bosnia, unless they contradict the Constitution hereof and the Constitution and the laws of the Federation, shall be applied until the law and other canton regulations are adopted.

Article 79a⁴⁶

When by acts of the Institutions of Bosnia and Herzegovina or by acts of the Federation of Bosnia and Herzegovina, contrary to the Constitution of the Canton, Constitution of the Federation and Constitution of Bosnia and Herzegovina, the equality of the Canton is violated, or its rights and legitimate interests are violated, and their protection is not ensured, the bodies of the Canton, temporarily, until the decision of the Constitutional Court of the Federation or Constitutional Court of Bosnia and Herzegovina, in cases where irreparable damageable consequences may occur, shall enact the acts and undertake measures for the protection of the rights and interests of the Canton.

⁴⁵ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), in Article 76, paragraph 1, the words “President of the Canton” were deleted.

⁴⁶ In Italic – According to Amendments XVII-XXIII to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 17/00), after the Article 79, new Article 79a was added.

Article 80.

The Assembly of the Canton in the transitional period shall carry out all functions until the first convocation of the Assembly of the Canton, according to the Constitution hereof.

Article 81.

The President of the Canton may act as Prime Minister in the transitional period.

If the Assembly of the Canton in the transitional period decides that the President of the Canton shall act as Prime Minister, the Assembly of the Canton in the transitional period shall elect the government on the basis of the proposal of the President of the Canton, as the Prime Minister designate.

Article 82.

All persons holding state functions in the Canton shall remain in office on the day the Constitution hereof enters into force, until they are dismissed pursuant to a competent law or until their function is revoked.

Article 83.

The committee members in each municipal assembly who were elected in 1990, and whose terms of officer are still valid, shall elect municipal bodies in the transitional period within the shortest possible period of time, in accordance with the Federation Constitution and the Constitution hereof.

Article 84.⁴⁷

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.

Article 85.

The results from the 1991 census shall be used in all evaluations that require information on the population.

Article 85a⁴⁸

⁴⁷ In Bold – According to Amendments I-XIV to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 2/99), Article 84 was amended.

Previously:

Article 84.

No person who is accused of war crimes or against whom court proceedings have been initiated for war crimes can be elected for any of public office in the Canton.

The constituent peoples and members of the group of Others shall be proportionally represented in both cantonal and municipal courts. Such representation shall reflect the 1991 census until the full implementation of Annex 7, in accordance to Article IX.11.a of the Constitution of the Federation.

Article 85b

The constituent peoples and members of the group of Others shall be proportionally represented in municipal bodies of authority. Such representation shall reflect the 1991 census until the full implementation of Annex 7, in accordance to Article IX.11.a of the Constitution of the Federation.

Article 86.

The Constitution hereof enters into force on the day it is adopted, and it shall be published in the “Official Gazette of the Western Herzegovina Canton”.

⁴⁸ In Underline – According to Amendments XXIV-XL to the Constitution of the West Herzegovina Canton (“Official Gazette of the West Herzegovina Canton”, 1/03), after the Article 85, new articles 85a and 85b were added.