



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

Department for Legal Affairs



AMENDMENTS I – XIV TO THE CONSTITUTION OF THE WEST HERZEGOVINA CANTON

“Official Gazette of the West Herzegovina Canton”, 2/99

**AMENDMENTS I – XIV
TO THE CONSTITUTION OF THE WEST
HERZEGOVINA CANTON**

Amendment I

In Article 17 of the Constitution of the West Herzegovina Canton, new paragraphs 2 and 3 shall be added to read:

“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.”

Amendment II

Article 37 shall be deleted.

Amendment III

Article 39 shall be amended to read:

“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.”

Amendment IV

The title of the Chapter V “MUNICIPAL AUTHORITIES” shall be amended to read: “ORGANIZATION OF THE MUNICIPAL AND CITY AUTHORITIES”.

Amendment V

After the title “General Provisions”, new Article 56a shall be added to read:

“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.”

Amendment VI

In Article 57, paragraphs 1 and 2 shall be deleted, and paragraph 3 shall become paragraph 1.

Amendment VII

After the Article 57, new articles 57a and 57 b shall be added to read:

“Article 57a

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.”

Amendment VIII

Article 58 shall be amended to read:

“The municipality and the city shall have a statute.

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.”

Amendment IX

After Article 58, new Article 58a shall be added to read:

“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.”

Amendment X

Title: “2. Municipal Council” shall be amended to read:

“2. Municipal and City Councils”.

Amendment XI

Articles 59 to 66 shall be amended to read:

“Article 59

Each municipality shall have a municipal council.

Each city shall have a city council.

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.

Article 61

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

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

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.

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.

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) 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 Federation authorities;
- e) adoption of the Rules of Procedure in regard to its work; and
- f) 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.”

Amendment XII

Title: “3. Head of the Municipality” shall be amended to read:
“3. Head of the Municipality and City Mayor”.

Amendment XIII

Articles 67, 68, 69 and 70 shall be amended to read:

“Article 67

Each municipality shall have a head of the municipality.

Each city shall have a mayor.

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.

Term of office of the head of the municipality or of the mayor shall be two years.

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) consultation regarding the election of judges to the municipal court;
- h) preparation of proposals to be discussed by the municipal council; and
- i) 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.”

Amendment XIV

Article 84 shall be amended to read:

“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.”