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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT AMENDEMENTS
TO THE CONSTITUTION
OF THE FEDERATION
OF BOSNIA AND HERZEGOVINA**

AMENDMENT CIII

In Article III.1., after the text under “i”, added is a new text under “j” that reads:
“j) determining the principles of local self-governance.”

AMENDMENT CIV

In Article III.4, paragraph 1, the first sentence is changed to read:

“Cantons are, in particular, responsible for:”

At the end of this article, a new sentence is added to read:

“Cantons also have other responsibilities that have not been explicitly entrusted to the Federation Government, or have not been entrusted by this Constitution or a Federation law to municipal or city authorities.”

AMENDMENT CV

After the title of Chapter VI, the Municipal Authorities, a new article 1 is inserted to read:

Article 1

Within the framework of law, municipalities are responsible to regulate and perform the public affairs of interest for the local population. In particular, they are responsible for:

- 1. Spatial planning, organizing space and construction**
- 2. Managing and disposing of the local land**
- 3. Organizing utilities and other services**
- 4. Establishing and operating the institutions of pre-primary and primary education**
- 5. Managing public goods and goods in general use**
- 6. Managing the tourist resources**
- 7. Land survey and cadastre of real estates**
- 8. Ensuring conditions for meeting the needs of population in the field of culture, physical culture and sports**
- 9. Environment protection.**

The municipalities may transfer their responsibilities onto a city i.e. canton. The responsibilities vested upon the municipalities may not be denied nor restricted by the Federation or Cantonal authorities, except in the cases foreseen by law.

AMENDMENT CVI

The present Article 1 becomes Article 2, and is changed to read:

When performing their responsibilities, the municipalities:

- a) **Take necessary measures to ensure protection of human rights and fundamental freedoms;**
- b) **Have the right to join in with other local authorities to perform the jobs of common interest, as well as the right to join national and international associations of local authorities, and the right to cooperate with appropriate local authorities of other countries;**
- c) **Have the right to sources of financing that will be adequate to their responsibilities, providing that one part of those funds will come from the local taxes and fees the rates of which the Municipalities have the right to determine. In case that the higher levels of authorities decide to transfer some of their responsibilities to the municipalities, they also have to transfer the sources of financing needed for performing those jobs.**
- d) **Have the right to be consulted in the process of adopting regulations on the issues from the scope of responsibilities of the municipality or its financing, as well as the right to adjust the implementation of such regulations to the local conditions.**
- e) **The constituent peoples and members of the Others shall be proportionally represented in the bodies of municipal authorities. Such representation will reflect the 1991 census until the Annex 7 has been fully implemented, in accordance with Article IX. 12. of this Constitution.**

Articles 2, 3, 4, 5, 6, and 7 now become Articles 3, 4, 5, 6, 7 and 9.

AMENDMENT CVII

In Article VI.2, after the paragraph (1), added are the new paragraphs (2) and (3) that read:

“(2) Municipality is a unit of local self-administration and local self-governance.”

“(3) A Federation law on local self-governance will be adopted in accordance with the European Charter on Local Self-Governance.”

The old paragraph (2) is deleted.

AMENDMENT CVIII

Article VI.3 is changed to read:

- 1. Municipality has its municipal council and municipal mayor.**

2. Mandate of the municipal council members and of the Mayor of Municipality is four years.

3. Municipal counselors are elected, in a democratic manner, by the voters in direct and secret elections held on the whole territory of the municipality, in the way specified by law.

4. The Mayor of Municipality is elected, in a democratic manner, by voters from the whole territory of the municipality, in direct and secret elections, in the way specified by law.

5. Any voter may be elected municipal council or a mayor of municipality. In Article VI.4, the old point “b)” is deleted, while the old points “c)” and “d)” now become points “b)” and “c)”.