

LAW
ON PRINCIPLES OF LOCAL SELF-GOVERNMENT
IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

I. BASIC PROVISION

Article 1

This law defines the following: definition of local self-government; the sphere of self-government; bodies of local units of self-government; interrelations between the councils and heads of local units of self-government; self-government in local communities; funding and property; transparency of work; direct participation of citizens in decision-making process; administrative inspections; cooperation between local units of self-government and senior authorities; relations and cooperation between federal and cantonal authorities and local units of self-government; legal compliance supervision, and other issues.

II. DEFINITION OF LOCAL SELF-GOVERNMENT

Article 2

Local self-government stands for the right and capability of local units of self-government, within the legal boundaries, to regulate and manage certain public activities in accordance with their inherent responsibilities and in the interest of the local population.

Article 3

Local self-government shall be organized and achieved in municipalities and towns as local units of self-government (hereinafter: local units of self-government), and it shall be exercised by the bodies of local units of self-government and citizens in accordance with the Constitution and laws and the statute of that local unit of self-government.

Article 4

A municipality is a local unit of self-government established by the law on condition of meeting the prescribed criteria.

Article 5

A town is a local unit of self-government defined as an urban and infrastructure-based system of elements, which are interconnected by everyday needs of the population.

Besides the Constitution, towns shall also be established pursuant to federal laws on the basis of an agreement on association of two or more municipalities, or on the basis of a decision rendered by the municipal council of a municipality that meets the criteria from paragraph 1 of this Article, provided that the municipality has at least 30,000 residents, or at least 10,000 people living in its urban center as an integral urban area

In the primary sense of this law, the capital of a canton shall be a town even if it does not meet the criteria from paragraph 2 of this Article.

Notwithstanding the criteria from paragraphs 1 and 2 of this Article, a municipality of special historical and cultural importance may be declared a town.

Article 6

A local unit of self-government shall have the characteristics of a legal entity.

Article 7

A local unit of self-government shall have the right to manage its property freely and independently in accordance with the law.

A local unit of self-government shall independently manage its financial resources in accordance with the law.

III. SPHERE OF LOCAL SELF-GOVERNMENT

Article 8

A local unit of self-government shall have its own competences as established by the Constitution and law, and it shall have the right to deal with all matters of local import that are not exempted from its competences or added to the competences of another authority pursuant to the Constitution and law. It shall decide independently on issues from within its competences that may not be limited or denied by the federal or cantonal authorities, except in situations and within limits set forth by the Constitution and law.

The competences of a local unit of self-government shall include specifically:

- ensuring and protecting human rights and basic freedoms in accordance with the Constitution;
- adoption of the budget of the local unit of self-government;
- adoption of programs and plans for the development of the local unit of self-government and providing conditions for its economic growth and job creation;
- establishing and implementation of spatial planning and environmental protection policies;
- adoption of regional, urban and implementation plans, including zoning;
- establishing and implementation of a housing policy and adoption of programs for housing development and other types of property development;
- establishing a policy and setting the level of reimbursement for the use of public goods;
- establishing and implementation of a policy for control, management and use of construction land;
- establishing a policy for control and management of property of the local unit of self-government;
- establishing a policy for managing natural resources of the local unit of self-government and distribution of revenue collected as compensation for the use of those resources;
- management, financing and improvement of the operations and facilities of the local public infrastructure:
 - Water supply, wastewater disposal and treatment,
 - Solid waste collection and disposal
 - Public sanitation
 - City cemeteries

- Local roads and bridges
- Street lights
- Public car parks
- Parks;
- organization and improvement of local public transport;
- establishing a preschool education policy, improvement of the preschool institutional network, and management and funding of public institutions for preschool education;
- establishment, management, funding and improvement of institutions for primary education;
- establishment, management, funding and improvement of institutions and building facilities to satisfy the needs of citizens in the areas of culture and sport;
- assessing the work of institutions and quality of services in the areas of health care, social welfare, education, culture and sport, and ensuring funds required for the improvement of their work and quality of services in accordance with the needs of citizens and capabilities of the local unit of self-government;
- analyses of public order and peace and level of safety of people and property, and making recommendations to relevant authorities;
- organizing, implementation and responsibilities for measures of protection and rescue of people and material goods from elements and natural disasters;
- establishment and conduct of compliance inspections with regard to the regulations from within the competencies of the local unit of self-governance;
- rendering regulations on taxes, reimbursements, contributions and fees within the competencies of the local unit of self-governance;
- holding referendums in the territory of a local unit of self-governance;
- floatation of bonds and decisions on debt incurrence by local units of self-governance;
- Conduct of activities for ensuring proper sanitation and health conditions;
- ensuring proper work conditions for local radio and TV stations in accordance with the law;
- ensuring and maintaining records of personal status of citizens and electoral rolls;
- activities from the domain of land survey and land cadastre, and property records;
- organization of efficient local government in accordance with local needs;
- establishment of the organization of local self-government;
- animal protection.

Unless the law specifically treats a competency as a delegated competency, a competency set forth or envisaged by the law shall be considered an inherent competency of the local unit of self-governance.

Article 9

Local units of self-governance may conduct activities from within the framework of its inherent competencies, as well as delegated activities, through joint agencies, services, organizations and institutions with public authority, and through other forms of cooperation within a local unit of self-governance.

Article 10

Specific activities of the federal and cantonal authorities may be delegated to a local unit of self-governance in accordance with the law, following consultations with the organs of local authorities

that will be tasked with activities and taking into consideration the principle of subsidiarity and the capability of local authorities and their administration to efficiently carry out such activities.

Article 11

The transfer and delegation of activities to local units of self-governance shall be supported by funds required for their efficient completion.

IV. BODIES OF LOCAL UNITS OF SELF-GOVERNMENT

Article 12

Bodies of local units of self-government shall be the Council and the Head of the unit.

Article 13

The decision-making body of a local unit of self-government shall be the municipal council in a municipality or a town council in a town (hereinafter: the council).

Within its competencies, the council shall do the following:

- prepare and adopt with a two-third majority vote the statute of the local unit of self-government;
- adopt the budget and budget execution report for the local unit of self-government;
- adopt development, spatial and urban plans and programs, as well as implementation programs, including zoning;
- adopt regulations concerning taxes, fees, reimbursements and contributions in the local unit of self-government in accordance with the law;
- make decisions on the management and control of property of the local unit of self-government;
- make decisions on debt incurrence;
- adopt construction land regulation programs;
- adopt the plan of use of public land;
- make decisions concerning the organization of local self-government and names of streets, squares and parts of settlements;
- make decisions on the association of local units of self-government in unions and other organizational forms;
- make decisions on the official day of the local unit of self-government to be observed;
- make decisions on awards and commendations in the local unit of self-government;
- select and remove the chairman and deputy chairman of the council;
- make decisions on organization of referendums;
- consider annual reports on policy implementation in the local unit of self-government and the work of the head of unit;
- establish companies and institutions to conduct activities of interest for the local unit of self-government;
- adopt the Terms of Reference for its work;
- conduct other activities as envisaged by the law and the statute.

Members of the council shall be responsible for the constitutional and legal compliance of documents adopted by the council within its competencies.

Article 14

The executive authority of a local unit of self-government is the Head of Municipality in a municipality or the Mayor in a town (hereinafter: the head of unit).

Article 15

Within its competencies, the head of unit will do the following:

- represent and act on behalf of the local unit of self-government;
- issue documents within his/her competencies;
- produce drafts and submit the following to the Council for adoption: draft budget and budget proposal, economic plans, development plans, investment plans, spatial and urban plans and other plans and regulatory documents concerning the use and management of land, including zoning and use of public land;
- recommend decisions and other general bills to the council;
- implement the policy of the local unit of self-government pursuant to the decisions of the council, implements the budget of the local unit of self-government, and ensures the implementation of decisions and other bills rendered by the council;
- implements legislation and other regulations the implementation of which has been delegated to the local unit of self-government;
- sets the structure of administrative services and other services of the local unit of self-government;
- renders the book of rules on the internal structure of the services of the local unit of self-government;
- cooperates on behalf of the local unit of self-government with other municipalities, towns, international organizations and other organizations in accordance with decisions and conclusions of the council and its bodies;
- reports to the council on the implementation of policy of the local unit of self-government and his/her activities.

The head of unit shall be responsible for the constitutional and legal compliance of documents he/she renders or submits to the council.

V. INTERRELATIONS BETWEEN COUNCIL AND HEAD OF UNIT

Article 16

Interrelations between the council and the head of unit shall be based on the principle of mutual respect and cooperation, and characterized by individual responsibility for the execution of individual duties and joint responsibility for the functioning of the local unit of self-government.

Article 17

The head of unit shall submit the budget proposal to the council within the time period stipulated in the budgeting schedule.

Article 18

By a majority of the total number of councilors, the council shall adopt the budget within the time period stipulated in the budgeting schedule.

Until the new budget is adopted, no later than 90 days after the start of the budget year, the financing of the local unit of self-government must not exceed the amount of budget funds implemented during the same period last year minus capital investments, except for the capital investments that continue in the current year.

If the council fails to adopt the budget within 90 days from the start of the budget year, the head of unit shall enact the budget.

The budget shall enter into force after its publishing in the official gazette of the local unit of self-government.

Article 19

If the head of unit, the council or one third of the council believe that the adopted budget may, under certain circumstances, jeopardize the functioning of the local unit of self-government, they may seek arbitration within seven days.

The arbitration shall be conducted within one month by a body established by the Federal Ministry of Finance, and the conclusion of that body shall be binding.

The body of arbitration shall comprise representatives of the Federal Ministry of Finance, Cantonal Ministry of Finance, municipal council and the head of municipality, an independent finance expert and a representative of the Association of Municipalities and Towns of the Federation of Bosnia and Herzegovina. The budget shall be implemented until the arbitration results in a decision.

Article 20

The council or the head of unit may, within three days after the decision, request that the council or the head of unit reconsider a decision or bill that is considered to be in contravention of the constitution or laws.

In the event described above, the authority in question shall have the obligation to reconsider its decision or bill within 30 days and inform the council, or the head of unit, about its decision, until which time the bill shall not be implemented.

Once the council or the head of unit confirm their decision or bill, the council or the head of unit may, within 15 days, initiate a review procedure for the decision or bill in question before a competent body in accordance with the Constitution and laws.

Article 21

The council or the head of unit may, within three days after the decision, request that the council or the head of unit reconsider their decision or bill that is deemed detrimental to the local unit of self-government and which, if implemented, may cause irredeemable damage to the interests or property of the local unit of self-government.

The decision-making authority shall reconsider the decision after 15 days, until which time the implementation of the decision shall be suspended.

Article 22

The head of unit shall report regularly to the council regarding the policy implementation in the local unit of self-government and answer questions and initiatives of the deputies in a manner and within timelines set forth in the statute.

Article 23

The council shall have an obligation to study the decision proposal or information submitted by the head of unit and it shall state its position with respect to it within the timelines set forth in the statute.

VI. SELF-GOVERNMENT IN LOCAL COMMUNITIES

Article 24

Local self-government in local units of self-government is achieved in local communities as the mandatory form of local self-government established by the council, as well as in urban communities and other forms of local self-government in accordance with the statute of a local unit of self-government. The decision on the establishment of a local community defines the following: the name, headquarters and area of the local community; local areas or other parts of the local community, and other issues concerning local self-government.

Article 25

Through the bodies of the local community, citizens in a local community decide on issues of importance for their life and work in the area of the local community; they notably:

- initiate and participate in public debates in the process of preparation and adoption of urban spatial plans to be implemented in the local community; initiate, provide opinions and participate in the construction of utilities and facilities for public use;
- initiate and participate in discussion of initiatives and activities for the growth of commerce and social projects;
- look after persons who are in need of help and initiate cooperation with relevant authorities in the domain of social welfare;
- work to ensure development of culture and sport and to create conditions to make cultural and sport institutions and facilities available to all citizens, especially young population;
- create conditions and take steps to preserve and protect natural and manmade treasures in the environment;
- engage in other activities as stipulated in the statute and rules of local communities, taking into consideration the type and scope of needs, available resources and interests of all citizens.

Article 26

A local community may be organized as to cover one inhabited area, several mutually connected smaller inhabited areas, or a larger part of a settlement that stands out as a single area with regard to other parts.

A local community may be established at the initiative of citizens, an organization of citizens from the inhabited area which is nominated for the status of new local community, the council or the head of the local unit of self-government.

A local community is established in the manner and by the procedure stipulated in the statute of the local unit of self-government in which the new local community is located.

Article 27

A local community shall have the status of a legal entity within the rights and obligations set forth in the statute and the founding decision.

Article 28

The statute of a local community, in line with the statute of the local unit of self-government and the founding document, shall define the affairs handled by the local community, its bodies and the election procedure, the structure and functioning of its bodies, decision-making process and other issues of importance for the work of a local community.

Article 29

Local community bodies shall always be consulted on issues on which the council of the local unit of self-government has to decide by a two-third majority and in the process of adopting plans for the local unit of self-government, as well as on other issues when such consultations are requested by the council or the head of the local unit of self-government.

Local community bodies may start initiatives with regard to issues from within the competencies of the local community, the local unit of self-government and institutions with public authority.

Article 30

By decision of the council of a local unit of self-government, all or individual local communities may be delegated certain responsibilities from the original sphere of local self-government, provided that required funds are ensured for that purpose.

Article 31

The funds required for the work of a local community or another type of local self-government shall be provided as follows:

- 1) Local communities shall have access to revenues in proportion with their competencies as provided by the law and statute;
- 2) The financing system of local communities must be sufficiently versatile and flexible to keep up, as much as possible, with changes in the actual cost of activities that fall within the competencies of a local community;
- 3) Funds ensured through voluntary local taxation;
- 4) Reimbursement for the services provided by the local community through its activities;
- 5) Donations and other sources.

Local communities shall use available funds in accordance with their programs and plans.

Article 32

The supervision of the work of local community bodies shall be provided by the council of the local unit of self-government in the manner stipulated in the statute.

VII. FUNDING AND PROPERTY OF LOCAL UNITS OF SELF-GOVERNMENT

Article 33

Local units of self-government are entitled to movable and immovable property and appropriate sources of funding, which they can manage freely within their competencies, as well as funds required for conducting delegated or transferred activities that normally fall within the rights and obligations of senior authorities.

Article 34

Local units of self-government are entitled to appropriate inherent sources of funding, which can be managed freely by local bodies within their competencies and in accordance with the law.

Some funding for local units of self-government shall come from local taxes and reimbursements at a rate determined by the local unit of self-government itself in keeping with the law.

Funds available to a local unit of self-government shall be proportional to the competencies assigned to it by the law. Each transfer of functions shall be accompanied by financial assets required for their effective execution.

The legislator shall be obliged to obtain the opinion of the Association of Municipalities and Towns on all issues that concern allocation of funds, as well as on all changes to laws that may affect financial obligations of local units of self-government.

In keeping with the valid fiscal policy, the law shall stipulate the types of taxes, reimbursements, contributions and fees which, wholly or partially, belong to local units of self-government as the original revenue.

Article 35

Municipal property must be managed in accordance with the law and other regulations, and in the interest of local citizens and in the spirit of good governance.

The procedure for establishing and transferring property and settlement of mutual claims with regard to transfer of property, as well as other property claims, shall be regulated in accordance with the law.

The council shall decide on the procurement, use, management and control of property of a local unit of self-government.

Article 36

Within legal limitations, local units of self-government shall adopt regulations on reimbursements and fees, as well as executive rules on taxation.

Article 37

Local units of self-government shall be entitled to the following types of income:

a) Inherent income:

- taxes for which local units of self-government set the rate independently in accordance with the law;
- local fees and reimbursements in the amount which shall be set by the council in accordance with the law;
- fines and interest rates in accordance with the law;
- revenue from property use and sale;
- revenue from companies and other legal entities owned by the local unit of self-government, as well as from concessions in accordance with legal regulations;
- gifts, inheritance, aid and donations;
- local voluntary taxes;
- revenues from budget beneficiaries;
- other proceeds stipulated by the law or a decision of the council;

b) Other types of income:

- tax revenue distribution as defined by the law;
- transfers and grants from senior levels of authority;
- debts claimable in accordance with the law.

Article 38

The allocation of funds to local units of self-government shall be done on the basis of allocation criteria and formula, which will be regulated by a separate law, with full regard for the principles of solidarity and fiscal balance.

VIII. TRANSPARENCY OF WORK OF LOCAL SELF-GOVERNMENT BODIES

Article 39

A local unit of self-government shall have an obligation, in a manner set forth in this Law and by undertaking other steps and activities, to ensure, develop and enhance the transparency of its work as a precondition for effective political supervision and a guarantee that bodies of local self-government shall discharge their duties in the interest of the local community.

Article 40

Sessions of the council can be attended by citizens in a manner and under conditions prescribed in the Terms of Reference in accordance with law.

Notifications and information on the work of bodies of a local unit of self-government can be issued by representatives of the head of unit and representatives of the council.

In order to keep the public informed, bodies of a local unit of self-government shall submit annual public reports in which the results will be compared with the intended program objectives.

The council shall regulate the transparency of work in the statute by setting forth the requirement for timely, accurate, complete and objective public information regarding its work.

Article 41

Officials of local self-government who are authorized to provide appropriate information shall be personally responsible for its accuracy and promptness. Unauthorized release of information or release of inaccurate information shall constitute a grave violation of official duty.

Article 42

Representatives of the head of unit and council may decide in the process of preparation and adoption of a general document to publish its text in the media in all phases of its adoption, and to set a deadline by which objections to the text of the original document can be provided in writing.

IX. DIRECT PARTICIPATION OF CITIZENS IN DECISION-MAKING PROCESS IN LOCAL UNITS OF SELF-GOVERNMENT

Article 43

Citizens shall directly decide on issues from within the competencies of bodies of local units of self-government by means of referendum, local assembly of citizens and other forms of direct declaration of will.

The process and procedures for direct decision-making by citizens from the self-governing sphere of local units of self-government shall be regulated by the law and statute.

Citizens shall submit their proposals through civic initiatives, associations of citizens, nongovernmental organizations, or in any other way as may be provided by the statute.

Local units of self-government may introduce any other mechanisms of participatory democracy, as long as they are not prohibited by the law.

Article 44

A referendum may be held for the purpose of deciding on a change to the statute, a general document proposal or other issues related to bodies of local units of self-government, as well as on other issues regulated by the law and statute. A decision rendered by means of referendum shall be binding for the council of a local unit of self-government.

Article 45

Citizens shall be entitled to submit to bodies of a local unit of self-government initiatives for adoption of a bill or solution to a problem within their sphere of activity.

The council must discuss initiatives defined in paragraph 1 of this Article if certain number of citizens from the electoral roll of the local unit of self-government support it with their signatures, which shall be regulated by the statute.

This number shall not exceed 5% of the total number of people entered in the electoral roll.

Article 46

Bodies of local units of self-government shall have the duty to enable citizens and legal entities to submit letters and objections to their work, the work of their institutions and agencies, and

improper conduct of employees in those agencies in communication with citizens who seek to achieve their rights and interests or fulfill their civic duty.

Bodies of local units of self-government shall provide citizens and legal entities with a reply to their letters and objections within 30 days from the date of letter or objection.

X. ADMINISTRATIVE INSPECTION OF LOCAL UNITS OF SELF-GOVERNMENT

Article 47

Administrative inspection of the work of local units of self-government shall be conducted by the relevant federal and cantonal authorities within their respective domains.

Administrative inspection of the work of local units of self-government shall only be conducted in situations defined by the law.

Administrative inspection of the work of local units of self-government shall not limit the right of local authorities to manage public affairs independently and in accordance with the law, as long as they fall within their inherent competencies.

Inspection of discharge of inherent competencies of local units of self-government shall be limited to supervision of legal compliance of conducted activities.

Inspection of legal compliance and promptness of decisions made may be conducted with regard to activities delegated to local units of self-government. Federal and cantonal agencies may conduct joint inspections of promptness in decision-making process.

The intervention of inspection agencies shall be in proportion with the importance of the interests protected. All final decisions with regard to the cancellation or amendment of documents issued by local units of self-government and adopted on the basis of their inherent competencies shall be rendered by a relevant court of jurisdiction.

The procedure for the conduct of administrative inspection of the work of local units of self-government shall be regulated by the law.

Article 48

Administrative inspection of the work of bodies of a local unit of self-government in the discharge of the inherent competencies of a local unit of self-government shall be regulated by the local unit of self-government itself in the statute in a way that will strengthen the role of independent bodies and internal inspection mechanisms, especially in the areas of finance and management.

Article 49

Bodies of a local unit of self-government shall be responsible for immediate and full implementation of a temporary measure or decision rendered by a competent court with regard to inspection of the work of bodies of a local unit of self-government.

XI. COOPERATION BETWEEN UNITS OF LOCAL SELF-GOVERNMENT

Article 50

In the discharge of their duties, local units of self-government shall have the right to establish mutual cooperation for the purpose of conducting activities of common interest.

Local units of self-government shall sign an agreement with regard to the forms and models of cooperation from the previous paragraph.

Article 51

With the aim of protecting their common interests and promoting and advancing local self-government, towns and municipalities may enter unions at the level of Bosnia and Herzegovina and BiH Federation.

A union at the level of the Federation shall have the right to do the following:

1. Act as a legal representative for its members before the authorities of the BiH Federation;
2. Prepare law proposals and amendments to proposed laws with the aim of improving laws and regulations which define the work of local units of self-government;
3. Provide opinions and recommendations with regard to the allocation of public revenue in the part thereof that concerns the funding of local units of self-government;
4. Establish contacts and cooperation with similar organizations in the country and abroad, and join international associations;
5. Perform other functions in accordance with the statute of the Union.

The rights listed in this Article may be utilized if the Union at the level of the BiH Federation gathers more than two thirds of towns and municipalities in BiH Federation.

XII. RELATIONS AND COOPERATION BETWEEN FEDERAL AND CANTONAL AUTHORITIES AND LOCAL UNITS OF SELF-GOVERNMENT

Article 52

In the performance of their functions and enabling citizens to exercise their rights and duties, cantonal authorities and local units of self-government shall act jointly on the principles of partnership, except in the area of administrative inspection, which ties together federal and cantonal authorities with regard to the work of authorities in local units of self-government.

Article 53

Federal, that is to say, cantonal authorities shall have the obligation to consider initiatives, proposals and suggestions of local units of self-government and inform local units of self-government on their position and related activities within 30 days from the date of receipt of an initiative, proposal or suggestion.

Article 54

In the discharge of delegated competencies, local units of self-government shall apply all instructions and guidelines provided to them by federal and cantonal authorities.

Article 55

A local unit of self-government shall have the right to adjust the performance of delegated functions to local conditions in situations when the law provides for that or when properly authorized by relevant federal or cantonal authorities.

Article 56

Federal, that is to say, cantonal authorities shall have an obligation to consult local units of self-government to the largest degree possible in the process of adopting regulations that directly affect them.

Consultations as envisaged by the previous paragraph shall be conducted by federal or cantonal authorities through the union of municipalities and towns.

XIII. LEGAL COMPLIANCE SUPERVISION

Article 57

Supervision of the implementation of this law shall be provided by the Federal Ministry of Justice and Federal Ministry of Finance, each within its respective competencies.

XIV. FINAL AND TRANSITIONAL PROVISIONS

Article 58

On the day of this Law's entry into force, the Law on Basis for Local Self-Governance (BiH Federation Official Gazette 6/95) shall cease to apply.

BiH Federation and the cantons shall have an obligation to harmonize their laws with this Law and transfer functions, competencies and responsibilities assigned to local units of self-government by this law within six months from the date of its entry into force.

Local units of self-government shall have an obligation to harmonize their statutes with this Law within 12 months from the date of its entry into force.

On the date of this Law's entry into force, all provisions of cantonal legislation concerning local self-government and provisions of statutes of local units of self-government that are contrary to provisions of this Law shall cease to apply.

Article 59

Transfer of functions and competencies assigned by this Law, as well as the responsibility of local units of self-government for their discharge, shall start at the same time as the transfer of funds required for their discharge.

Article 60

Provisions of this Law shall apply to both the Town of Sarajevo and the Town of Mostar, except those provisions that are contrary to provisions of the Constitution of BiH Federation that regulate the statuses of the Town of Sarajevo and Town of Mostar.

In Sarajevo Canton, the issues of competencies and territorial organization of the Town of Sarajevo, municipalities of the Town of Sarajevo, municipalities that are not included in the Town of Sarajevo, their mutual relations and models of financing, with regard to the specifics of the organization of Sarajevo, shall be regulated by the constitution, law and statute within 12 months from the date of this Law's entry into force.

Article 61

This Law shall enter into force on the eighth of its publishing in the Official Gazette of BiH Federation.

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