

Arbitration Award on the Implementation of the Municipal Election Results in Drvar - Sarajevo, 14 September 1999

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Having noted that by letter dated 02 August 1999, the OSCE Head of Mission withdrew Final Certification of Drvar Municipality, and in accordance with Article 15.30 (formerly Article 235.5) (d) of the Rules and Regulations of the Provisional Election Commission and Chapter VI (1) of the Conclusions of the Bonn Peace Implementation Conference of 10 December 1997, the OSCE Head of Mission and the High Representative hereby issue the following Award:

Although more than a year has passed since Drvar was granted Final Certification in March 1998, a fully functioning municipal executive body has yet to become a reality. Since April 1998, due to his courageous efforts to ensure the return of refugees and displaced persons to Drvar, the Mayor has faced legitimate security concerns that have prevented him from taking on the responsibilities of the position he was elected to. This has seriously hampered the establishment of a functioning municipal government. To date the Municipal Council has convened only once. The absence of Municipal Council sessions has impeded the passing and adoption of decisions that are vital to the day to day functioning of the municipality. The refusal by Mr. Borivoj Malbasic, President of the Municipal Council, to convene regular Municipal Council sessions has blocked the work of the municipal legislative.

The absence of a fully functioning executive body, the lack of regular Municipal Council sessions and the fact that the two highest municipal authorities have not been able or willing to fulfill their responsibilities has created a void of municipal authorities.

Therefore, by this Arbitration Award, we regretfully replace Mr. Mile Marceta as Municipal Mayor and appoint Mr. Momcilo Bajic from the Coalition for Drvar as Municipal Mayor. Considering that Mr. Mile Marceta has faced a number of difficulties during his mayoralty, his removal from the position of municipal Mayor does not bar him from holding other public functions in the future. We further support Mr. Mile Marceta's continued involvement in the return of Serb refugees and displaced persons to Drvar. In addition, we remove Mr. Borivoj Malbasic from the position of President of the Municipal Council. A new President of Municipal Council will be appointed from among candidates proposed by the HDZ at the next municipal Council session, to be convened by the deputy President of the Municipal Council. This decision shall enter into force as of the date of this Arbitration Award and does not require further ratification by the Municipal Assembly or any other municipal organ. These provisions are final and binding. The OSCE Head of Mission and the High Representative expect immediate implementation of this Award. They will closely monitor its implementation and the future functioning of the municipal organs in Drvar, as well as the relationship between cantonal and municipal authorities. They reserve the authority to reconsider, interpret or, if required, expand the provisions of the Award.

Following the implementation of the Award, Drvar will again be considered for Final Certification. In the case of non-compliance, measures will be taken in accordance with Article 15.40 of the Rules and Regulations of the Provisional Election Commission for the 1998 General Elections.

Wolfgang Petritsch
High Representative

Robert L. Barry
OSCE Head of Mission
Chairman of the PEC

Office of the High Representative