

Mostar Decisions

In accordance with the authority under Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, and Article XI of the Conclusions of the Implementation Conference held in Bonn on 10 December 1997, the High Representative, Carlos Westendorp, has issued four decisions regarding the Judicial System in the Herzegovina-Neretva Canton, the implementation of the Law on Seal in the Herzegovina-Neretva Canton and on the statutes of the Mostar City municipalities. The decisions have been delivered to the relevant authorities on 8 July 1999. The decisions stipulate:

1. The Cantonal Court of the H-N Canton shall be established no later than 1 Sept 1999 and the Municipal Courts of Konjic, Jablanica, Prozor-Rama, Citluk, Capljina, Stolac and Neum, and the Central Zone Court of the City of Mostar shall be established no later than 1 Nov 99. In an Interim Period, the two current existing courts of Mostar will be considered as Municipal courts for the purpose of the Law on Courts and of the Law on Prosecution of the H-N Canton. The national structure of judges of each Basis Court must reflect the national structure of the population of the municipalities for which the Basic Court has jurisdiction, based on the results of the 1991 census. This decision was necessary in view of the failure of the competent authorities to implement relevant laws and with the intention to enable the proper functioning of the judicial system within the Canton.

2. A Prosecutor's Office for the territory of the Central Zone of the City of Mostar shall be established by 1 November 1999. The office will be seated in the Central Zone and the national composition of the office will reflect the overall national composition of the population of the entire City of Mostar based on the 1991 census. This decision was necessary in view of the failure of the competent authorities to implement the legislation necessary for the establishment of a Prosecutor's

Office in the Central Zone of Mostar.

3. All organs of the Herzegovina-Neretva Canton, which are entitled by the Law on Seal to use a seal shall have a single official seal with the inscription in both the Bosniac and Croat language. All documents not stamped with this single official seal will be considered null and void. This decision was necessary in view of the failure of the competent authorities to implement the Law on Seal of the Canton which was adopted by the Cantonal Assembly on 23 December 1996.

4. The Statutes of the all Mostar City Municipalities shall contain the fundamental interest clause and a position of a Deputy Head of City Municipality.

The decision stipulates that on defined issues of vital national interest, the majority of votes of each people is needed apart from the majority of all votes. The defined issues are: culture, education, religion, national monuments and housing. Issues that cannot be resolved due to the national interest clause will be settled by a commission formed by one representative of each people. Should they fail to agree within 72hrs the matter shall be referred to the HR who will make a binding decision within three working days. All the City Municipalities shall adopt this decision within their Municipal Statute and Rules of Procedure by 1 Aug 99. This decision was necessary in view of the failure of the competent authorities to adopt statutes as stipulated in the Interim Statute of the City of Mostar. The fundamental interest clause is necessary to protect the rights of both Bosniacs and Croats within the City of Mostar and to provide them with the Municipal Governance they deserve. The fundamental interest clause has been successfully implemented in other cities such as Travnik, Zepce and Brcko.