

Decision Enacting the Decision on Establishment of the Spatial Development Institute

Press release related to this decision

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering, in particular, Article II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “[f]acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities which “may include actions against persons holding public office or officials...who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation”;

Bearing in mind that disputes within the City Council and/or Mayor of the City on a number of politically sensitive issues hampered efforts in process of unification of the City of Mostar and directly affected the ability of the City Council to adopt crucial decisions like the budget and/or conduct its regular work and manage public affairs in the interest of the citizens of the City of Mostar;

Recalling that on 16 September 2006, Mr. Norbert Winterstein was appointed by the High Representative as a Special Envoy for the City of Mostar under Article 4 of the High Representative’s Decision on the Implementation of the Reorganization of the City of Mostar of 28 January 2004;

Noting that the Steering Board of the Peace Implementation Council, at its meeting held in Sarajevo on 20 October 2006, “noted that no tangible progress has been achieved in completing the unification of the Mostar city administration as required by the Statute as a result of political intransigence, that the successful unification of Mostar is of crucial importance for the political stability of the Federation and of Bosnia and Herzegovina as a whole, which wants to move further ahead on the road towards Europe and offered its full support to Special Envoy to Mostar, in his efforts to mediate or, if requested by the stakeholders, to arbitrate solutions to the outstanding issues”;

Noting further that the Steering Board of the Peace Implementation Council, at its meeting held in Brussels on 07 December 2006, “expressed its satisfaction with the arbitration award passed by the Special Envoy Norbert Winterstein aiming at resolving the long-lasting dispute over the Hercegovacka Radio-Televizija (HRT) and

looking forward to Mr. Winterstein’s proposals on further completing Mostar City administration and unifying the city’s public utilities companies, which will be submitted shortly, called upon Mostar authorities and political leaders to accept and carry out these decisions in order to complete the implementation of the Mostar City Statute”;

Noting that, in an attempt to achieve a solution with respect to the establishment of a single Spatial Development Institute which is acceptable to both the executive and the legislative authorities in the City, the Special Envoy held a number of meetings with the Mayor of the City, President of the City Council, representatives of the political parties that participate in the City Council, officers from the City Administration and experts in urban development 2006;

Deploing that no agreement was reached on this problem which led the Special Envoy to sent, on 14 December

2006, a letter to the Mayor of the City and the President of the City Council proposing that the City Council, upon Mayor's proposal, adopt the certain changes and amendments to the Decision on Establishment of the Spatial Development Institute, adopted by the City Council on 29 May 2006;

Regretting also that the City Council, at its Session held on 20 December 2006, failed to adopt the amendments to said Decision;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following

DECISION

Enacting the Decision on Establishment of the Spatial Development Institute

The Decision on Establishment of the Spatial Development Institute set out hereunder forms an integral part of this Decision.

The Decision on Establishment of the Spatial Development Institute shall be in force on an interim basis, until such time as the City Council of the City of Mostar adopts this Decision in due form, without amendments and with no conditions attached.

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of the City of Mostar and the Herzegovina-Neretva Canton.

Sarajevo, 22 December 2006

Dr. Christian Schwarz-Schilling
High Representative

DECISION

on Establishment of the Spatial Development Institute

I. BASIC PROVISIONS

Article 1.

The independent administrative organisation The Spatial Development Institute is hereby founded for performing professional and other activities in the area of spatial development (hereinafter: the Institute).

Its abbreviated name is the The Spatial Development Institute

The Institute is a legal entity and enjoys the status of a city independent administrative organisation.

The seat of the Institute is in Mostar.

Article 2.

The Institute has its transfer account.

The Institute has its stamp, in accordance with the law and the Decision on the Stamp of the City of Mostar.

Article 3.

The Institute shall perform professional and other activities in the area of spatial development (74.200 – *Architectural and engineering activities and technical advising*; 72300 – *Data processing and 72.400 – Database development and management*), and in particular:

- (1) Producing and implementing the City development strategy and development programmes,
- (2) Producing spatial development documents: Spatial plan and Urban development plan of the City of Mostar . Drafting detailed spatial planning documents (regulatory plans and urban development projects) when the City Council designates the Institute as an agent in charge of drafting those documents,
- (3) Producing the programmes for the development of the city construction land,
- (4) Producing development programmes (economic, urban and social, etc.),
- (5) Preparing and making regulations, standards and implementation measures for operating GIS and other electronic records of spatial information – setting up and management of a single spatial information system,
- (6) Providing information to potential investors about the possibilities and requirements for construction,
- (7) Preparing and producing the basis for the development of the spatial development document (survey and assessment of the current situation in the space and general and special goals of the planned spatial development – the concept of development, i.e. spatial development),
- (8) Keeping records of monitoring the situation in the space, and producing reports on the situation in the space and programmes of measures to improve it,
- (9) Taking part in producing the decision to produce or amend the spatial development document,
- (10) Taking part in getting the public involved in the process of preparing and producing the spatial development document,
- (11) Taking part in producing the decision on the implementation of the spatial development document and the programme of measures and activities for its implementation,
- (12) Coordinating with domestic and foreign institutions and experts and taking part in producing scientific projects and studies aimed at City development,
- (13) Making professional assessments unless otherwise determined by the Law and/or decisions of the City Council, and performing other professional activities within the area of spatial development

II. INTERNAL ORGANISATION

Article 4.

A Rule Book on Internal Organisation shall define the internal organisation of the Institute.

The Rule Book on Internal Organisation shall define in particular:

- 1) Organisational units and their competencies,

- 2) Systematisation of positions, to include the following: position titles, description of activities, requirements for performing those activities, type of activities, name of the group under which the activities are classified, complexity of activities and other elements,
- 3) Management method,
- 4) Programming and planning of activities,
- 5) Competencies and responsibilities of the leading civil servants in the course of performing activities,
- 6) Number of interns to be employed and requirements for their employment,
- 7) Other issues provided for in a special regulation.

Article 5.

The Rule Book on Internal Organisation from Article 4. of this decision shall be adopted by the Mayor, at the proposal of the Institute Director and with the consent of the City Council within 30 days from the day this decision enters into force.

The Director of the Institute shall issue individual internal acts regulating the rights, duties and responsibilities of the civil servants and employees as well as other individual relations.

III. MANAGEMENT OF THE INSTITUTE

Article 6.

The Director shall manage the work of the Institute in accordance with the Rule Book on Internal Organisation and this decision.

A person who can be appointed as the Director must hold university qualifications, have not less than seven years of service in the profession, must have the professional exam passed and meet other requirements defined by law.

Article 7.

The Director of the Institute shall hold the position of a senior civil servant.

The Mayor shall appoint the Director of the Institute in accordance with the Law on Civil Service.

For his/her work and the work of the Institute the Director shall be responsible to the Mayor.

IV. PERFORMING OF ACTIVITIES AND LABOUR RELATIONS

Article 8.

Civil servants holding university qualifications shall perform the main activities in the Institute, while the employees with secondary school and lower educational background shall perform supplementary tasks within the main activities and those within the auxiliary activities.

The type, complexity and contents of the activities and requirements for their performance shall be defined by a special regulation, in accordance with the Federation law defining the employment status of civil servants and employees.

Article 9.

The status, rights, duties and responsibilities, as well as salaries and other material rights arising from and relating to the employment status of civil servants and employees of the Institute, shall be defined in accordance with special Federation laws governing the employment status of civil servants and employees respectively.

V. RELATION OF THE INSTITUTE TO THE CITY COUNCIL AND MAYOR

Article 10.

The relationship between the Institute and the Mayor, as a body of executive authority, shall be based upon the Law.

The Institute shall be accountable to the Mayor for its work and the situation in the field for which it has been founded.

The Mayor shall be entitled to review the work of the Institute, analyze the situation in the field from within its competence and initiate procedure for the removal of Director of the Institute if it assesses that the Institute does not perform correctly and in the manner foreseen by the law the activities from within its competence, which led or may lead to harmful consequences for the rights and duties of citizens, legal entities and other entities or consequences for public interests.

With the aim of implementing the laws or other regulations, the Mayor may assign the following tasks to the Institute, which it shall be obliged to perform: provide instructions and guidelines for the work in terms of the application of laws and other regulations, order that a certain regulation from its sphere of work and from within its competence be prepared within a given deadline, determine certain tasks to be carried out and establish deadlines for their completion, determine that the situation pertaining to some issues from within the Institute's competence be examined and reports with relevant proposals be submitted, and determine that other tasks from within the Institute's competence be carried out.

Article 11.

The relation of the Institute to the City Council shall be based upon the Law.

The Institute has the authorities and obligations to submit to the City Council for consideration some issues from within its competence and give recommendations in regard to the application of laws and other regulations. The Institute shall be obliged, upon request of the City Council, to submit reports on its activities, on the situation in the field, implementation of the laws and other regulations, provide answers to the questions of the City Council and, in accordance with the work programme of the City Council, that is upon its request, prepare certain decisions and other regulations, as well as analytical, information and other materials.

VI. RELATION OF THE INSTITUTE TO OTHER ADMINISTRATIVE AUTHORITIES AND LEGAL ENTITIES

Article 12.

The Institute shall cooperate with the administrative authorities of the City of Mostar and legal entities concerning the issues falling within its competency, which are either important for the work of the Institute or of interest to the work of the administrative authorities or the legal entity concerned.

The administrative authorities and legal entities shall, in accordance with law, have the obligation to submit data, information and other documents falling within their scope of activities, upon request of the Institute, if such data, information and documents are important for performing the activities from within the competency of the Institute.

VII. FUNDS FOR THE WORK OF THE INSTITUTE

Article 13.

The funds for the work of the Institute shall be defined in the City Budget, in the amount that ensures performing of activities within the competency of the Institute, taking into account the nature and scope of activities, number of employees and other requirements necessary for a successful performance of activities within its competency.

Revenues generated through the activities of the Institute shall constitute the funds of the budget of the City and shall be used for purposes defined by law.

Article 14.

The funds for the work of the Institute are:

- 1) Funds for salaries;
- 2) Funds for material expenditures;
- 3) Special purpose funds;
- 4) Funds for equipment.

In accordance with the law and other provisions, the authority in charge of directing the usage of the funds from this Article shall be the Director of the Institute.

VIII. OFFICE AND ARCHIVAL OPERATIONS

Article 15.

It is the duty of the Institute to run the office and archival operations falling within its competency. The office and archival operations shall be run in such a manner that is defined by special Federation regulations relating to archival and office operations in the administrative authorities, administrative organisations and other legal entities.

IX. INTERIM AND FINAL PROVISIONS

Article 16.

All authorisations granted by the founder to companies *Urbing d.d. Mostar* and *JP Zavod za urbanizam Grada Mostara Mostar* (the latter: Public Company the Institute for Urban Planning of the City of Mostar) shall cease to exist on the date of the registration of the Institute at Court.

It is the duty of the companies *Urbing d.d. Mostar* and *JP Zavod za urbanizam Grada Mostara Mostar* to submit to the Institute, through official records, all official documents, files, spatial development documents and any other professional and official documentation within the founder's domain of authority.

Provisions referred to in Paragraphs 1 and 2 of this Article shall not apply to the activities and tasks falling within the competency of the company *Urbing* of relevance for the management and maintenance of the housing fund.

Article 17.

Employment law status of the former employees of the companies *Urbing d.d. Mostar* and *JP Zavod za urbanizam Grada Mostara Mostar* shall be regulated under the Rule Book on Internal Organisation and Systematisation of the Institute work positions and on the basis of an internal competition.

Article 18.

On the day this Decision enters into force the Decision on Establishment of the Spatial Development Institute of the City of Mostar ("Official Gazette of the City of Mostar " No. 2/02) shall cease to be valid.

This Decision shall supercede the Decision on the Establishment of the Spatial Planning Institute adopted by the City Council on 29 May 2006. (No. of decision : 01-02-402/06). The latter Decision shall not be published.

Article 19.

This Decision enters into force on the next day after its publication in the Official Gazette of the City of Mostar .