

Decision on Amendments to the Statutes of the Municipality of Stolac

In the exercise of the powers vested in me 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 “Facilitate, 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;

Bearing in mind that the Arbitration Award on the Implementation of the Municipal Election Results in Stolac dated 18 March 1998 has confirmed the establishment of a two-thirds quorum of all elected councilors as originally stipulated in the OSCE proposed inter-party agreement of 16

December 1997

Noting Article 23 of the Statutes of the Municipality of Stolac which reads that "The quorum for the Municipal Council session is 2/3 of all elected councilors. The quorum will be necessary for making the decisions. All the decisions are made by 50% plus 1 majority of the councilors present at the council session"

Encouraged by the recent progress in the reconciliation process in the Municipality, the functioning of the municipal administration as well as by the improvement in the work of the Municipal Assembly;

Considering that after the April 2000 municipal elections, the present circumstances no longer require the two-thirds quorum to ensure the efficient functioning of the Municipal Council;

Recalling in this context, among others, Article VI.1 of the Constitution of the Federation of Bosnia and Herzegovina and the need to further ensure an effective representation of the whole population of the Municipality of Stolac in its public administration;

Further considering that the Law on Local Self-Government of the Hercegovina-Neretva Canton (HNC O.G.04/00) does not contain any explicit provision on municipal quorum;

Having fully considered the matters aforesaid I hereby issue the following

DECISION

ON AMENDMENTS TO THE STATUTES OF THE MUNICIPALITY OF STOLAC

The first paragraph of Article 23 of the Statutes of the Municipality of Stolac (Official Gazette of the Municipality of Stolac, Nr. 01/98) is deleted and replaced by the following paragraph:

“The Municipal Council may pass resolutions if more than a half of the elected Municipal Councilors are present.”

This Decision shall enter into force immediately and shall be published without delay in the Official Gazette of the Herzegovina-Neretva Canton and in the Official Gazette of the Municipality of Stolac.

Sarajevo, 23 May 2002

Wolfgang Petritsch

High Representative