

Decision Enacting Decision on Establishment of the Commission for Issuance of Professional Assessments

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;

Deploring that no agreement was reached on this problem which led the Special Envoy to send, 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, including, *inter alia*, the proposal to delete one of the items in the said Decision providing for professional and other activities of the Spatial Development Institute related to defining urban-technical conditions as the basis for issuing urban development permits in absence of detailed planning documents;

Regretting also that the City Council, at its Session held on 20 December 2006, failed to adopt the amendments to said Decision, including the City Mayor proposal for appointment of the Commission foreseen by Article 49 of the Law on Spatial Planning (“Official Gazette of the Herzegovina-Neretva Canton”, 4/04);

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

DECISION

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The Decision on Establishment of the Commission for Issuance of Professional Assessments set out hereunder forms an integral part of this Decision.

The Decision on Establishment of the Commission for Issuance of Professional Assessments 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 Commission for Issuance of Professional Assessments

Article 1.

This Decision establish the Commission for Issuance of Professional Assessments (hereinafter: "the Commission").

Article 2.

The tasks of the Commission referred to in Article 1 of this Decision shall be those determined by Article 49 of the Law on Spatial Planning ("Official Gazette of the Herzegovina-Neretva Canton", 4/04).

Article 3.

The Commission shall adopt its Rules of Procedure.

The Commission shall be composed of five members.

Decisions of the Commission shall be adopted by two thirds of the total number of its members.

Article 4.

Other issues related to work of Commission, rights and duties of its members, relations between the Commission and the City Council of the City of Mostar, Mayor of the City of Mostar and/or City Administration may be regulated by subsequent decision of the City Council of the City of Mostar.

Article 5.

The City Council shall appoint five members to the Commission referred to in Article 1 of this Decision no later than 01 January 2007.

Article 6.

This Decision shall enter into force on the day of its publication in the Official Gazette of the City of Mostar.