Decision Prohibiting City-Municipalities of the City of Mostar from Assigning Names to or Changing Exisiting Names of Streets, Squares, Bridges and Other Such Public Places

In the exerciseof 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 "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”;

Noting that the Steering Board of the Peace Implementation Council, at its meeting held at Political Directors’ level on 26 September 2003, considered the resolution of the Mostar question as crucial to the sustainable and peaceful development of Bosnia and Herzegovina;

Bearing in mind the enactment, on 28 January 2004, of a new Statute for the City of Mostar which, along with amendments to the Constitution of the Federation, the Constitution of the Herzegovina-Neretva Canton and the Election Law of Bosnia and Herzegovina, provides for a new legal framework that consolidates the administrative, functional and legal unity of the City of Mostar in a manner that promotes efficiency in the delivery of services, guarantees the fundamental rights of all citizens, ensures the collective rights of the constituent peoples and prevents dominance by one segment of the population of Mostar;

Further bearing in mind that the said legislation shall enter into force on March 15, 2004;

Acknowledging that Article 33, paragraph 2 of the above mentioned Statute provides that the adoption, by the City Council, of decisions on the assignment of names for streets, squares and bridges requires a two-third majority of votes of elected Councilors;

Convinced that such provision is necessary to maintain a balance between constituent people in a city where profoundly conflicting interests among constituent peoples still prevail;

Noting that the successful implementation of reforms of the City structures and, in particular, the reorganization of the City authorities in light of its new competencies will require participation of all constituent people and that confidence-building mechanisms will be instrumental in establishing new

institutions on the basis of trust;

Further noting that the Council of some of the City-Municipalities adopted, following the enactment of the new Statute of the City of Mostar, decisions on assignment of names that may have longstanding effect on the mutual confidence of constituent peoples;

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

DECISION

PROHIBITING CITY-MUNICIPALITIES OF THE CITY OF MOSTAR FROM ASSIGNING NAMES TO OR CHANGING EXISITING NAMES OF STREETS, SQUARES, BRIDGES AND OTHER SUCH PUBLIC PLACES

Article 1

This Decision imposes a moratorium on the adoption of decisions on the assignment of names and decisions on changing the names of streets, squares, bridges and other such public places by any City-Municipality in the City of Mostar.

Article 2

The enforcement of decisions passed after the 28th January 2004 and assigning new names to or changing existing names of streets, squares, bridgesand other such public places are hereby suspended until such time as said decisions are adopted by the City Council in accordance with Article 33, paragraph 2, item g) of the Statute of the City of Mostar enacted on 28January 2004.

Article 3

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of the

Federation of Bosnia and Herzegovina, in the Official Gazette of Herzegovina-Neretva Canton and in the Official Gazette of the City of Mostar.

Article 4

The High Representative reserves the right to suspend any decision or regulation issued by any authority of a City Municipality when he determines that the said decision or regulation would impair the re-organisation of the City of Mostar, as defined under the Decisions nrs 179 through 186 of 28 January 2004, by undermining the mutual trust of constituent peoples.

Sarajevo, 25 February 2004

Paddy Ashdown
High Representative