

Decision removing Mr. Mirko Stojcinovic from his position as Acting Head of the Municipality of Dobo

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 “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 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”;

Noting that in paragraph X. 4 of the Annex to the Declaration of the Peace Implementation Council made at Madrid on 16 December 1998 it was stated that the Council acknowledged that leaders whom the High Representative bars from official office “may also be barred from running in elections and from any other elective or appointive public office and from office within political parties until further notice”;

Bearing in mind the importance attributed to the return of refugees and displaced persons to their pre-war homes by the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes;

Further bearing in mind that the return process is a vital and necessary factor in the establishment of a lasting peace in Bosnia and Herzegovina;

For the reasons hereinafter set out the High Representative hereby issues the following

DECISION

To remove Mr. Mirko Stojcinovic from his position as Acting Head of the Municipality of Dobož and to bar him from holding any official, elective or appointive public office and from running in elections and from office within political parties, unless or until such time as the High Representative may expressly authorise him to so do.

This decision has immediate effect and will not require any further procedural steps. Mr. Mirko Stojcinovic must vacate his office immediately. Any entitlement to receive remuneration or any privileges or status arising out of his post as Acting Head of the Municipality of Dobož cease forthwith.

This Decision shall be published without delay in the Official Gazette of Republika Srpska.

REASONS FOR REMOVAL

Mr. Mirko Stojcinovic has abused his power by persistently and seriously obstructing the implementation of the General Framework Agreement for Peace.

In particular, Mr. Stojcinovic allowed illegal construction in Dobož Municipality, which began before he assumed the position of Acting Head of Dobož Municipality but which increased considerably after he assumed that position on 17 June 2002.

Despite the OHR requests that construction on the illegally allocated land on the territory of Dobož Municipality be halted, at no point did construction on this land ever cease, nor were any serious attempts made by Mr. Stojcinovic to comply with the OHR requests. On the contrary, the action Mr. Stojcinovic has taken to stop illegal construction since he became Acting Head of Municipality has in no way halted the ongoing construction. Moreover, Mr. Stojcinovic failed to take effective measures to reverse the allocations in violation of the High Representative's Decision banning transfers of socially owned land that underlies the illegal construction.

Specifically, in the area of Kotorsko, where Mr. Stojcinovic's non-compliance with the OHR's ban on construction of 30 August 2001 is the most obvious, construction continues on a regular basis.

The rate of construction has increased remarkably and no effective measures have been taken to enforce fully the High Representative's decision of 27 April 2000 that bans the re-allocation of state owned property, including former socially owned property, as well as the local laws and regulations on construction. In addition to Kotorsko, OHR has identified several locations, such as Bare, Lipac, Usora and Poljice/Glavica Kosa, where the level of construction has

increased.

Considering all of the above mentioned, Mr. Stojcinovic must bear personal responsibility for a serious pattern of failure to respect and/or a deliberate violation of the High Representative's Decision of 27 April 2000 and for the failure to discharge in this context, the responsibilities pertaining to the Acting Head of the Municipality of Doboj.

In light of the totality of the matters aforesaid, Mr. Mirko Stojcinovic has obstructed the implementation of the General Framework Agreement for Peace.

Sarajevo, 02 September 2002

*Paddy Ashdown
High Representative*