Decision removing Mr. Stipe Maric from his position as Mayor of Mostar South West

To:	Mr. Stipe Maric Mayor Mostar South West

Sarajevo, November 29, 1999

Dear Mr. Stipe Maric,

For reasons outlined in the attached Decision, we herewith notify you of the following: under the powers vested in the High Representative, you are removed from public office with immediate effect. In addition, in accordance with the Provisional Election Commission Rules and Regulations, this Decision bars you from being a candidate in the upcoming municipal elections.

It is with great regret that we are forced to acknowledge that during your term in office not only have you failed to show any commitment to the implementation of the General Framework Agreement for Peace, but you have also seriously and persistently obstructed its implementation.

Sincerely,

Wolfgang Petritsch	Robert L. Barry
High Representative	Chairman of the PEC
	OSCE Head of Mission

In the exercise of the powers vested in the High Representative by Article 5 of the Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative '*is the final authority in the theater regarding interpretation of [the]*

Agreement on the civilian implementation of the peace agreement‘;

Endorsing the interpretation of these powers given in paragraph XI, 2 of the Conclusions of the Peace Implementation Conference held in Bonn on 10 December 1997, in particular, sub-paragraph c thereof, by means of which the High Representative is entitled to take actions against persons holding public office who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms of its implementation;

Noting the reiteration of the acknowledgement of such powers by the Peace Implementation Council in Chapter X of the Annex to the Madrid Declaration of 16 December 1998;

Considering the mandate entrusted with the Provisional Election Commission under Article III of the Annex 3 to the General Framework Agreement for Peace in Bosnia and Herzegovina and article 7.10 of the Rules and Regulations adopted thereafter which provides that *no person who has been removed by the High Representative shall be permitted to be a candidate in the elections*.

We hereby issue the following

Decision

To remove Mr. Stipe Maric from his position as Mayor of Mostar South West and to ban him from being a candidate for the next municipal elections or to hold any executive office at any level unless authorised to do so.

This decision has immediate effect.

Reasons for removal

Mr. Stipe Maric has abused his power by persistently and seriously obstructing implementation of the General Framework

Agreement for Peace. By pursuing an extra-legal agenda, he has consistently refused to take ownership of the laws of Bosnia and Herzegovina.

In particular Mr. Maric, in his capacity of Mayor Mostar South West, has ensured all possible political obstruction to the implementation of the Federation Property Laws since they were passed in April 1998. As the leading executive authority in Mostar South West, Mr. Stipe Maric is responsible for the administration's failure to respect the Federation Property Laws and related High Representative Decisions. The result of this failure is a complete block to minority repossessions in the Croat-majority municipalities in Mostar.

- Mr. Stipe Maric has been able to control the process of property law implementation in Mostar South West, West and South, through political manipulation of the one Municipal Housing Office. As the only such office is located in Mostar South West, this municipality has de facto executive authority over all three Croat majority municipalities. Thus, Mr. Stipe Maric is able to exercise control over the housing stock both in the municipality he is legally responsible for, and in the two neighboring municipalities.
- Mr. Stipe Maric has yet to address the documented cases of double occupants living in Mostar South West and West with available reconstructed houses in Konjic. Despite high level focus on this issue, not a single case has been solved. The same applies to the cases verified by the Double Occupancy Commission.
- Less than two percent of claims for repossession of socially-owned apartments have been decided upon and for private property only negative decisions on grounds of non-competency have been issued. Most significant is that none of the positive decisions have yet been enforced, although the majority relate to verified double occupancy cases, and deadlines for vacation by

the occupants have long passed.

- Equally disappointing has been the lack of reinstatements concerning Post Dayton Eviction cases. The Bonn Peace Implementation Conference in 1997 originally set a deadline of 31 January 1998 for the reinstatement of persons illegally evicted post-DPA. To date, positive decisions have been issued for less than half of the cases and no decisions have been enforced in terms of a forcible eviction being conducted and a reinstatement of the occupancy right holder ensured.
- Mayor Maric has yet to fulfill any of his commitments and has stated that neither war veterans nor the families of war victims will be evicted, even though this is required by law.

All of the above establishes a disturbing and unacceptable pattern of deliberate attempts to obstruct the implementation of the General Framework Agreement for Peace. For these reasons, we hereby remove Mr. Stipe Maric from the position of Mayor of Mostar South West. The decision will be effective immediately and will not require any further procedural steps.

The position left vacant by Mr. Stipe Maric's removal will be filled by the Municipal Council in accordance with the legal regulations governing this election. In order to protect the institution to which a replacement is to be elected, no further actions are to be taken by the relevant authorities until OHR and OSCE communicate that there are no objections and that the proposed name can proceed further through the legislative process.

Sarajevo, 29 November 1999

Wolfgang Petritsch	Robert L. Barry
High Representative	Chairman of the PEC
	OSCE Head of Mission

Office of the High Representative