

Decision providing the Agreement on Gornji Vakuf-Uskoplje from 2 August 2001, which unites Gornji Vakuf and Uskoplje into one municipality, with a legal base

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 this 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”;

Considering Article I.1 of the said Agreement on the Civilian Implementation of the Peace Settlement which refers explicitly to the promotion of respect for human rights and the return of displaced persons and refugees;

Noting that an Agreement on the Gornji Vakuf-Uskoplje Municipality (“the Municipality Agreement”) was signed in Travnik on 2 August 2001 by the representatives of Gornji Vakuf, of the Central Bosnia Canton, and by representatives of the OHR and OSCE as witnesses thereto, inviting the High Representative to establish an Interim Municipal Council and to appoint a Supervisor;

Determined that Article II.5 of the Constitution of Bosnia and Herzegovina, pursuant to which all refugees and displaced persons have the right freely to return to their homes of origin, shall be respected;

Further determined that Article II.1 of Annex 7 to the General Framework Agreement for Peace in Bosnia and Herzegovina, namely the Agreement on Refugees and Displaced Persons, pursuant to which the Parties to the said Agreement undertake to “create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons” shall likewise be respected;

Mindful that appropriate measures are called for to ensure respect for the Constitution of Bosnia and Herzegovina, and for the said Agreement on Refugees and Displaced Persons, by all those who act in the name and/or on behalf of the Government of the Central Bosnia Canton and in particular in the name and/or on behalf of the Municipality of Gornji Vakuf – Uskoplje.

Having considered and borne in mind the totality of the matters aforesaid, I hereby issue the following:

DECISION

on the Gornji Vakuf-Uskoplje Municipality

Name and seat of the Municipality

1. The name of the Municipality of Gornji Vakuf and the name of the settlement of Gornji Vakuf shall be changed to Gornji Vakuf – Uskoplje.

2. The seat of the Gornji Vakuf – Uskoplje administration shall be in the two currently used buildings. Municipal departments must not be split but shall be accommodated either in one or the other municipal building.

Interim Municipal Council

3. An Interim Municipal Council shall be established by this Decision. The Interim Municipal Council shall act in accordance with the PEC Rules and Regulations (Official Gazette of BiH No, 1/00, 2/00, 7./00, 9/00, 11/00, 12/00) except otherwise provided by this decision. The Interim Municipal Council will also abide by the Statute of the Municipality of Gornji Vakuf – Uskoplje (Annex 2 to this Decision) and the Rules of Procedure of the Municipality of Gornji Vakuf – Uskoplje (Annex 3 to this Decision). The Interim Municipal Council shall take over the Council's mandate described therein as from 15 September 2001. With the establishment of the Interim Municipal Council and new authorities, all existing municipal councils and authorities within the territory of the Gornji Vakuf – Uskoplje municipality shall cease to exist.
4. The Interim Municipal Council shall be established based on the 1991 Census. Since part of the Municipality did not participate in the 2000 Municipal Elections the following particularities have been agreed on (Annex 1 of this Decision). The Interim Municipal Council shall be, notwithstanding the regular PEC Rules and Regulations, composed of 39 councillors of whom 23 shall be the members of the elected Municipal Council of Gornji Vakuf, as certified by the Provisional Election Commission. In addition, pursuant to the submission of a list of candidates by the parties and in accordance with the Article II of the Municipality Agreement, I hereby appoint, taking into consideration the PEC Rules and Regulations, the additional 16 councillors as listed in Annex 4 of this Decision.
5. The Interim Municipal Council shall adopt the Statute of the Gornji Vakuf – Uskoplje Municipality, the Rules of Procedure of the Gornji Vakuf – Uskoplje Municipality (Annexes 2 and 3 of this Decision), the new name of the Municipality, and the new name of the settlement of Gornji Vakuf, without amendments.

First Session of the Interim Municipal Council

6. The first Session of the Interim Municipal Council shall be held within 15 days from the date mentioned in Item 3 of this Decision. At the first session, the Interim Municipal Council shall elect a Mayor and Deputy Mayor, Speaker and Deputy Speaker, Secretary of the Interim Municipal Council, Assistants to the Mayor and their Deputies, and adopt as aforesaid the Statute of the Municipality, Rules of Procedure and Systematization Plan of the Gornji Vakuf – Uskoplje Municipal Administration.

At the said session, the Interim Municipal Council shall likewise (endorse) the said Municipality Agreement.

Statute of Municipality and Rules of Procedure

7. The Statute of the Municipality of Gornji Vakuf – Uskoplje (Annex 1a to the Municipality Agreement and Annex 2 to this Decision) replaces the previous Statutory Decisions of the Gornji Vakuf Municipality. It shall enter into force on the day of the first session of the Interim Municipal Council. Statutory Decisions of the previous Gornji Vakuf Municipality adopted prior to entry into force of the Statute of the Gornji Vakuf – Uskoplje Municipality shall be without effect from the date of entry into force of the new Statute.
8. The Rules of Procedure of the Gornji Vakuf – Uskoplje Municipality shall come into force on the day of the first session of the Interim Municipal Council.

Mayor and Deputy Mayor

9. The Mayor and the Deputy Mayor shall have their respective offices in the same municipality

building and shall work together, in accordance with articles 39-48 of the Municipality Statute (Annex 2 to this Decision).

10. The first Municipal Mayor shall be nominated by the 23 members of the elected Municipal Council of Gornji-Vakuf. The first Deputy Mayor shall be nominated by the remaining 16 councillors. Thereafter, the rotation of the position of Mayor shall follow in accordance with the Municipality Statute (Annex 2 to this Decision). After the next elections the Mayor shall be appointed in accordance with the Statute. Until the next elections the Supervisor hereinafter referred to shall decide on the dates when rotation will take place.

Integration of Municipal Public Utilities

11. All public utilities and other service companies established within the Municipality shall be unified and integrated by 31 March 2002 in accordance with the Agreement (Annex 1 to this Decision).

Supervisor

12. Mr. Bernd Burwitz is hereby appointed as Supervisor of the Gornji Vakuf – Uskoplje Municipality. The Supervisor shall oversee the implementation of all parts of this Decision and its Annexes, advise the parties in order to encourage rapid progress, and act as an arbiter as needed. The Supervisor will report to me and take/recommend action as necessary, pursuant to his mandate as determined by this Decision.
13. The Supervisor may in particular act as an arbiter in case interpretation of this Decision and its Annexes is required. The English language is the authentic language of this Decision and its Annexes.
14. If a deadlock in the exercise of the municipal authorities' powers under the Municipality Statute (Annex 2 to this Decision) arises, the Speaker or Deputy Speaker of the Council or a group of at least five (5) councillors may submit a request for resolving the deadlock to the Supervisor. The decision of the Supervisor upon this request shall be final and binding.

Entry into force

15. This Decision shall enter into force on 15 September and shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina.

Sarajevo, 15 September 2001

Wolfgang Petritsch
High Representative

Annex 1: The Gornji Vakuf – Uskoplje Agreement of 2 August 2001

Annex 2: Statute of Municipality

Annex 3: Rules of Procedure

Annex 4: List of appointment of additional councillors into the Interim Municipal Council with reserve names