

Brcko's Election Law

After months of drafting and consulting with experts, a draft of the Brcko District Election Law was presented to the Assembly on June 5, 2003, and adopted on September 19, with one important amendment. The law is fully compatible with the Election Law of Bosnia and Herzegovina. Elections are scheduled to take place in Brcko at the same time as municipal elections throughout Bosnia and Herzegovina, in October 2004.

Eligibility to vote in Brcko follows exactly the same rules as the rest of Bosnia and Herzegovina, and seats in the Brcko Assembly will be won in the election in much the same way as in the municipalities, cantons and entities. All permanent residents of the District can vote, whether they are currently living in the District or not. The District was not subject to the Constitutional Court decision requiring minimum representation of national groups in Entity parliaments – Brcko's three major groups are large enough to be represented without it. Nevertheless, in a gesture of their desire to include the smallest group, the Croats, the Brcko Assembly amended the draft law to include a provision for a minimum representation of three seats (out of 29) for each of the three national groups. This compares, for example, to the minimum representation of four seats in the much larger assemblies of Republika Srpska or the Federation.

The Croats have seven seats in the Interim Assembly, which was appointed by the Supervisor in 2000. Since then, there has been no part of the District that is unsafe for returnees, and no legal obstacles of any kind. 95% of useable properties have actually been returned, and reconstruction (including infrastructure) has been managed on a non-discriminatory basis. Many Croats have found employment outside the District, in BiH or in Croatia, and have not returned. Although it is not known how many District voters are Croats, the political parties assume that Croats could expect to win

about four seats if elections were held now.

The Croat delegates walked out of the Assembly before the vote, in a demonstration that they could not accept less than a minimum guaranteed representation of six seats. This was not acceptable to the other groups, who believed this would cause their own voters to be underrepresented.

Bosniaks, Serbs, and the Supervisor have all said they would welcome larger numbers of Croats in the elected Assembly, but the Croat parties must persuade more eligible Croats to register and vote. The Supervisor has appealed to the BiH Election Commission for its help in ensuring that eligible voters outside the District have every chance to vote. In the end, a democratic parliament must reflect the composition of the electorate – those who vote.