

Op-ed by High Representative Valentin Inzko: Listen to the People

By Valentin Inzko

BiH citizens are demanding that politicians stop bickering and start tackling corruption and poverty. Tomorrow, the Federation House of Peoples will have an opportunity to show that politicians are listening.

The House of Peoples will decide whether or not to confirm the appointment of two candidates to sit as judges on the Federation Constitutional Court.

Citizens struggling to make ends meet might wonder if the issue of appointments to the Constitutional Court will make much difference to their daily lives.

The answer is simple: yes it will make a difference – a very big difference.

The Constitutional Court is there to protect the public interest. But there is a cost if the institutions are not equipped to function in full capacity. When the Court is properly run it is an essential element in the machinery of government. When it is not properly run, the machinery of government can very easily be brought to a standstill.

For several years now the Federation Constitutional Court has not been fully staffed (because of disagreements among political parties over who should be appointed to which post). Due to the non-appointment of a sufficient number of judges from each Constituent People, the Court has been unable to form a Vital National Interest (VNI) Panel. This means the Court can't rule on cases involving VNI, which in turn means that a small number of parliamentarians can block or delay key decisions – including those essential for the smooth running of government at the Federation and cantonal levels. They can simply invoke VNI, knowing that the Court cannot currently hear the case – but the fact that a case is pending is enough to prevent parliamentary or government action.

This has been one of the root causes of the political paralysis in the Federation.

In other words, the failure to appoint judges to the Constitutional Court has reduced the capacity of the authorities in the Federation to focus on urgent measures that are needed to tackle the social and economic difficulties facing citizens.

Not only does this affect the present authorities, it casts a shadow over the process of forming new governments in the Federation after the October elections, as this could be held up indefinitely if VNI is invoked and the Constitutional Court does not have the necessary judges to consider such an appeal.

This is a problem that has to be fixed – and the House of Peoples has an opportunity to fix it tomorrow.

After thorough and lengthy consultation, the Federation President has submitted two names from the list of selected qualified candidates of the High Judicial and Prosecutorial Council for confirmation by the House of Peoples.

If these candidates win the backing of parliamentarians then the Court will be able to form a VNI Panel and get on with a key part of its job.

If neither candidate receives the backing of parliamentarians then the authorities at all levels in the Federation will continue to be paralysed and the people will continue to suffer.

But there is no justification for prolonged and unnecessary delay when the people's interest is at stake.

So far, there has been a failure to reach agreement because the main parties have been using the Court appointments as bargaining chips in a political board game.

This has to stop.

The people of Bosnia and Herzegovina have made it clear that they want an end to the posturing of the ruling elite; they are demanding that their representatives start addressing the problems of the real world. They want the institutions of this country to function.

Tomorrow's Federation House of Peoples session offers the parties an opportunity to show that they have listened to the voice of the people and that they are prepared to act with responsibility and common sense.