

Mostar: Time for Compromise

By Valentin Inzko.

With municipal elections due to be announced on 10 May, time is fast running out to implement the rulings of the BiH Constitutional Court that require politicians in Mostar and the BiH Parliament (not the High Representative) to make limited changes to Mostar's electoral system.

Implementing the Court's rulings is not only vital for ensuring the Rule of Law – all rulings of the Constitutional Court must be implemented – it is also vital for ensuring that Mostarians have the right to vote in October in local elections along with all other voters in the country.

During my numerous visits to Mostar over recent weeks, I have spoken to citizens as well as politicians about how to implement the Court's ruling. Many Mostarians have said to me, "I don't understand: what is the Court decision about, why is it important?"

Let me offer my thoughts about this and stress that the Court's decision need not jeopardize the interests of any people in Mostar.

In June 2011 and January 2012, the BiH Constitutional Court ruled that the election of three delegates from each of the six city areas to the City Council was unconstitutional. The problems were the discrepancy in the number of votes required to elect councillors from each city area, which varied from just over 7,000 to almost 30,000 and the fact that voters in the central zone were only able to elect councillors from the citywide list. In addition, the Constitutional Court ruled that the failure to provide voters from the central zone with equal voting rights is discriminatory.

While it is common knowledge that the main political parties in Mostar have very different views as to how the city should be organised, the only **required** task before political representatives in the city is to agree on amendments that will address these two problems.

There are various ways of altering the electoral system so that it complies with the Court's ruling, and it is up to Mostar's politicians to figure out the best way of accomplishing this. That said, no solution should reverse the process of reintegrating Mostar or facilitate the disintegration of the city.

What I have heard from Mostarians regardless of where they live in the city is that they are against division.

Let me also be clear on what the Court's rulings did not do. None of the parties is being asked to create a new Statute or sacrifice the interests of its constituents. The Court's rulings did not strike down the Mostar City Statute or limit or undermine the safeguards that are now in place to protect the interests of Constituent Peoples in Mostar. The mechanisms in the Statute that safeguard the Constituent Peoples remain in place. Constituent Peoples remain able to invoke vital national interest; minimum and maximum quotas of delegates from each Constituent People in the City Council remain in place; and the support of a two-thirds majority of delegates is required for important decisions to be adopted such as the budget.

Despite these facts, there will be those in Mostar who will seek to spread fear and uncertainty in the days and weeks ahead to misrepresent what the BiH Constitutional Court's ruling changes and what it means in practice for the citizens of Mostar.

In my discussions with Mostarians – regardless of where they live in the city – their overriding concern is always the same – jobs and the economy. This is what they want their politicians to focus on. Implementing the Court's rulings so that elections take place in October will open the way for new city authorities to address these issues.

The city authorities delivered concrete and positive results in the first mandate (2004-8) under the current Statute. This is not *my* assessment – this is what Mostarians have told me time and again. There is no reason we cannot have positive results again after the next elections.

However, for this to happen, for the Mostar authorities to get back to delivering concrete results that help to create job opportunities and that improve local services, we need politicians to do their job and to implement the Court's ruling so that elections can be held in Mostar in October.

Clearly, this is too important an issue to be left to politicians alone. I hope that in the days and weeks to come the silent majority of Mostarians throughout the city and from all Constituent Peoples who want the best for their city and their fellow citizens will express their views and encourage politicians and officials to meet their obligations before the 10 May deadline. Speak to your local politicians and tell them what you want. We cannot forget the past, but we must look to the future and work towards making it better.

There are small signs of hope. Last Monday, local party representatives convened for the first time to start discussions. Their window of opportunity is small, but it exists. There is still time to reach an agreement. In the days and weeks to come there must be more meetings and they must result in an agreement. With so little time left, it will be important for politicians to maximise the chances for success. In this respect they could do worse than to look at how the six party leaders organised their meetings recently whereby they each take turns in hosting discussions, as well as giving themselves sufficient space to reach compromises.

This year has the potential to be a better year for Mostar. This can be the year when Mostar takes a step forward and refocuses on boosting the economy, creating new jobs and improving local services. What happens between now and 10 May is vital to achieving this.

Mostar's politicians and their respective party leaders know what they need to do. I have told them very clearly not to rely on me to do their job for them. The clock is ticking. The spotlight is firmly on them.