

OHR's Statement at the International Agencies' Joint Press Conference in Mostar



Arbitration Decision Regarding HRT

Good morning.

I would like to address two issues this morning. Firstly the High Representative's Special Envoy's Arbitration Decision concerning HRT and secondly yesterday's decision of the Federation Constitutional Court concerning the Mostar City Statute.

We would like to clarify and put in the right perspective Decision on transfer of HRT from the last City Council session.

The Office of the High Representative welcomes the fact that the City Council finally took a decision concerning the transfer of ownership of HRT. However, we need to place that decision in its proper context.

According to Article 4 of the Arbitration Decision, requested by Mostar's Mayor in his letter to the High Representative of 26 September 2006 as well as the Decision of City Council of 6 October 2006, if transfer of ownership "has not been effected by 31 March 2007, bankruptcy or liquidation proceedings of HRT shall be processed by the competent Court in accordance with applicable laws".

The City Council decision was made within the time limit. However, it constitutes only one element of the process involved in the transfer of ownership as laid out in the Arbitration Decision. The process of transfer of ownership has been initiated but it has not been completed.

If the transfer of ownership is not fully effected, the station will, nevertheless, have to go into liquidation or bankruptcy. This process could only be stopped, if stakeholders observe other steps to complete the transfer, including decisions from relevant Cantonal Assemblies, Court re-registration and CRA re-licensing.

If that transfer is not effected in a reasonable time, the competent court should start the liquidation process.

Whether or not an agreement on effecting a transfer of full ownership rights and duties with the three Cantons can be reached in a reasonable time, depends on the stakeholders themselves.

FBiH Constitutional Court Ruling

I presume that you are all aware of yesterday's ruling of the Federation Constitutional Court concerning the Mostar City Statute.

The Constitutional Court ruled that Article 44, paragraphs 1 and 3, of the Mostar Statute relating to the election of the Mayor do not conform with the Federation Constitution.

The Constitutional Court also ruled that all other Articles at issue, namely Article 16, Article 17, paragraphs 1 and 2, Articles 23 and 24, Article 38, paragraph 1 and Article 44, paragraphs 2, 4, 5, and 6, do conform with the Federation Constitution.

On most accounts, the Constitutional Court has rejected the

substance of the complaint.

On balance, therefore, this ruling is a ringing endorsement of the Mostar City Statute, reinforcing its integrity.

To address the Constitutional Court 's ruling concerning the constitutionality of the procedures for the election of the Mayor, the OHR will sit down with the competent authorities in the coming days to address this matter.

We expect the authorities of the City of Mostar to continue working on the reform processes.