

# Brcko Supervisor Launches Public Debate on District Election Law

Brcko Supervisor Henry L. Clarke today presented the draft Election Law of the Brcko District of BiH to the Brcko District Assembly councilors, members of the District Government, political-party representatives, media representatives and the public.

In his presentation, Ambassador Clarke laid out the specifics of the Law, and explained that it satisfies the political rights of the District peoples and at the same time challenges politicians to adapt their ways of thinking and operating so as to address realistic, democratic priorities. He pointed out the most difficult aspects of the drafting process and called for public discussion of points that have still to be resolved.

The draft foresees the District as one electoral unit in which all councilor candidates compete against all others, and are selected by a process of proportional representation, i.e. councilors are selected by the overall strength of each party's vote and by voter preferences for candidates among the party lists.

The Mayor will be elected from among the Assembly councilors by the Assembly, in accordance with the procedure in the Statute. The Supervisor did not recommend the concept of direct election of the Mayor, since the outcome would most likely be a Mayor supported by only one nationality, which would reduce the capacity of the holder of this office to govern effectively and inclusively. "An effective Mayor means a Mayor working with, and being accepted by, all nationalities. Given the multiethnic population of the

District, the conclusion is that electing a Mayor who is acceptable to two or more nationalities is more likely to be done by the Assembly than through a direct election," explained Ambassador Clarke.

The most important consideration is that the elected bodies reflect the wishes of the entire population of the District, and proportional representation can give that result. Croats, as the smallest national group in the District, need to be adequately represented in the Assembly. A significant part of the responsibility for this rests with Croat parties and voters, and forming coalitions will greatly assist them in meeting the three-percent requirement for being represented.

The Draft Law on Elections of the Brcko District of BiH does not envisage the automatic protection of "vital national interests" – the right of one national group within the Assembly to veto any decision or piece of legislation. "In a multiethnic District it could make the Assembly incapable of acting on anything controversial, especially since there is no way to define a 'vital national interest' intelligently – it is inevitably an emotional position, not a rational one," Clarke stated.

Ambassador Clarke pointed out that the District electoral unit is small – and people in many cases actually know the councilor they vote for. He warned that parties and independent candidates must still make a much greater effort to gain support from ordinary people, or they will lose their natural constituencies.

"I will make the decision on the District Election date when I am convinced that the District is ready to conduct them. Brcko's elections must be free and fair by international standards, must help establish the District's institutions in accordance with the Final Award of the Brcko Tribunal, and must be consistent with the BiH Election Law," Ambassador Clarke stressed. "This is *not* the start of the election

campaign, but it *is* the right time for planning, training, and building your political organizations.”

The draft Election Law of the Brcko District of BiH was drawn up by the OHR Brcko Legal Team, in co-operation with national and international expert institutions. The draft will now enter the Assembly procedure, and will be subject to public debate. The Brcko Supervisor asked the District Assembly to pass the District Election Law before going on summer vacation this year.