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# Länderbericht

KAS Office in Bosnia and Herzegovina



## Return of democracy? Hope in Mostar

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### Municipal elections are planned for the first time after twelve years

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Pictures speak for themselves. The picture from Mostar clearly demonstrates the situation. The presidents of political parties, *Bakir Izetbegović* (SDA) and *Dragan Čović* (HDZ B&H) are signing documents. Behind them, seven persons, the Head of OSCE Mission, *Kathleen Kavalec*, the High Representative, *Valentin Inzko*, the Head of SDA Mostar, *Salem Marić*, the Special EU Representative to Bosnia and Herzegovina and Head of EU Delegation, *Johann Sattler*, the US Ambassador, *Eric Nelson*, the UK Ambassador, *Matthew Field*, and the Head of HDZ B&H Mostar, *Slaven Željko*, are observing the signing of documents at the government building with clasped hands.

### Dominance of personal interests

Since 2008, politicians have been unable to organise the holding of elections for the City Council and mayor in the best known city in Bosnia and Herzegovina after Sarajevo. This, of course, is publicly justified by an alleged protection of the interests of Croats and Bosniaks, who constitute the majority of citizens.

A ruling of the Constitutional Court in Sarajevo from 2010 has also not been executed. In October 2019, the European Court of Human Rights in Strasbourg ruled that Bosnia and Herzegovina had to "amend the Electoral Law from 2001 no later than six months following the entry of the ruling into force in order to ensure the holding of municipal elections in Mostar".

Over the past 12 years, the parties have divided the city between themselves behind the scenes. A European city with more than 100.000 citizens has been managed over the past 12 years without elections. The budget of the City of Mostar amounts to around 44 million EUR. The city is home to two universities with a total of 17.000 students. A large industrial company, *Aluminij d.d. Mostar*, used to have 900 employees. In July 2019, the aluminum producer and once leading exporter ceased production due to unpaid electricity bills.

The law provides for municipal elections to be held on October 04, 2020 in Bosnia and Herzegovina – including also in Mostar. Until just a few days ago it was uncertain whether it would be possible to hold the elections in fall due to the fact that the budget had not been adopted.

### Absence of the rule of law

Bosnia and Herzegovina officially wishes to become an EU Member State. A membership request was submitted at the beginning of 2016. As opposed to the neighbouring countries, which are certainly progressing on their way to the EU, Bosnia and Herzegovina has achieved little. The greatest problem is the absence of the rule of law or the need for building a well-functioning and reliable rule of law. The support that the country has received from the international community has been relatively strong. And people have lived in peace over the past 25 years.

### **"Return of democracy"**

The media have reported about this step with a great deal of euphoria. It is high time for citizens of Mostar to finally be able to vote. However, only few persons believe that these elections will actually bring about a change.

What does the agreement actually involve? Instead of 18 city councillors from six city areas, 22 city councillors will be elected. This means that around 5,000 inhabitants elect one city council. Instead of 17 city councillors, 13 councillors will be elected from the compensation list. Citizens living at the city centre will exercise their election right outside their residential area, in two parts of the city, one in the east (Stari Grad), and the other in the west (Southwest Mostar).

The Statute of the City of Mostar as a legal basis for distribution of power has been additionally amended. The novelties include the position of a "chief city advisor" with extensive powers and a "joint signature system" as well as decision making by a two-thirds majority in case of most decisions: the so-called "double key system". This also constitutes a possibility to delay or block political decisions, which can restrict and prevent the work of future city councillors. A two-thirds majority needed for decision making offers numerous opportunities for blockades. A common practice of exercising power by means of a gridlock.

A "package agreement" to amend the Electoral Law of Bosnia and Herzegovina was also reached in order to ensure the holding of elections and political representation of constituent peoples and citizens at the Presidency and houses of peoples. Following pressure from the international community, the presidents of the two parties, HDZ B&H and SDA, signed an agreement. The agreement, however has yet to be sent into parliamentary procedure at the Parliamentary Assembly and the House of Peoples, which also include members of other political parties. The Electoral Law for Mostar and the content of the future Statute of the City of Mostar have been negotiated without the representatives of Serbs and Others. Their political reaction to the fact that they were left out remains to be seen. In addition to this, the new City Council will have to adopt the new Statute of the City of Mostar. However, nobody can know who will be the members of the City Council elected by citizens during the elections. Neither HDZ B&H nor SDA nor the group of ambassadors can guarantee that the agreed text of the Statute will be adopted during the first meeting of the newly elected City Council. Citizens had elected the representatives of six parties in the previous City Council.

The international community is also taking a risk in the context of elections in Mostar. Its representatives are aware of the fact that a future solution in parliamentary proceedings requires additional agreements and "details of legitimate representation", which can jeopardise the whole agreement achieved by HDZ B&H and SDA. This might also be the cause of a political crisis in the future and trading in influence, the chief actors of which would include also SBB and SNSD, in addition to SDA and HDZ.

## More than hope

We should wish the citizens of Mostar to also see European values being applied in their city after the elections and that their votes count. This is important also in the context of facing the enormous economic challenges caused by the corona crisis in Bosnia and Herzegovina and Mostar. This will require numerous additional steps. The example of Mostar will show to what extent the objective of becoming an EU Member State is important for persons responsible.

Because, the following is also true: In 2008, the last year when Mostar had an elected mayor, *Dragan Čović* was already the Head of HDZ B&H. *Bakir Izetbegović* was a member of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina back then and the chairman of the SDA parliamentary group. In the meantime, both of them were elected members of the Presidency of Bosnia and Herzegovina, but an agreement between SDA and HDZ B&H has been achieved only now.

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