

IS OHR ABOUT TO APPOINT A BRCKO MAYOR?

**Matthew Parish
Nezavisne Novine
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Less than two months after Bosnia's local elections, and OHR seems in danger of slipping back to its old dictatorial ways. The latest rumour from Brcko is that the Brcko Supervisor is about to appoint the Brcko Mayor, instead of letting the usual coalition building negotiations run their course between the democratically elected representatives of the Bosnian political parties. This will produce a profoundly undemocratic result, and is a danger to political stability in Brcko.

Under the Statute of Brcko District, the Mayor is appointed by three-fifths of the Councillors of the Brcko Assembly. The Supervisor unilaterally amended the Brcko Statute in June 2008, creating two extra Assembly seats guaranteed to "national minorities". These two candidates were elected with only approximately 75 and 150 votes respectively, contrasted with an average of over 2,000 votes for the other 29 members. There are now 31 members of the Assembly, and so the support of 19 councillors is required to elect a Mayor.

No one party has anything near a majority in the Assembly, and the District Government is supposed to be multi-ethnic, as it was in the last Parliament. Therefore the parties must negotiate to form a coalition of 19 councillors, and in practice the coalition partners will have to be from more than one national group. Once appointed, the Mayor appoints the other members of the Government, distributing jobs according to membership of the coalition formed. In this way, a democratic balance between political parties and national groups has been maintained for the past four years.

In theory a coalition is supposed to be formed, and a Mayor appointed, within 30 days. In practice, the wheels of Bosnian politics turn slowly. After both the October 2004 Brcko elections and the October 2006 national elections, it took between three and four months for a multi-ethnic coalition government to be formed. By those standards, the current negotiations to form a coalition in Brcko are proceeding rapidly. Negotiations between the dominant political parties in Brcko are well underway, and everybody knows the two alternative possible compositions of a coalition. The question now is which one will prevail.

Why then is the Supervisor contemplating intervening to impose his own choice of Mayor? There are a number of possible reasons for this radical move. First, the Supervisor has a fear of a coalition being formed in which SDS – which won the second largest number of seats in the Brcko Assembly – plays a dominant role. The opposition of the US Government to SDS is well known, and the Supervisor might see it as an embarrassment if SDS holds power in Brcko District at a time when the US State Department is making every effort to demonstrate Brcko's success and terminate supervision. A second reason is personal antipathy by some OHR Brcko staff to Mirsad Djapo, the incumbent SDP Mayor. Djapo received more votes than any other councillors in the Assembly, and has held the position of Mayor for the past four years. But there is strong personal dislike of him within the walls of OHR Brcko. The proposal OHR is discussing is therefore to appoint a different SDP candidate as Mayor, with less voter support

than Djapo and therefore more reliant upon SDP central office, which seeks to control Brcko for his own ends. Djapo would be undercut and local politics would be undermined.

Finally, the Brcko Supervisor may just be impatient and bad-tempered. He recently fined the entire Government because the budget was one week late, and fined the entire Assembly because they were nineteen days late in appointing a member of the Election Commission. Last year, he suspended the salaries of the entire Government and Assembly because the budget was, in his view, unacceptably late (although in prior years it had been much more delayed). He seems to think that fines, punishments and impositions are outlets for his every petty frustration, whenever Bosnia's often complex politics and young democracy don't go his way.

But the most fundamental objection to the Supervisor's intervention is that it is profoundly undemocratic and even illegal. Brcko's politicians are quite capable of reaching their own compromises, something which is the very premise of any modern and democratic political system. They should be left to do so. This may take time in a multi-party system, but the international community should not be allowed to usurp this process, and deprive the Bosnian people of a civic right enjoyed in almost every other country in Europe. If OHR imposes a Mayor, it will undermine the democratic process in which Brcko's citizens participated, making their votes near meaningless. Any attempt by OHR to interfere with democratic negotiations looks like colonialism. It will make Bosnian politics even more complex, and may cause lasting damage once OHR has left. At this late stage of its existence, OHR should be encouraging domestic political cooperation, not pre-empting it. Moreover if a Mayor is imposed by OHR, the entire Government will have to be imposed too, because otherwise the Mayor's position can easily become a subject of nepotism, corruption and opaque political calculations. Unrestrained by the need to form a coalition, the Mayor may just become a mini-dictator, neither bound by the rule of law nor accountable to its constituency. Brcko will be plunged back to 1999, when the Supervisor appointed all the members of the first government before there had ever been elections. All this at a time when the Supervisor is telling the world that Brcko District is a great success.

Brcko was never intended by its creators to be a colony. It was supposed to be an example of successful democratic local self-government. The Final Award of the Brcko Arbitral Tribunal did not give the Supervisor the power to override fair democratic procedures, but that is how the Supervisor has chosen to use his powers. This just demonstrates the dangers of giving unruly foreign officials unrestrained legal authorities: they are susceptible to dreadful abuse. What if the Supervisor appoints a Mayor who cannot do the job? What if the people do not like the Mayor? They cannot appeal; they cannot go to a Court; they have no line of resistance and must submit to the will of their colonial master. The rest of the international community stands silent in the faces of these abuses, and that is an added disgrace. It is time for Bosnia's people to take back control of their country from unaccountable foreigners.