



PARLIAMENTARY ASSEMBLY

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

REPORT
ON
THE ELECTIONS
in
The Republic of Bosnia and Herzegovina

held on September 14th, 1996

DRAFT

1. EXECUTIVE SUMMARY

On 14 September OSCE supervised elections in Bosnia and Herzegovina were conducted in accordance with the Dayton process for building a sustainable peace in the former Yugoslavia. The vote was held for a collective Presidency and the House of Representatives of a bi-cameral Parliamentary Assembly as well as for offices in the country's two Entities: the Federation of Bosnia and Herzegovina and the Republika Srpska.

Observers from the OSCE Parliamentary Assembly monitored the vote at the invitation and under the auspices of the Coordinator of International Monitoring (CIM), Eduard van Thijn. *Observers generally agreed that although elections followed a pre-election campaign seriously marred by widespread violations of election regulations and the Dayton Peace Agreement, the voting process on election day generally appeared to proceed smoothly. OSCE PA observers were impressed by the high voter turnout on election day and express their hope that the elected legislative bodies will further the reconciliation and re-integration process. Observers emphasize that the development of democratic, multi-ethnic institutions, even those that are borne from an imperfect process, are critical to the future of the nascent state of Bosnia and Herzegovina.*

- a) On election day the elections generally proceeded without major outbreaks of violence. However, some serious incidents, including physical assaults and intimidation, did occur during the pre-election campaign.
- b) Despite the difficulties presented by the conduct of four simultaneous elections, the technical aspects of the vote appeared to be carried out in a satisfactory manner. Polling Station Committees (PSCs) *generally* followed proper procedures.
- c) Observers frequently noted problems in the make-up of the Final Voters List, which raised some questions about the ultimate validity of the process, although it is unlikely

that the final outcome would have been altered by problems with the List.

d) Although unreasonably high voter turnout tallies in some *opstinas* raised initial concerns about the integrity of the vote, the discrepancies appear to have been rectified.

e) The low number of voters who chose to cross the Inter-Entity Border Line (IEBL) suggests that the freedom of movement remains unguaranteed in Bosnia and Herzegovina. Observers were also concerned that those who did cross the IEBL were unable to reach their intended destination because of security concerns, and that, furthermore, these voters' attempts to reach special polling stations were unduly arduous and plagued with obstacles. Observers credited the decision to postpone municipal elections, which would have entailed travel across the IEBL on a much larger scale and may have proved unfeasible for IFOR to guarantee voter safety, with preventing a possibly dangerous situation.

f) An insufficient number of absentee polling stations, coupled with cumbersome procedures for those voters, who on election day chose to vote with absentee ballots, gave rise to long delays and queues. The overcrowding and delays may have discouraged some voters from voting.

g) The pre-election campaign was characterized by appeals to vote along ethnic lines and heavily dominated by the ruling political parties. Opposition political parties and candidates were often denied the freedom to associate and equal access to the media.

h) An inadequate voter education campaign may have contributed to confusion and delays on election day. Many voters appeared to be poorly informed about candidates and political parties and even about the *raison d'être* for holding the elections.

2. DELEGATION

Observers from the OSCE Parliamentary Assembly monitored the elections in Bosnia and Herzegovina in the five major cities of Sarajevo, Banja Luka, Mostar, Tuzla and Srebrenica and the rural areas around these cities. The observers were deployed in teams of two persons. Mr. Javier Ruperez (Spain), President of the OSCE Parliamentary Assembly, was the leader of the following delegation:

Mr. Vicenc Mateu (Andorra)	Mr. Mario Baccini (Italy)
Mr. Wolfgang Grossruck (Austria)	Mr. Sergio Rognà (Italy)
Ms. Anna Elisabeth Haselbach (Austria)	Mr. Darko Diodato Bratina (Italy)
Mr. Mag. Herbert Haupt (Austria)	Mr. Ravel Kodric (Italy, staff)
Mr. Hans Helmut Moser (Austria)	Ms. Guikje Roethof (Netherlands)
Mrs. Mag. Terzija Stoisits (Austria)	Dzingisz Gabor (Netherlands)
Mr. Ludwig Caluwe (Belgium)	Mr. Theo Van Den Doel (Netherlands)
Mr. Jose Canon (Belgium)	Mr. Are Naess (Norway)
Mr. Jurgen Ceder (Belgium)	Mr. Asbjorn Brandsrud (Norway, staff)
Mr. Karel van Hoorebeke (Belgium)	Ms. Grethe Fossum (Norway)
Mr. Jean-Paul Moerman (Belgium)	Ms. Bjorg Hope Galtung (Norway)
Mrs. Magdeleine Willame-Boonen (Belgium)	Mr. Sergei Glotov (Russia)
Senator Benker (Belgium)	M. Dmitry Ivanov (Russia)
Hon. John Matheson (Canada)	Mr. Vladimir Zorine (Russia)
Mr. Gart Knutson (Canada)	Mr. Roeto Battelli (Slovenia)
Ms. Carolyn Parrish (Canada)	Mr. Jozef Jogodnik (Slovenia)
Mr. Andrew Telegdi (Canada)	Mr. Pedro Antonio Rios (Spain)
Mr. Nelson Riis (Canada)	Mr. Carlos Campuzano (Spain)
Mr. Jean-Marc Fournier (Canada)	Mr. Pedro Moya (Spain)
Mr. Jaromir Kalus (Czech Republic)	Mrs. Begona Lasagabaster (Spain)
Mr. Petr Sulak (Czech Republic)	Mr. Willy Meyer (Spain)
Mr. Frantisek Chobot (Czech Republic)	Mrs. Maria Jesus Alguero (staff Spain)
Mr. Petr Simunek (Czech Republic)	Mr. Maioano Dranas (Spain, staff)
Mr. Jaroslave Strait (Czech Republic)	Mrs. Kristina Svensson (Sweden)
Mr. Jiri Karas (Czech Republic)	Mr. Axel Andersson (Sweden)
Mr. Chestmir Hofhanzl (Czech Republic)	Mr. Lennart Rohdin (Sweden)
Mr. Vaclav Svoboda (Czech Republic)	Mr. Eskil Erlandsson (Sweden)
Mr. Jan Vidim (Czech Republic)	Mr. Gustav von Essen (Sweden)
Mr. Radke Pech (staff Czech Republic)	Ms. Barbara Haering Binder (Switzerland)
Ms. Eva Dostalova (Staff Czech Republic)	Mr. Cevher Cevheri (Turkey)
Mr. Tiit Kabin (Estonia)	Mr. Mehmet Ali Altin (Turkey)
Mr. Kimmo Kiljunen (Finland)	Mr. John Finerty (USA, staff)
Mr. Alil Dzaferovski (Former Yugoslav Republic of Macedonia)	Mr. Robert Hand (USA, staff)
Mr. Michel Voisin (France)	Mr. Chadwick R. Gore (USA, staff)
Mr. Thierry Vanel (France, staff)	Ms. Janice Helwig (USA, staff)
Ms. Marieluise Beck (Germany)	Mr. Richard Livingston (USA, staff)
	Mr. Orest Deychakiwsky (USA, staff)

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Observers from the North Atlantic Assembly
and the Parliamentary Assembly of the Council
of Europe:

Mr. Teelgma (Council of Europe)
Mr. Hartland (Council of Europe)
Mr. Malcolm (Council of Europe)
Ms. Vermot Mangold (Council of Europe)
Mr. Eörsi (Council of Europe)
Mr. Sole Tura (Council of Europe)
Sir Russell Johnston (Council of Europe)
Mr. Matjaz Gruden (Council of Europe)

Lord Lucas Of Chilworth (NAA)
Mr. Gian Giacomo Migone (NAA)
Mrs. Paulette Brispiere (NAA)
Mrs. Carmen Calleja (NAA)
Mr. Altam Oymen (NAA)
Ms. Cathrine Guicherd (NAA, staff)
Mr. Diaz De Mera (Council of Europe)
Ms. Durrieu (Council of Europe)
Mr. Gelderblom-Lankhout (Council of Europe)

The delegation was accompanied by the following members of the International
Secretariat:

OSCE PA Secretary General, Mr. R. Spencer Oliver
OSCE PA Deputy Secretary General, Mr. Pentti Vaananen
OSCE PA Director of Programmes, Mr. Eric Rudenshiold
OSCE PA Executive Secretary, Ms. Camilla Benincasa

3. PROGRAMME

The monitoring of the elections in Bosnia and Herzegovina came under the auspices of the Coordinator of International Monitors (CIM). On 11 September observers from the OSCE PA, in conjunction with other participants in the CIM mission, met in Vienna for IFOR briefings on security and logistical aspects of the monitoring mission. On 12 and 13 September the observers were flown by IFOR transport to Sarajevo, Banja Luka, Mostar, Tuzla and Srebrenica. They were subsequently deployed in and around these cities, where they were briefed by the CIM's long-term observers and inspected polling stations in their deployment area.

4. PRE-ELECTION ENVIRONMENT AND OBSERVATIONS

The signing of the Dayton Agreement on 14 December 1995 ended the four-year-long civil war and attempted to create a unified, multi-ethnic state in Bosnia and Herzegovina.

Under the Agreement, Bosnia and Herzegovina was sub-divided into two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. A new constitution was drafted for the country which provides for a three member collective Presidency and a collective bi-cameral Parliament as well as Entity level legislative bodies. On 14 September six separate elections were conducted to elect the previously mentioned institutions¹ as well as the President of the Republika Srpska, the National Assembly of the Republika Srpska, the House of Representatives of the Federal Assembly of the Federation of Bosnia and Herzegovina, and ten Cantonal Councils (from the Federation).

The Agreement charged the OSCE with the supervision of the preparation and conduct of the elections. The Chairman-in-Office (C-I-O) of the OSCE, Swiss Foreign Minister Flavio Cotti established, in February 1996, under the auspices of an OSCE Mission to Bosnia and Herzegovina, the Provisional Election Commission (PEC) to oversee the fulfillment of this mandate. C-I-O Cotti appointed Ambassador Robert Frowick to be Head of the OSCE Mission to Bosnia and Herzegovina and serve as Chairman of the PEC. The PEC also included representatives of the "Parties"² to the Agreement as well as representatives from the international community.³ C-I-O Cotti also appointed Mr. Eduard van Thijn as the Coordinator of International Monitoring (CIM). Following the creation of the Mission, C-I-O Cotti, on the recommendation of Ambassador Frowick, was to certify whether conditions existed for the effective holding of elections. By the Dayton mandated 25 June deadline for certification, the basic criteria required to establish the minimum conditions for free and fair elections⁴ remained unfilled. Warning that the failure to meet this criteria by election day could result in "pseudo-democratic legitimization of extreme nationalist power structures," Mr. Cotti

¹ Of the two chambers of the Parliament, only the House of Representatives was elected on 14 September. The other chamber, the House of Peoples will be comprised of 15 members (five Bosnian Muslims, five Bosnian Croats, and five Bosnian Serbs), who will be appointed by Entity level legislative bodies.

² As much as this report is based upon the provisions of the Dayton Agreement, we have used, in many places, the language from the agreement. Please note that in the report "Parties" refers to the signatories to the agreement and "Entity" refers to Bosnia and Herzegovina's two, newly created regions: The Federation of Bosnia and Herzegovina and the Republika Srpska. For the purposes of clarity, we have used the term political parties to identify participants in the election.

³ The PEC consists of the following members: *Ambassador Robert H. Frowick* (Head of the OSCE Mission to Bosnia and Herzegovina), *Sir Kenneth Scott* (Senior Deputy for Elections of the OSCE Mission to Bosnia and Herzegovina), *Professor Doctor Kasim Begic* (Representative of the Republic of Bosnia and Herzegovina), *Mr. Slobodan Kovac* (Representative of the Republika Srpska), *Mr. Mate Tadic* (Representative of the Federation of Bosnia and Herzegovina), *Mr. Eugene Hutchinson* (Representative of Mr. Carl Bildt, the UN High Representative to Bosnia and Herzegovina), and *The Honorable John Reid* (elections expert from Canada). *OSCE's Press Release "First Meeting of the Provisional Election Commission for Bosnia and Herzegovina"*, 1 February 1996.

⁴ The criteria, which were derived from the OSCE Copenhagen Commitments are as follows: a politically neutral environment, freedom of expression, access to an independent and impartial media, freedom of association, and freedom of movement.

nonetheless announced the final certification of the conduct of elections.

4.1 THE CAMPAIGN

4.11 General Observations

Although the Dayton Agreement brought peace to Bosnia and Herzegovina and provided for the reconciliation and re-integration of the country, the de facto result of Dayton has been the partition of the country. The pre-election campaign belied a political atmosphere that was far from neutral. OSCE PA observers were particularly concerned about candidate and voter intimidation, the lack of an independent and objective media (See Section 4.24 The Media), and serious impediments to the freedom of movement and association. Many of the candidates explicitly campaigned against the basic tenets of the Dayton Accords (e.g. a unified, multi-ethnic state with collective institutions) which, inter alia the elections, the framers of the Accords had sought to enshrine in Bosnia and Herzegovina.

4.12 The Election Law

During the pre-election period the PEC adopted numerous rules and regulations for the elections, including provisions regarding voter registration, registration of parties and independent candidates, an electoral code of conduct, government obligations related to the media, and absentee voting. These rules and regulations were the legal basis of the elections. The Parties were required to comply with PEC rules and regulations fully, irrespective of any internal laws and regulations.⁵ Moreover, political parties and candidates were to abide by the spirit of the Dayton Agreement; calls for entrenching partition or outright secession were deemed to violate this provision. *Observers, concurring with the findings of the CIM, found the “systematic delivery of secessionist messages during the campaign” (acutely noted in the Republika Srpska, but also observed in Croat controlled areas) to be in violation of the Dayton Agreement, and to come from a sufficient number of highly placed authorities to call into question the viability of future collective governmental institutions.*

⁵ Dayton peace agreement, 21 November 1995, Annex 3 on Elections, Article III, paragraph 1.

4.13 Nomination and Registration of Parties and Candidates

Political parties and independent candidates registered for the elections by completing and submitting to the PEC the appropriate application form which was to include the required number of supporting signatures.⁶

<i>POLITICAL PARTIES</i>		<i>INDEPENDENT CANDIDATES</i>	
B&H, Federation of B&H, and RS elections	10,000 signatures	B&H, Federation of B&H, and RS elections	5000 signatures
Cantonal elections	1500 signatures	Cantonal elections	800 signatures

No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal or has failed to comply with an order to appear before the Tribunal, was permitted to stand as a candidate or to accede to any office in the territory of Bosnia and Herzegovina.⁷ *Two candidates from party lists were disqualified because they were ineligible under this provision.*⁸

The deadline for submitting the application forms expired on 14 June.⁹ Upon the submission of their applications, each party and candidate was required to sign a document by which they agreed to abide by the Peace Agreement, the Electoral Code of Conduct, and the rules and regulations approved by the PEC.¹⁰

4.14 Party List and Independent Candidate Verification

Thirty-seven political parties, three multi-party coalitions, and 27 independent candidates originally were registered for the elections. Following the postponement of municipal elections, the number of political parties was reduced to 24, and the number

⁶ OSCE Mission to Bosnia and Herzegovina, *Rules and Regulations of the PEC: "Registration of Parties and Independent Candidates taking part in the Elections"*.

⁷ This provision applies for the election for the Presidency as well. OSCE Mission to Bosnia and Herzegovina, *Rules and Regulations of the PEC, "Rules for Registering Political Parties And Independent Candidates"*.

⁸ OSCE Mission to Bosnia and Herzegovina, "Approval of Candidates by the Provisional Election Commission".

⁹ "Chronology of the Balkan Peace Effort, 9-22 June", *Transition*, 12 July 1996, p. 56.

¹⁰ OSCE Mission to Bosnia and Herzegovina, "Campaign starts for Parties and Candidates", *OSCE Press Release* 23 July 1996.

of coalitions grew to five; only four independent candidates remained on the ballot. In total, approximately 27,000 candidates were registered to run in the elections.¹¹ After party lists had been registered, the PEC sought to review the eligibility of each candidate on the submitted lists. In doing so, the PEC found that it could not locate the names of 8,000 candidates on the Provisional Voter List. Approval of these candidacies was then delayed until more complete information was submitted to the PEC in order that it could verify that the candidates were indeed eligible voters. Pending official verification, these candidates were temporarily disqualified. Posters informing voters that these candidates were provisionally ineligible to assume seats in their prospective legislative bodies were to be posted in polling stations.¹²

4.14 Voter Registration

Any citizen of Bosnia and Herzegovina aged 18 or older whose name appeared on the 1991 census for Bosnia and Herzegovina was eligible to vote. This provision included refugees living abroad as well as displaced persons residing within Bosnia and Herzegovina. In order to facilitate the enfranchisement of refugees, the elections were divided into an external (for refugees) and internal (displaced persons and all others) vote. Registration was based upon the PEC's Provisional Voters' List (PVL), which the Commission asked the Bosnian Central Statistical Institute to produce by updating the 1991 census. Since it was originally published, the PVL has been revised twice in order to make it as accurate as possible, and on election day a final version of the PVL, the Final Voters List (hereafter referred to as the "Voters List") was distributed to all *opstinas*.¹³ The PEC extended the deadline for external voter registration from 31 July to 5 August, because refugees in a number of countries were not fully aware of the registration procedures.¹⁴ In the end, of the approximately 850,000 eligible refugees abroad located in more than 55 countries, 641,010 registered to vote in the elections

¹¹ *Ibid.*, and letter from Sir Kenneth Scott, Deputy Head of Mission for Elections, OSCE Mission to Bosnia and Herzegovina, to R. Spencer Oliver, Secretary General of the OSCE PA, 5 September 1996.

¹² Christian Christianson, Director of Voter Registration, OSCE Mission to Bosnia and Herzegovina.

¹³ OSCE Mission to Bosnia and Herzegovina, Rules and Regulations of the PEC, "Voter Registration" and letter from Sir Kenneth Scott.

¹⁴ OSCE Press Release "PEC Extends the Deadline for Voter Registration," 16 July 1996.

(503,000 registered under Form I and 138,000 registered under Form II).¹⁵ [See Refugee Voting]

According to the Dayton Agreement, “A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote in person or by absentee ballot, in that municipality.”¹⁶ Such a citizen may, however, apply to the PEC to cast his or her vote elsewhere. Specifically, this provision applies to refugees and displaced persons.¹⁷

This provision required the PEC to create special procedures to enfranchise these voters. Hence, the PEC established the “Two Form” registration system¹⁸ by which refugees and displaced persons may apply for changes in their status on the PVL through the use of two applications forms:

The Two Form Refugee and Displaced Person Registration System¹⁹	
Form I	This form allowed citizens to <i>vote via absentee ballot</i> in those districts in which they lived prior to 1991. It also allowed for the addition of the names of voters who have become eligible to vote since the 1991 census (i.e. reached the age of 18) to the Provisional Voters List or provided for name changes on the List (i.e. change in marital status, etc).
Form II	This form allowed registrants to <i>vote in a municipality</i> other than that in which they resided at the time of the 1991 census, including where they currently reside (this only applies to displaced persons) or where they intend to reside. On election day these voters were required to vote in person in their chosen district.

¹⁵ Approximately 97% of Form II voters registered to vote in the district in which they currently reside. OSCE Refugee Elections Steering Group- Office of the Coordinator of Country Representatives, “Final Statistics on Bosnia and Herzegovinian Electoral Registration Abroad,” 12 August 1996.

¹⁶ *Dayton Peace Agreement*, 21 November 1995, Annex 3 on Elections, Article IV.

¹⁷ The exercise of a refugee's right to vote is interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. However, as stated in the Dayton Agreement, refugees have a right to vote without losing their refugee status and without being obliged to return immediately.

¹⁸ A third form was used, however it was an appeal form to allow voters to change their eligibility status.

¹⁹ OSCE Mission to Bosnia and Herzegovina, “OSCE at a glance this week”, 10 August 1996.

4.15 Voter Registration Deficiencies

Serious deficiencies in the Voters List may have seriously undermined the integrity of the vote. On election day, a significant number of voters, including those who had reportedly endeavored to verify their registration prior to election day, were denied the suffrage because the Voters List did not contain their names. Local election commissions were empowered to remedy this situation, however, the pervasiveness of the problem resulted in thousands being unable to vote. Moreover, though the problem was attributed to a technical error, some observers contended that the deficiencies, coupled with the poor performance of local election commissions in rectifying gaps in the list, may have suggested that the Voters List had been manipulated -- most seriously in the Republika Srpska -- in order to prevent Form II voters from voting in their former residences.

The design of the Voters List itself created further problems. According to PEC regulations, "the primary indicator for finding a voter on the Voters List would be the ID number,"²⁰ however the Voters List was printed in order of date of birth, making it exceedingly difficult, and, in some cases, unfeasible, for registered voters to be found on the list, if their names had not been entered properly.

During the campaign overwhelming evidence that entity authorities manipulated the voter registration process conducted under the "Two Form" system lead the PEC to postpone the holding of municipal elections [See below]. Bosnian Serb authorities were found to have withheld humanitarian aid and housing from Serbian refugees and displaced persons until they applied to be Form II voters, thereby making themselves eligible to vote in the municipality of their choice. This was apparently done in order that those Serbs would be registered to vote in Republika Srpska and not in the municipalities in which they lived in 1991.²¹ Numerous organizations including the United Nations High Commission for Refugees (UNHCR) have argued that the coercion was applied in order to solidify Serbian majorities in Republika Srpska, an outright attempt at legalized ethnic cleansing.²² The other Parties, too have been accused of manipulating voter

²⁰ van Thijn, Eduard, "Preliminary Statement of the Coordinator for International Monitoring (CIM)", 14 September 1996.

²¹ OMRI Daily Digest, No. 159, Part II, 16 August 1996.

²² OMRI Special Report: Pursuing Balkan Peace, No. 34, 236 August 1996.

registration, but on a much smaller scale than the Serbs.²³ The OSCE Coordinator for International Monitors Edward van Thijn, described this kind of a electoral engineering "a serious violation of human rights".²⁴

4.16 The Postponement of Municipal Elections

On 27 August, Ambassador Frowick announced that the PEC had reached the conclusion that the conduct of municipal (mayoral, city and county councils) elections on 14 September was not feasible. Citing widespread abuses of PEC rules and regulations, Ambassador Frowick commented that the guidelines drawn from the Dayton Agreements had "been seriously distorted at the municipal level."²⁵ In particular, the massive irregularities centered around attempts at electoral engineering - by means of Form II registration - which were aimed at solidifying ethnic majorities in areas that had been cleansed during the war. Supporting the decision, US Assistant Secretary of State John Kornblum said that to have gone forward with the elections may have resulted in a setback for the peace process, opining that, of the seven levels of elections, which were originally planned to be held simultaneously, "the one in which the population makeup is the most critical, both for the political balance in the cities but also for the implementation of the peace, is the municipal elections (sic)."²⁶ Ambassador Kornblum termed the engineering a circumvention of the Dayton Accords, noting that it "was quite consciously use[d] to pack [electoral] districts."²⁷

Municipal elections have been tentatively scheduled for 20 November.

4.2 RESOLUTION OF COMPLAINTS AND DISPUTES

4.21 Election Appeals Sub-Commission.

²³ The SDA has reportedly urged refugees from Srebrenica to vote in former Serb-held suburbs of Sarajevo and the Croats have tried to force their displaced countrymen to vote in the so-called Croat sub-entity of Herzeg-Bosna. See Ibid. and The International Crisis Group, "Why the Bosnian Elections Must Be Postponed," *ICG Bosnia Report No. 14*, 14 August 1996, p. 8-9.

²⁴ The International Crisis Group.

²⁵ Frowick, Robert, "Statement by Ambassador Frowick on Postponement of Municipal Elections" Sarajevo, 27 August 1996.

²⁶ *USIA Wireless File* "Special Briefing with Assistant Secretary of State John Kornblum: Bosnia-Herzegovina, The Postponement of Municipal Elections", 28 August 1996, p. 16.

²⁷ In his statement, Ambassador Frowick specified the cities of Brcko, Srebrenica, Bihac, Bugojno, Mostar, and Stolac as areas where the worst abuses had taken place. Ambassador Kornblum made specific reference to Brcko, Srebrenica, and Doboj. See "Statement by Ambassador Frowick and Ibid., p. 18.

The PEC established an Election Appeals Sub-Commission as the ultimate body of adjudication for complaints regarding the electoral process and to ensure compliance with PEC rules and regulations. Judge Finn Lynghjem, a distinguished international jurist, chaired the Sub-Commission. Also on the Sub-Commission was a senior judge from each of the respective entities. In case of a deadlock, or if the commission members could not reach an acceptable agreement, the decision of the Chairman was final and binding.

The PEC, the Media Experts Commission, political parties, candidates, individuals, or entities could bring complaints to the Sub-Commission, which had the right to impose penalties and/or fines against any and all violators of the rules and regulations established by the PEC and the General Framework Agreement, up to and including the prohibition of a political party from running in the elections, and the decertification of a party already listed on the ballot, the removal of a candidate from a party list, and/or the removal of an independent candidate from the ballot.

No decision by the PEC could affect a decision already handed down by the Sub-Commission, and all Sub-Commission adjudications were final and binding.²⁸

4.22 Election Appeals Sub-Commission Decisions

By the end of the pre-election period, the Sub-Commission had issued 54 decisions and seven Advisory Opinions.²⁹ In 64% of its rulings, the Sub-Commission dismissed the complaint³⁰, leading to criticism by independent observer groups that it did not actively and stringently uphold its mandate amidst widespread violations of the Dayton Accords and PEC regulations. The Sub-Commission did take punitive action in several cases to enforce compliance with electoral regulations and, in a separate action, it also ruled several hundred voter applications to be fraudulent and invalid. *However, observers were concerned that the narrow scope of its activity may have limited its effectiveness.* In a case in point, the Sub-Commission dismissed a complaint brought forth by the Socialist Party of the Republika Srpska, which alleged that two party

²⁸ OSCE Mission to Bosnia and Herzegovina, *Rules and Regulations of the Provisional Election Commission*, "Election Appeals Sub-Commission".

²⁹ Overall, by 25 September the Sub-Commission had received 127 complaints and had issued decisions 96 cases; 31 cases, at the time of writing, were still pending.

³⁰ van Thijn, Eduard, "Second Report of the Coordinator of International Monitoring (CIM), 24 September 1996.

members had been physically assaulted by members of the SDS. The Sub-Commission reasoned in this case “that the alleged assault [could] be more adequately dealt with by the [local] police,”³¹ in spite of the widely held belief that the police in the Republika Srpska were firmly controlled by the SDS.

4.23 Campaign Finance Assistance

In July the OSCE established a Campaign Assistance Fund (CAP) for registered parties, party coalitions and independent candidates. A total of DM 7.5 million was made available for the CAP, and the OSCE established the following parameters for the disbursement of the CAP:

- 1) Independent candidates were receive a fixed sum of DM 11,250;
- 2) Registered political parties were to receive a minimum sum of DM 22,500;
- 3) The maximum disbursement for a single political party was DM 375,000, and for coalitions DM 600,000.

All beneficiaries could request up to 25% of their entitlement in advance; further allocations were based upon the presentation of actual invoices paid.³² *OSCE PA observers were concerned by reports that CAP money was disbursed to parties which, in violation of PEC regulations, advocated ethnic hatred and partition. Observers were further dismayed to learn that suspected war criminals received substantial outlays, but, in the end, found that they could not criticize the disbursement of funds to those who had not been indicted by the War Crimes Tribunal in The Hague. While most observers found understandable election authorities’ argument that to summarily refuse disbursement may have slighted the democratic process, more stringent controls and requirements for the outlay of campaign assistance could have alleviated this problem.*

4.24 The Media

³¹ Written opinion of Judge Finn Lynghjem, Case 96-30B.

³² OSCE Mission to Bosnia and Herzegovina. “OSCE Establishes ‘Campaign Assistance Fund’ for Political Parties and Independent Candidates”. *OSCE Press Release*, 25 July 1996.

The Dayton Accords and PEC rules and regulations³³ established a regulatory framework for media coverage of the electoral campaign. Within this framework, parties' and journalists' rights and standards of professional conduct were set out. All news media outlets and individual journalists were required to sign a code of conduct under which they agreed to refrain from espousing ethnic hatred or propagating ultra nationalistic viewpoints. Entity and para-Entity governments³⁴ pledged to permit journalists complete freedom of movement throughout Bosnia and Herzegovina and freedom of expression in their coverage of the campaign. Equal access to the media was to be assured to every political party and independent candidate.

An impartial and balanced coverage of the issues to be addressed during the campaign was to be guaranteed by these regulations. Nevertheless, the context in which the pre-election period took place was predictably unfavorable for balanced coverage of the campaign and many shortcomings characterized the performance of the media. *OSCE PA observers heard complaints that the ruling political parties benefited from a greater allocation of time both on state run and private media, especially within the Republika Srpska and the Croat controlled part of the Federation. In these areas, both electronic media and the press were for the most part partisan. Inflammatory language was often used in violation of PEC's regulations.³⁵ Independent candidates and opposition parties were not always granted equal access either to editorial or to paid time on television channels.³⁶*

The situation was, in part, different in the areas controlled by Bosnian government forces, where a large number of newspapers are published, especially at the local level, and some independent radio and television stations exist. Also in state run television, election campaign specials were conducted in a comparatively fair manner, while in news programs the influence of the ruling party was predominant. Media experts from the International Crisis Group and the institute for war and Peace Reporting have

³³ The Provisional Election Commission (PEC) was appointed on the 30 January 1996. It is chaired by the Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Robert Frowick, and includes seven members. Equal representation is granted to the Parties. *Dayton Peace Agreement, 21 November 1995, Annex 3 on Elections, Article II, paragraph 2.*

³⁴ Note that the use of the term "para-Entity" refers to the Croat-controlled area of the Federation, which until just before the election continued to consider itself as the statelet of Herzeg-Bosna.

³⁵ Institute for War & Peace Reporting (i.w.p.r.), *Media Plan, July 1996.*

³⁶ European Institute for the Media, *Preliminary Report*, September 15, 1996.

labeled the Bosniac media to be generally compliant with both PEC media stipulations and those in the Dayton Agreement. This is not to say, however, that the Bosniac media has given a fully balanced coverage of the campaign. Nevertheless, in comparison with its Croat and Serbian counterparts, it proved to be the most open.

Internationally supported initiatives, such as the OSCE supported, Swiss financed Free Election Radio Network (FERN) proved successful, despite some initial difficulties in the Republika Srpska. FERN, which began broadcasting July 15, covered 81% of the Federation and 61% of Republika Srpska and was able to give full national coverage of the elections. Due to delays, the television network sponsored by the Office of the High Representative (TVIN) started working only on September 7 and was not able to cover either the Republika Srpska or the Croat controlled area of the Federation. As a consequence, it had only a minor influence on the election campaign.

5. ELECTION OBSERVATIONS

Voting was to take place on Saturday, 14 September 1996 from 7:00 AM to 7:00 P. M.. The Chairman of the PSC had the right to suspend the vote in case of a threat to the peace and order or an outbreak of violence. In case of such events, the chair had the right to extend polling hours.

One member of the PSC served as the Ink and Queue Controller. The Controller was to check the finger of the voter to ensure that invisible ink has not already been applied, then a finger of the voter was to be sprayed with the ink.³⁷ *It was largely reported that these provisions were properly followed.*

5.1 OBSERVATIONS AT POLLING STATIONS

The carrying or display of arms in polling stations was strictly forbidden. Only local police-forces and IPTF were excepted from this rule. *Local police were present, but did not appear to intimidate voters.*

³⁷ CIM-International Monitoring Mission, Bosnia and Herzegovina Elections, Handbook for Observers Nr.31

On election day campaign agitation was strictly forbidden inside polling stations or within a reasonable distance of them.³⁸ *In a flagrant violation of PEC regulations, monitors reported that portraits of Radovan Karadzic and Radko Mladic were displayed inside polling stations in the Republika Srpska.*

The PSC members were reported to have acted competently on the whole and did not seem to have exercised an undue influence on voters. Local Election Committees and PSCs appeared generally well informed and committed to their task. On the other hand, closing hours were reported to vary at some polling stations. Some closed at 7 pm, some at 8 pm, some in between (See Section 5.24 Closing of the Polling Stations), and observers noted that electoral committee chairs were uncertain as to their authority to make decisions with or without the approval of the supervisors appointed by the CIM. This was evident also for the handling of absentee ballots.

Ballot boxes were to be set up such that voters would have to pass through rooms or booths to ensure secret voting. *Although a few observers reported that polling stations were of an inadequate size and that some station layouts did not fully ensure the sanctity of the secret ballot, these were deemed to be minor problems, given the context of the elections.*

The Election Commissions were to provide the necessary materials for the polling stations.³⁹ *In most cases these provisions were met properly. Ballot boxes were found to have been properly sealed, secured, and supervised in accordance with procedures.*

5.12 Voter Security

Measures to ensure voter security at polling stations were reported to be adequate, due to the dense presence of IFOR-troops in the cities and the country side and members of the International Police Task Force (IPTF). Also the local police to have behaved in a generally appropriate and restrained manner.

5.2 VOTING PROCESS

³⁸ Electoral Code of Conduct.

³⁹ Rules and Regulations of the Provisional Election Commission: Decisions until July 16, July 1996, Art. 29.

5.21 Organization on Election Day

People voting where they currently reside were advised that they could cast their ballot at any regular polling station in their municipality. Addresses of polling stations were indicated on posters distributed in each municipality. Voters seeking information were advised to inquire at their LEC or any OSCE Field office.⁴⁰ *Polling stations were generally not crowded because voters were evenly spread throughout their municipality. In the main, polling stations were well equipped and well organized. However, overcrowding was reported in many absentee polling stations.*

5.22 Casting of the vote

Votes were to be cast by secret ballot.⁴¹ *In this regard, some irregularities were reported.* At the request of voters who were illiterate, the PSC's were to permit these voters to receive help from a person of their choice.⁴² Voters were to receive four, colour-coded ballot papers for each respective election.⁴³

Many observers criticized the voting system for being confusing and causing voter delays, and generally found the complexity of the election process to have been problematic. Monitors also reported that the elderly and the illiterate had difficulties expressing their choices. There were no guarantees that those helping them -- polling stations members or relatives -- were acting impartially. Family voting was also reported to be widespread in refugee polling stations. However, in general most people did not seem to have difficulties casting their vote.

Moreover, problems with voter registration coupled with the complicated electoral system led to an incomplete voters list and slowed down the voting process considerably. These obstructions may have influenced the voter turnout.

Finally, most parliamentary observers concurred with independent international non-governmental groups that voter education was lacking -- especially in light of the country's inexperience with democratic elections⁴⁴ -- which greatly

⁴⁰ Advisory from the Director-General of Elections for the OSCE Mission to Bosnia and Herzegovina, 9 September 1996.

⁴¹ Document of the Second Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen 1990, Annex 2, Paragraph 7.4.

⁴² Rules and Regulations of the Provisional Election Commission: Decisions until July 16, July 1996, Art.106.

⁴³ CIM-International Monitoring Mission, Bosnia and Herzegovina Elections, Handbook for Observers Nr.27.

⁴⁴ The National Democratic Institute, working in coordination with the International Federation for Electoral Systems, the Office of Transition Initiatives, and the OSCE on voter education arrived at similar conclusions.

hindered balloting on election day. Many voters appeared to be uninformed about the process of voting and even the purpose of participating in the elections. When questioned, these voters seemed distressed and confused by the complex structure of the elections (this was overwhelmingly the case with elderly and illiterate voters in rural areas), and a high number were only aware of the ruling political parties.

5.23 Displaced persons' voting

On election day the climate was tense and a large number of voters did not cross the IEBL for fear for their personal safety. To live up to the requirements of Art. 8 of the Election Rules and Regulations, bus transportation on 19 IFOR guaranteed "voters' routes" was organized.⁴⁵ *However, IFOR did not guarantee the safety of voters traveling outside these routes.*

The "voters' routes" enabled people to cross the IEBL in order to vote in their chosen *opstina*. However, voters, who decided to use the routes, were not necessarily brought to locales located near their former residence, but to specially designated polling stations, for which IFOR guaranteed security. They were further told that they could not rely on IFOR protection if they decided to continue to their former place of residence. *The emphasis on security resulted in limited freedom of movement and a surprisingly low number of Muslim voters -- sources vary between 12,000 and 17,000 out of the 150,000 who, according to their registration, intended to cross the IEBL -- actually did cross the Entity border to vote in the areas now under Serb control. Additionally, polling stations for the returning displaced persons often were situated far away from the polling stations set up for the residents -- a few up to 15 kilometers outside the city or town-center -- and then only reachable after long walks through difficult terrain.*

Displaced persons who applied to vote by absentee ballot in their former location were to be directed to vote at a specific absentee polling station on election day.⁴⁶ *These polling stations were, however, insufficient in number, which in some areas caused long queues, voter safety problems and problems with the provision of ballot papers and other materials. Confusion among absentee ballot voters in the federation, who did*

⁴⁵ ODIHR Bulletin No.18, 12 September, 1996.

⁴⁶ Rules and regulations of the Provisional Election Commission: Decisions until July 16, 1996, Article 101.

not know that, at the Entity level, they could only vote for Republika Srpska institutions, was also reported.

5.24 Closing of the Polling Stations

Polling was to conclude at 7 pm, at which time all material in the polling stations was to be accounted for and ballots were to be transferred from the ballot boxes to the ballot transport bags and then sent to the Counting Center.⁴⁷ The Election Commissions under the supervision of the OSCE and the PEC were to provide transport and security for materials to and from polling stations.⁴⁸ *According to the vast majority of observers, the ballot boxes were properly sealed after the closing of the polling stations, though some monitors complained that secure transportation of the sealed ballot boxes to the counting centers was not ensured by either IFOR or the IPTF.*

On voting day, an extension of opening hours in certain polling stations in each *opstina* was announced on the radio. *However, the announcement was not effectively implemented and observers noted widespread confusion and conflicting information about the extension; many voters complained that they were unaware which polling stations were to remain open. . The uncertainty arising from the announcement may have precluded some citizens from voting. Moreover, this may have created inequities in allowing some regions to vote while others were denied the opportunity*

5.25 Ballot Tabulation

Initial counting procedures were observed by OSCE PA observers. Reports, which arose later in the counting process, contend that ballots were not properly controlled and separated. The alleged improper procedures have made the tallying of results by voter registration category exceedingly difficult, which early in the counting procedure created doubts about the integrity of the electoral process.

5.3 CIM-COORDINATED AND LOCAL OBSERVERS' STATUS

⁴⁷ Counting Centers in Bosnia and Herzegovina, August 1996 n.3.1.

⁴⁸ Rules and Regulations of the Provisional Election Commission, July 1996 Nr.31

5.31 CIM-Coordinated Observers

The CIM requested 4000 short-term observers for the elections. According to the CIM less than one thousand international observers were deployed throughout the country on election day.⁴⁹ OSCE PA observers joined short-term observers from 24 OSCE participating states, two partner states for co-operation with OSCE, two non-OSCE participating states and other inter- or non-governmental organizations. These observers recorded their findings from nearly 3000 polling stations.⁵⁰

The number of observers appeared to be sufficient. It was regarded as an advantage that long-term observers and supervisors were acquainted with the local environment and could provide helpful information. However, some observers complained that they were not fully briefed upon the arrival at their area of observation, despite the fact that long term observers and supervisors had gathered knowledge that could have been helpful to them. Observers from the OSCE PA also questioned the areas of deployment of OSCE PA observers, which did not seem to reflect the major areas of concern in the region.

5.32 Local Party Observers

Party and independent candidates' representatives had the right to witness all electoral processes.⁵¹ *Party observers in polling stations which were located in areas in which their ethnicity was in the minority or no longer represented in the community were visibly uneasy, whether they were SDA representatives in majority Croat areas or HDZ representatives in majority Muslim areas. Monitors found it impossible to have frank discussions with the local party observers because of the size and layout of polling stations. The need for an interpreter made discreet interviews almost impossible.*

5.4 THE EXTERNAL (REFUGEE) VOTE

5.41 Voting Procedures

The 14 September 1996 elections in Bosnia and Herzegovina were preceded by

⁴⁹ Preliminary Statement of the Coordinator for International Monitoring (CIM), Elections in Bosnia and Herzegovina, 14 September, 1996.

⁵⁰ *Ibid.*

⁵¹ Bosnia and Herzegovina, Polling Station Committee Member's Manual, Training Edition, August 14, 1996.

absentee voting in the 55 countries hosting Bosnian refugees. These elections generally took place by mail and were organized, under the auspices of the OSCE, by non-governmental agencies located in each country.

The basic rules for the refugee elections were drafted by the PEC in Sarajevo and were the same in all of the countries in which refugee voting took place. Although focusing on the in-country elections, the OSCE Parliamentary Assembly sent a two-member delegation to observe refugee voting procedures in Denmark (see Annex 1), which, despite some technical difficulties, seemed to proceed in good order. A *general overview* of Bosnian refugee voting is presented below.

5.42 Voter registration

Out of 641,010 refugees who were eligible to vote⁵², approximately 503,000 people (app. 78%) registered to vote by absentee ballot in municipalities where they lived in 1991.⁵³ The registration deadline for these people was 8 August 1996. Registration forms were sent out only on the request of each refugee.

The Office of the Coordinator for International Monitors (CIM), in its Preliminary Statement on 14 September, reported that "out-of-country voting worked reasonably well and was free of any significant manipulation." No major problems regarding registration were reported from the CIM, except for some confusion surrounding Form II.

While supporting the general statement, the OSCE PA, however, among others, found the registration process, at least in Denmark to be insufficiently transparent and lacking measures to deal with illiterate voters (see attached report).

5.43 The voting process

At the end of August the election materials, including ballots and general information, were sent out to each registered voter. Five ballot papers were sent, with different ballots being sent to voters, depending on the Entity in which the voter's pre-war residence was located. The ballots had to be returned to the coordination office in

⁵² Figure from *OMRI Daily Digest* 10 September 1996.

⁵³ Another 138,000 refugees registered to cast their ballots *in person* in some future intended address in Bosnia & Herzegovina (Figures from the "Journalist's Guide to Bosnia & Herzegovina" published by the OSCE Mission to Bosnia & Herzegovina, Sarajevo, September 1996).

a sealed envelope, which was also to include a copy of the voter's application to register. These envelopes were then opened and placed in new envelopes indicating the voting district to which they were to be sent. The deadline for the mailing of ballots from the coordination office to the OSCE was 14 September 1996. From the OSCE in Vienna, the envelopes were sent to Sarajevo, from where they were to be sent again to each polling district in Bosnia, where the ballots were counted. *However, observers were concerned by reports that only some refugee envelopes actually reached the local polling district, adding further confusion to the process.*

The voter turnout, as a percentage of registered voters, were for some of the major refugee hosting countries as follows:⁵⁴

● Austria	72%	● Finland	92%
● Belgium	85%	● FRY	70%
● Croatia	76%	● Germany	74%
● Denmark	87%		

Allegations of fraud in voter registration -- mainly in the Republika Srpska -- prompted three Bosniac parties, lead by President Izetbegovic's Party of Democratic Action (SDA), on 28 August to call for a boycott of refugee voting. The boycott was called off on 30 August only after consultations with Head of the PEC and of the OSCE Mission, Ambassador Robert Frowick.⁵⁵ *The high voter turnout, however, suggests that the call for a refugee elections boycott did not have a major effect on the elections.*

The OSCE Office of Democratic Institutions and Human Rights (ODIHR) monitored the refugee vote, stationing 65 observers in 23 countries.⁵⁶ ODIHR observers reported problems concerning the issue of wrong ballots, confusion surrounding the postponement of municipal voting, lack of information on the balloting process and about the candidates and competing parties, postal delays, and errors in the packing and delivery of envelopes.

⁵⁴ Figures as of 6 September 1996 from the OSCE Mission to Bosnia and Herzegovina: *OSCE at a glance this week*, 7 September 1996.

⁵⁵ *OMRI Daily Digest*, 29 August, and 3 September 1996.

⁵⁶ This effort was coordinated by Mr. Michael Meadowcroft from the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Despite these problems, the high voter turnout suggests that the voting process generally worked well, even though it was done by mail and not at an actual polling station. However, questions arise concerning the secrecy of the vote and the sanctity of the one-man-one-vote principle, since it cannot be ensured that pressures to vote for specific candidates were not exerted inter alia between family members, or that ballots were not filled out by persons other than the ones for which they were issued.

6. VALIDITY OF ELECTIONS

According to PEC regulations, the ballot was not to be deemed valid until the PEC certified the final results. This was to be carried out according to a two-track process, in which the PEC, following the conclusions of the CIM's preliminary and final reports, -- the latter being a comprehensive analysis of the extent to which the elections were free, fair, and democratic which was addressed to the OSCE Chairman-in-Office, Flavio Cotti -- would decide whether to certify the results of the elections. Beyond endowing the elected institutions with an international community approved democratic seal, the certification process has implications on the international community's main instrument of leverage in the Former Yugoslavia. Namely, in accordance with UN Security Council Resolution 1022, economic sanctions against the Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) are to be lifted 10 days after the PEC's certification.⁵⁷

On 29 September, the PEC met and agreed to certify the results for all four elections, and thereby conferred "upon each successful candidate the legal right to claim and to hold the public office to which he or she [was] elected."⁵⁸ In his statement announcing the certification Ambassador Frowick noted the widespread criticism of various aspects of the elections and explained that the PEC's decision was based on a standard which took into account Bosnia's extraordinarily complex situation, and said that "standards of free and fair elections, as generally understood in long-standing

⁵⁷ Resolution 1022, 22 November 1995, ¶ 4.

⁵⁸ Statement on Certification of the 4 September 1996 Elections by Ambassador Robert H. Frowick, Head of OSCE Mission to Bosnia and Herzegovina, 29 September 1996.

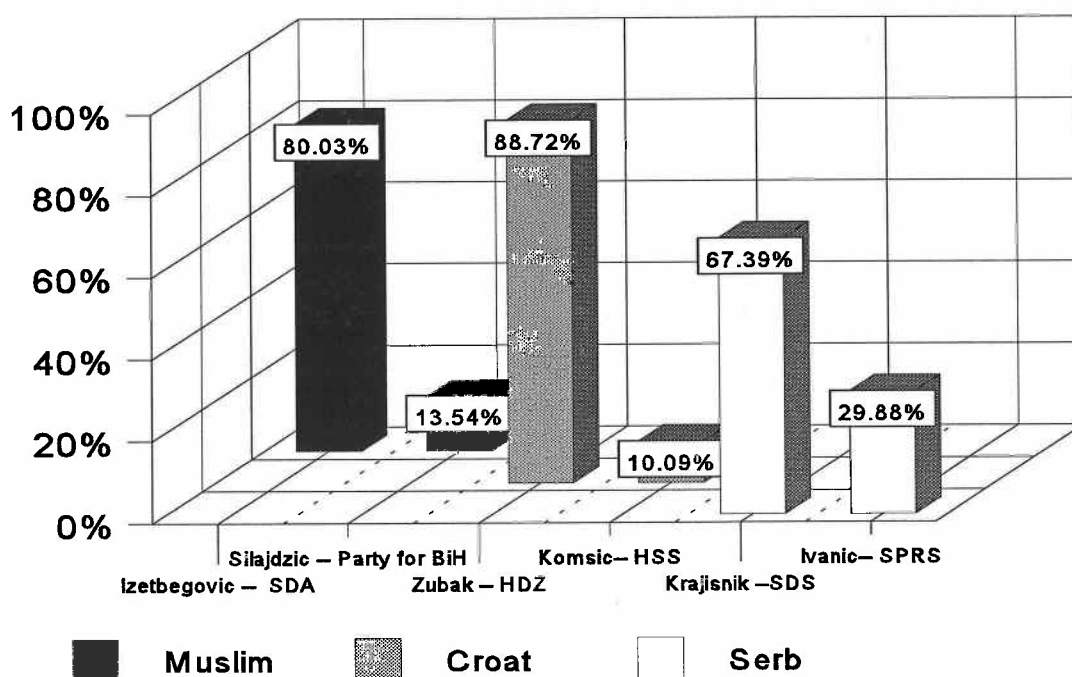
democratic societies, simply cannot reasonably be applied in Bosnia and Herzegovina.”⁵⁹

6.1 Final Results

2,396,000 out of approximately 2,900,000 eligible voters participated in the elections, yielding approximately 82% overall voter turnout. Observers were impressed by the high voter turnout, which indicated that the citizens of Bosnia and Herzegovina were determined to voice their opinions in a democratic process and that the new institutions can begin functioning with a strong mandate from the electorate. Alija Izebegovic (Muslim, SDA), Dresimir Zubak (Croat, HDZ), and Momcilo Krajisnik (Serb, SDS) were elected to the three member collective Presidency; and Izebegovic, who won most votes outright, will serve as the body’s first Chair.

The Collective-Tri-Partite Presidency

Polling percentages are limited to constituent ethnicities

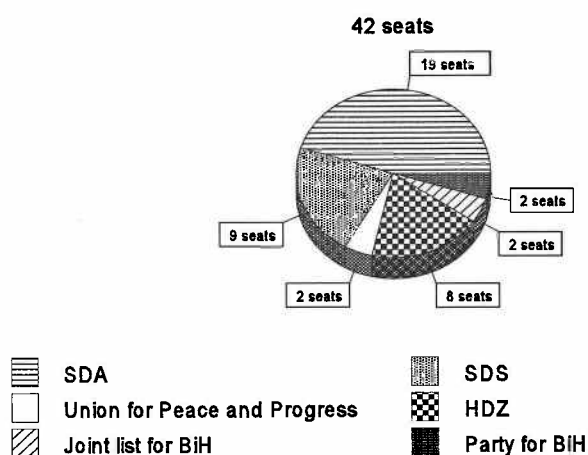


⁵⁹ *Ibid.*

THE MOSLEM PRESIDENTIAL VOTE	
Candidate	Number of Votes
Alija Izetbegovic	731,024
Haris Siljadic	123,696
THE BOSNIAN SERB VOTE	
Momcilo Krajisnik	690,130
Mladen Ivanic	303,992
THE BOSNIAN CROAT PRESIDENTIAL VOTE	
Kresimir Zubak	329,891
Ivo Komsic	37,510

Of the 42 seats in the collective House of Representatives, 28 have been allocated

House of Representatives of BiH

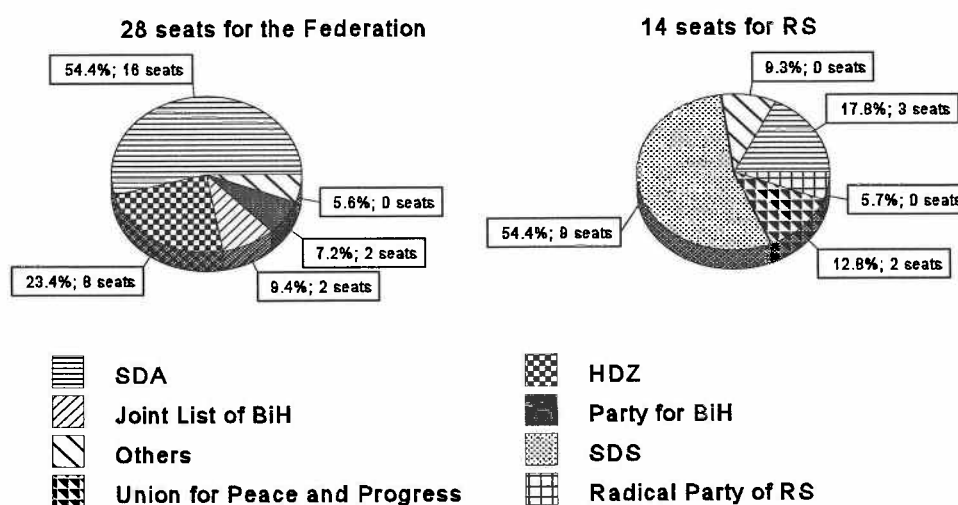


candidates from the Federation, while 14 have been reserved for candidates from the Republika Srpska. The Parliamentary election mirrored the results of the Presidency as the ruling nationalist parties (the Muslim SDA, the Serb SDS, and the Croat HDZ) dominated the vote tallies, and will hold 85% (36 out of 42) of the seats in the collective Assembly. Combined, these political parties garnered more than 75% of all votes cast in Bosnia and Herzegovina; they will hold strong majorities in Entity-level legislatures and, in the Federation, the SDA and the HDZ either control or share control of all ten cantons.

The results suggest that the ruling political parties were favored by election rules. Only the Joint List, the Union for Peace and Progress, and the Party for Bosnia and Herzegovina received enough votes to gain seats in the House of Representatives (two each).⁶⁰ The overwhelming victory by nationalist candidates appeared to support the contention that opposition candidates were at an extreme disadvantage in the campaign and that there was a serious lack of informed debate within the electorate. However, the relatively strong showing of Serb opposition candidate Mladen Ivanic, in spite of reported discrimination and negligible access to the media, suggests that there are prospects for the development of issue based, as opposed to ethnicity based, politics in the country.

⁶⁰ Office of the High Representative, results as of 25 September 1996.

Voting by Entity for the House



7. RECOMMENDATIONS

The holding of elections in Bosnia and Herzegovina within the Dayton-mandated time frame reflected both the international community's commitment to building a sustainable peace, as well as the expressed will of the citizens of Bosnia and Herzegovina to choose their own leaders. OSCE Parliamentary observers found significant abuses on a sufficiently wide scale to question the integrity and validity of the electoral process. However, given the overwhelming complexities presented by the war and its aftermath, observers concluded that they cannot judge the elections according to generally held standards. It was widely agreed that the Dayton Accords, while sound in theory, did not adequately take into account these difficulties. In seeking to create a document that would use democratic elections a tool to re-unite Bosnia and Herzegovina, the framers of Dayton may have been overly ambitious -- given the short time-frame within which the Accords mandated that the OSCE prepare the country for elections. By the same token, observers would not term these elections "free, fair, and democratic", and they strongly recommend that the international community retain a visible presence in the country to ensure further compliance with the Dayton Peace

Agreement.

OSCE PA observers urge the elected bodies, having now been certified by the PEC as validly elected, to convene at the earliest possible date and allow Bosnia the opportunity to join the international community as a developing democracy. Observers further urge these new institutions to endeavor with the utmost fervor to ensure the viability of the unified Bosnian state. OSCE PA observers also express hope, that, although nationalist parties saw their candidate elected to the collective Presidency and gained the most seats in legislative bodies, these political parties will act in a constructive manner which will strengthen and not undermine their new offices.

Finally, the OSCE PA observers make the following recommendations, which are considered critical for future elections:

- 1) The Final Voters List must be thoroughly revised and updated to enfranchise all eligible voters. The fact that a large percentage of the electorate could not vote because their names did not appear on the list was intolerable, and seriously marred the fairness of the election.
- 2) The freedom of movement should be guaranteed by law and enforced, if necessary by the Bosnian military, and if it remains, IFOR. Further measures should be implemented to facilitate the crossing of the Inter-Entity Border Line (IEBL).
- 3) A future election appeals panel should take more direct steps to monitor and enforce compliance with election laws.
- 4) If the election requires further use of displaced persons' absentee and regular polling stations, then an adequate number of these polling stations should be provided for. Observers deplored the insufficient number of these polling stations, which may have prevented many from voting.
- 5) A comprehensive, grassroots voter education program would vastly contribute to the democratic nature of the election.

6) Polling station officials should receive greater and more intensive training on proper polling procedures in order to function without the presence of OSCE elections supervisors.

7) Access to the media should be opened to all candidates and parties. OSCE PA monitors hope that the Free Elections Radio Network and the newly established International TV will continue to broadcast, and maintain an independent voice in Bosnia and Herzegovina. Further, the state-run media should seek to cover the campaign as impartial observers, rather than couriers of ruling party polemics against the opposition.

8) Those who have been indicted by the War Crimes Tribunal in The Hague must be brought to justice. Allowing indicted war criminals such as Radovan Karadzic to remain at large enabled them to have a "back room" influence on the elections and further made a mockery of the peace implementation process.

9) Above all else, the preconditions for the holding of minimally free, fair, and democratic election -- a politically neutral environment, freedom of expression and free access to the media, freedom of association, and freedom of movement -- must be evident in Bosnia and Herzegovina before elections are held.

Javier Ruperez,

President of the OSCE Parliamentary Assembly