

Joint Preliminary Statement – Bosnia and Herzegovina Elections 1998

This is the joint preliminary statement of the International Election Observation Mission, comprising the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the European Parliament and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). This is a preliminary statement issued prior to the publication of the final results and prior to the conclusion of the complaints period. The final report will be issued later by OSCE/ODIHR. The Parliamentary Assembly of the Council of Europe and the European Parliament will also issue final reports.

The International Election Observation Mission would like to thank the Government of Bosnia and Herzegovina, the national electoral bodies and political parties, the OSCE Mission to Bosnia and Herzegovina and the Provisional Election Commission (PEC) for their assistance during the course of the observation. The observation mission would also like to thank the European Community Monitoring Mission for its support of the international observation.

SUMMARY OF CONCLUSIONS

- ◆ This election has taken place in the context of the conflict resolution process that BiH continues to undergo. In this light, the fact that the complex 1998 elections have taken place in an atmosphere generally free of violence and intimidation, is a testimony to the commitment of the national and international bodies responsible.
- ◆ Some serious problems emerged on the first election day, when it became apparent that a sizeable number of final voters registers across the country were either incomplete, inaccurate or had not been delivered at all. Such mistakes should have been discovered in time to prevent disruption to the electoral process, particularly as this task has been undertaken before and similar such problems have been documented. Given that many voters have registered on other occasions, such a shortcoming can only erode confidence in the electoral process and create tension. The voters are to be commended for their patience in the face of these frustrations.
- ◆ The campaign was generally well conducted, and compared to previous campaigns there was a more constructively competitive political environment. Media coverage was notably more balanced than previous years. Nevertheless, a number of serious campaign incidents did occur, largely as a result of bitter rivalry between some parties. It was also unfortunate that so little cross-entity campaigning was evident, reflecting in part the regrettable fact that the return of refugees to their pre-war homes is still progressing so slowly.
- ◆ The environment in which the 1998 elections have been held reflects the difficult situation prevailing since the war, including the fact that indicted war criminals remain at large. The special circumstances stemming from this unsettled situation, and the desire to implement the peace agreement, have resulted in the implementation of a few unorthodox elements in the process, such as striking candidates off lists and providing assistance to parties on the basis of their political programme. The challenge for next year is to establish a permanent election law, a permanent election commission and an independent national judicial body in order to ensure the further democratisation of the institutions of BiH. It is imperative that in the move towards a normalisation of the political process that democratic procedures are adhered to.
- ◆ In conclusion, the observation mission feels that many aspects of the election represent an improvement on previous years, particularly in the conduct of the media and the quality and general conduct of the campaign. A number of the problems noted during these elections, such as the quality of final voters registers and confidence in the process of tendered ballots, need to be addressed. In the short-term, it is critically important that tendered ballots are carefully scrutinised and counted. In the longer term, the 1998 elections should represent an important step in the further political development of Bosnia and Herzegovina.

The Electoral Framework

The provision of in-kind assistance to parties, rather than cash, avoided misuse of the assistance and represented a valuable resource for smaller parties. Political Party Service Centres were an innovative idea. However, in a normal electoral situation, once parties have been accepted for registration the election authorities should abide by the principles of neutrality and transparency in their treatment of the parties.

The distribution of seats in the case of a party not having enough candidates of the minority gender on a party list was further discussed on election day by the PEC. It should not be necessary to still be discussing the election law on election day. Regulations, particularly relating to the distribution of mandates, should be fixed by the time voting commences. It is also not advisable that seats remain vacant or are re-distributed after an election to other parties, and regulations which can contribute to this might be reformulated.

The increased number of Bosnian nationals engaged in the work of the OSCE Mission to BiH is a very welcome development and is to be further encouraged, as it serves to ensure that a national cadre of experienced persons are available to carry on the work of democratic institution building.

As the drafting process for a future election law proceeds it is important that the local conditions prevailing in BiH are taken fully into account, perhaps drawing on relevant regional examples for inspiration. The debate over a new law and the establishment of a Permanent Election Commission will be an intensive process, but it should remain open and inclusive. It is important that a new law establishes a comprehensive electoral framework, to avoid the need for last minute changes as has occurred in the last couple of years.

The Election Campaign and Media

Despite some serious violations, the campaign was carried out generally positively. Parties largely adhered to the regulations and engaged in an increased discussion of more substantive political issues.

With relatively few exceptions, electronic and print media adhered to the media guidelines and provided equal access and balanced coverage for all political parties. It should be noted that the Media Experts Commission (MEC) made a significant contribution to the more positive and equal political dialogue in the media. The MEC was a strong and effective enforcement body and took decisive action on violations at critical moments during the campaign. This resulted in greater media access for all political parties.

Despite an initial threat by HDZ to boycott the election after having candidates struck-off for a number of serious breaches of the campaign and media regulations, no boycott took place. The election authorities served to ensure the integrity of the process by maintaining a firm position on this issue.

The Voting and Counting Processes

Problems caused by mistakes with the voters registers caused tension and confusion for affected voters, and resulted in potential security problems. Some voters were faced with long delays and 45 polling stations failed to open on the first election day. Particular problems ensued for absentee voters and voters travelling some distance to vote. It is commendable that the election authorities worked hard to try to rectify this situation. But it is unacceptable that the Bosnian voters, who have registered on numerous occasions now and who turned out in large numbers, as encouraged by the election authorities, had to endure such a situation.

Some polling stations lacked adequate voting materials, and in some instances the sites chosen as polling stations presented problems for access for disabled voters. In addition, the number of voters in some absentee polling stations was possibly too high compared to regular polling stations.

Apart from the problems with the voter registers the voting process was generally carried out well. Observers felt that polling station commissions and supervisors worked hard and diligently, often in difficult circumstances, particularly in trying to explain how to fill out the new ballot. The new ballot did in fact appear to present a series of difficulties to voters in many areas.

Given the multiple elections being held, the counting process in the polling station was generally well conducted. It is now important that the final results are tabulated and made public as soon as technically possible. OSCE/ODIHR Election Observation Mission will continue to follow the claims process, scrutiny of tendered ballots and vote tabulation.

International Election Observation Mission

- Senator Tana de Zulueta, Vice-President of the OSCE Parliamentary Assembly, is Representative of the OSCE Chairman-in-Office.
- Hanne Severinsen is Head of the Council of Europe delegation.
- Doris Pack, MEP, is Head of the European Parliament delegation.
- Mark Power-Stevens is Head of the ODIHR Election Observation Mission.

- The statement is based in part upon the findings of the 18-person long-term observation mission of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which has been present in Bosnia and Herzegovina since 23 July.
- International observers represented 33 states, and included a 25-person delegation from the OSCE Parliamentary Assembly, including two-members of the North Atlantic Assembly, a 20-member delegation from the Council of Europe Parliamentary Assembly, 8-member delegation of the European Parliament and members of the diplomatic and international community in Sarajevo.
- The statement also incorporates the election day observations, in accordance with ODIHR methodology, of some 250 observers, who covered most municipalities in the country.

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