

# **Election Observation Mission**

## **Municipal Elections**

### **Bosnia and Herzegovina**

**13-14 September, 1997**

**Assessment issued 15 September 1997 by the OSCE Chairman-in-Office**

**Special Representative Mr. Javier Rupérez**

In accordance with Article III, 2, (e) of Annex 3 of the General Agreement for Peace signed at Dayton, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission in May to assess the election process culminating in the Municipal Elections of 13-14 September.

Mr. Javier Rupérez, President of the OSCE Parliamentary Assembly, was appointed by the OSCE Chairman-in-Office as a Special Representative to the Election Observation Mission.

Mr. Kåre Vollan was appointed by the ODIHR as the On-site Co-ordinator in July, upon being seconded by the Government of Norway.

The participants in the Election Observation Mission included observers seconded by 27 OSCE participating States, by parliamentarians and public officials representing the OSCE PARLIAMENTARY ASSEMBLY, the COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY, the COUNCIL OF EUROPE CONGRESS FOR LOCAL AND REGIONAL AUTHORITIES, and the EUROPEAN PARLIAMENT, as well as a number of NGO's. In total, 363 observers were deployed throughout the territory of Bosnia and Herzegovina.

In addition, 30 observers were deployed in the Federal Republic of Yugoslavia to observe out-of-country voting, and likewise 44 observers were deployed in the Republic of Croatia.

The following is only a preliminary assessment. No final conclusions can be drawn until the vote count and verification procedure has been completed, and the results of the election fully implemented.

The achievements of the OSCE Mission to Bosnia and Herzegovina, who worked in co-operation with their local counterparts at all levels of the election administration in order to realise these elections, should be commended. These Municipal Elections are a considerable achievement, despite some of the technical shortcomings, given the fact that the elections were organised within the context of a conflict resolution process.

In particular, the fact that it was possible to achieve 100% supervision during the registration period and the election days has been an important factor in significantly improving upon last years election and in preventing large scale fraud.

The realisation of these elections would not have been possible without the excellent co-operation of SFOR, which provided a substantial logistical support and secured a stable environment in which the electoral process could be held.

These elections must be assessed in the post-war context, and in full recognition that the Dayton agreement is far from being fully complied with. This is particularly true in the areas of freedom of movement, return of displaced persons and freedom of the media. The elections have also been conducted under the shadow of the large number of indicted war criminals who are still at large and influential in this society.

Furthermore, the spirit and the letter. of the Dayton Agreement have been seriously challenged throughout this election process by the leading parties in each entity. Their continuing determination to place narrow self-interest above the national interest, including attempts to dictate the terms of their participation in the election to the international community up until the very last minute, have been irresponsible in the extreme. They need to be reminded that these elections represent an important step in the peace process in Bosnia and Herzegovina, and not an opportunity to continue their conflict through other means.

The OSCE Mission to Bosnia and Herzegovina has demonstrated its commitments to the implementation of the Dayton Agreement by persevering in its determination to keep all parties engaged in this election process. It is recognised that the OSCE Mission has attempted to treat all parties fairly and equitably and to meet their requests when deemed reasonable.

In its attempt to keep all parties engaged in the process, the Provisional Election Commission (PEC) has even gone as far as the reinstatement of two candidates that had been struck from the list of candidates by the Electoral Appeals Sub-commission as a penalty against serious violations of the Election Rules and Regulations. This concession is not according to the Rules and Regulations governing the election process.

## **Pre-Election -Period**

### ***Registration Period***

In general the voter. registration process was conducted competently and effectively. The OSCE Mission should be especially commended for the tremendous effort that has been put into the establishment of new voter registers.

Last year's postponement of the municipal elections was due to widescale and organised abuse of registration provisions enabling voters to vote in their new municipalities rather than in their pre-war municipalities. The revised Rules and Regulations have greatly reduced the possibilities for large scale manipulation of voter registers. However, organised campaigns to intimidate voters to register for strategic purposes were disclosed during the pre-election period and penalised.

There has been controversy on the strict application of the registration rules, the Breko case being the most well known. The 3,200 voters that were not accepted in their current municipality, but referred to their 1991 municipality, have been thoroughly scrutinised by the Electoral Appeals Sub-Commission.

It is unfortunate, however, that the election administration discovered at a late stage that the input of data for some 2,600 additional voters had been overlooked until a few days before the elections and well after the final stages of establishing the voter register. It is crucial for the credibility of this election process that all of the data relating to this mistake be independently assessed and the details disclosed.

### ***The Claims Period***

Unlike the registration process, the claims period was not fully supervised. The observers did report on a number of problems, such as claims by proxy, re-registration to new municipality without the right documentation etc. These problems were later handled centrally. However, the difference in understanding between the local claims centres and the central administration did cause tension and raised false expectations locally.

### ***The Campaign***

The election campaign was conducted in a generally calm manner and campaign events were held without significant problems. The incident in Banja Luka on September 8, when SDS held a rally, showed willingness on the part of some to destabilise the campaign environment. However, this was an incident.

### ***The Media***

The abuse of the media by the ruling political parties that control them had serious and adverse consequences for the campaign environment. The broadcast of extreme propaganda and hate campaigns, particularly by SRT in Pale and HTV in Mostar, were characteristic of this election campaign and do not in any way serve the electorate or enable it to make informed choices.

### **Election Days**

On election days observers covered more than 90% of polling stations. The voting was generally carried out in a calm and peaceful way in most parts of the country. The absence of violence must be stressed in view of the nature of these elections.

Election observers did, however, report several administrative difficulties during the election days. A number of polling stations opened late, and in several cases ballot papers were not available in time. However, these difficulties were for the most part corrected and did not ultimately affect the majority of voters from exercising their right to vote.

Many technical problems were evident in absentee polling stations, where the lack of voting materials was often reported. Polling stations were reportedly too small, too many voters were

assigned to one station, and their location not well chosen meaning that voters often had to wait for long periods of time in uncomfortable circumstances in order to cast their ballot.

Problem areas included Breko where voters who wished to cast ballot for their new municipality were rejected and offered their right to cast an absentee ballot for their pre-war municipalities. In Drvar voters from Republika Sprska were processed unusually and blatantly slowly. In Zepce only four polling stations opened on time.

Many observers reported on a lack of trust for a secret ballot on the part of voters casting absentee and tendered ballots in a single envelope bearing the voter's name.

In general it was considered that the 100% supervision greatly enhanced the process and that supervisors were well trained. However, there were reports concerning supervisors who were considered too inexperienced and not sufficiently trained.

The counting process was considered by the vast majority of observers to be too cumbersome and complex, particularly for absentee polling stations.

In Mostar last minute changes affecting the central zone were necessary to reach a consensus between the two major parties in the area who threatened to boycott the election. The structure of representation should now be re-evaluated to secure a system where unfortunate last minutes changes to the electoral system will not be repeated in the future.

### ***Out-of-Country Voting***

There was a reported lack of voting materials for displaced persons voting in both the Republic of Croatia and the Federal Republic of Yugoslavia. However, it was also reported that some of these problems were addressed by the second day of voting.

### **Conclusion**

While recognising the long way ahead before elections in Bosnia and Herzegovina become a routine event in compliance with international standards and OSCE commitments, these municipal elections do represent a significant accomplishment in the peace process. The final success of these elections will depend upon the full completion of the vote count, and on all parties respecting and implementing the results.

However, further progress will have to be made in view of the next elections. The international community must remain fully engaged in its efforts to maintain the peace and assist the development of democracy in Bosnia and Herzegovina.