

# EUROPEAN PARLIAMENT



## EUROPEAN PARLIAMENT

### COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS, COMMON SECURITY AND DEFENCE POLICY

#### DELEGATION FOR RELATIONS WITH SOUTH-EAST EUROPE

#### NOTICE TO MEMBERS N° 17/2002

**Subject: Ad hoc delegation for the observation of elections in Bosnia and Herzegovina  
on 5 October 2002**

**Members will find attached, for information, the report of the ad hoc delegation for the  
observation of elections in Bosnia and Herzegovina on 5 October 2002 to the Chairman of  
the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy.**

DIRECTORATE-GENERAL FOR  
COMMITTEES AND DELEGATIONS

7 November 2002

## **Introduction**

By taking part in the International Election Observation Mission for the 5 October 2002 elections in Bosnia and Herzegovina, the European Parliament, which had already observed previous elections in 1996, 1997 and 1998, confirmed its long-term commitment to the process of consolidation of democracy in Bosnia and Herzegovina and the country's participation in the Stabilisation and Association Process.

The ad hoc delegation was led by Doris PACK (EPP-ED/D), Chairperson of the European Parliament Delegation for relations with Southeast Europe. Other members were Mr Per-Arne ARVIDSSON (EPP-ED/S) and Mr Demetrio VOLCIC (PES/I).

The programme of the delegation (annex I) included a meeting with the Ambassador of Denmark on behalf of the EU Presidency-in-Office, other Member States' Ambassadors and the Head of the EC Delegation.

During two half days of briefing for parliamentarians, MEP met

- the High Representative for Bosnia and Herzegovina, Lord Ashdown,
- the President of Election Commission of Bosnia and Herzegovina, Ms Korac,
- representatives of political parties (SDS, SDP, SDA, SBiH, HDZ, Economic Bloc),
- representatives of non-governmental organisations (Helsinki Federation Committee "Coalition Elections", Centre for Civic Initiatives, Association of Election Officers)
- media representatives (Public Broadcasting Service).

The delegation split into two teams and observed the polls in Sarajevo and Pale (Ms Pack and one EP official) and in Rogatica, Gorazde and Visegrad (Mr Arvidsson, Mr Volcic and one EP official).

The 5 October 2002 elections were considered to be the most important since the 1995 Dayton-Peace Agreement, primarily on account of the four-year mandate for institutions being elected, giving hope to a reinforcement of stability of political structures. Being the first elections to be organised and conducted by the authorities of Bosnia and Herzegovina, they represented equally a move towards normalisation of the electoral process.

At the press conference, Ms Pack encouraged all newly elected political forces to co-operate in a climate of mutual trust during this four-year mandate, and called in particular on the Parliament of BiH to give the best example of this new commitment by allowing the State institutions to function effectively and to be ultimately strengthened with the aim to reduce substantially international involvement, to achieve national reconciliation and to implement the necessary legal and economic reforms.

## **The International Election Observation Mission**

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission composed of 18 long term observers drawn from 15 OSCE participating States. In total, 451 short-term observers have been accredited.

Among the short-term observers were, apart from the MEPs, 24 parliamentarians from the OSCE PA and 16 from the Council of Europe PA. The three parliamentary delegations, together with the OSCE/ODIHR, represented the International Election Observation Mission as a joint undertaking.

The chairpersons of the parliamentary delegations, namely Mr Pieter de Crem for the OSCE PA, Baroness Hooper for the Council of Europe's PA and Ms Doris Pack for the European Parliament, and Mr Peter Eicher, Head of the OSCE/ODIHR EOM, co-ordinated closely with each other the preparation of the press release and the statement of preliminary findings and conclusions, presented the day after the elections at a joint press conference (see annex II). The final report will be published when the electoral and judicial authorities have addressed all complaints and appeals.

## **The legislative framework and election administration**

A number of elections took place in BiH, at state level as well as at the level of the two administrative entities, the Bosniak/Croat Federation of BiH and the Bosnian Serb-led Republica Srpska. Under an extremely complex electoral system citizens elected the

- Presidency of BiH (state level),
- House of Representatives of BiH (state level),
  
- President and Vice-presidents of Republica Srpska (entity level),
- National Assembly of Republica Srpska (entity level),
  
- House of Representatives of the Federation of BiH (entity level),
- 10 Canton Assemblies in the Federation of BiH
- the Council members of the Municipality of Zepce.

The hierarchical structure for the electoral administration was made up by the National Election Commission (EC) who took over the responsibility of organising the general elections. The Commission was composed of 7 members, among them 3 representatives of the international community, appointed by the High Representative. In addition to the EC were created the Municipal Election Commissions (MECs) and the Polling Station Committees (PSCs).

The largest number of complaints (70) regarded the composition of Polling Station Committees, in particular political party membership, which did not comply with the EC instruction. This specified that, in addition to the legal requirement for multi-ethnicity, every political party may have no more than one representative on a PSC. This criterion was introduced to reinforce confidence in the electoral process.

Training of MEC and PSC was ensured by local NGOs, in particular the Association of Election Officials.

In total, 2,347,204 voters were registered, out of those in country, regular: 2,117,290, in country, absentee: 171,545, out of country, by mail: 58,369 (compared to 220,000 in 2000). The politically important provisions of the Election Law (Article 98) prohibiting those illegally occupying others' property from voting in their current municipality of residence has proved extremely difficult to enforce.

The Election Law contained a minority gender requirement. Approximately one-third of each political party candidates' list must be of the minority gender, in order to promote women's representation in politics and government.

Minority groups, who do not constitute one of the three constituent peoples, but are "others", appear to have played a marginal role in the elections. For example: There is no Roma-based political party and very few Roma candidates have been confirmed.

### **International involvement <sup>1</sup>**

The electoral framework for BiH has a unique structural distinction. The pinnacle of the legislative framework in BiH is the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) of which the Constitution of BiH is an integral part. The supra-national legal structure grants extraordinary powers to the international community in the implementation of the civilian aspects of the peace settlement including the holding of free and fair elections.

Under the auspices of the Dayton Agreement, therefore, the OSCE Mission to BiH organised and supervised elections in BiH for the first five years. The 2002 elections were the first to be organised and conducted under Bosnian administration. They represented therefore an important step away from the internationally prescribed post-conflict framework towards a democratic state system under national control.

The ultimate responsibility however still rested with the international community, even though significantly reduced through the adoption of the state-level Election Law, the transfer of control of the election administration to the permanent Election Commission, and the establishment of the Election Complaints and Appeals Council.

The following facts illustrate the international authority affecting key aspects of the electoral process:

On 28 March 2002, the former High Representative (HR) issued a decision barring a significant number of citizens from holding elected office and from senior positions in political parties. For obstructing the implementation of the Dayton Agreement, several hundred persons were denied the possibility to become candidates for the elections. Furthermore, the former HR decision barred those parties in which persons banned from candidacy hold central party positions from being certified for participation in the elections. Although no parties were refused certification for this reason, some parties were forced to restructure their leaderships to ensure certification (this regarded the Serb Democratic Party (SDS), the Party of Democratic Action (SDA) and the Croatian Democratic Union of BiH (HDZ) .

In April 2002, following unsuccessful attempts by entity authorities to implement a Constitutional Court decision, the former High Representative issued decisions amending the Election Law and imposing amendments to the constitutions of the two entities affecting the electoral structure.

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<sup>1</sup> see full OSCE/ODIHR EOM Spot report - 27 September 2002

The International EOM stated: "As in previous elections, the international community took a number of steps affecting key aspects of the electoral process which, while in line with its mandate, would have been irregular by international standards under other circumstances. Such measures will hopefully be unnecessary in future elections."<sup>1</sup>

## **Election campaign**

Voters were offered a genuine choice by the 57 political parties registered, the highest number of political parties ever running since the war. A significant positive development was the expansion of cross-entity campaigns: 27 Federation-based parties were running in the RS, while 12 RS-based parties were running in the Federation.

The election campaign atmosphere was peaceful, although politically charged. The campaign was highly personalised and negative, with sharp verbal and press attacks on candidates. Several senior party leaders have stated that it was the dirtiest campaign yet in BiH (few cases of direct intimidation, singular cases of speeches of incitement of hate). There was a notable lack of debate on reform or other key issues. All parties claim to be pro-Europe. Nationalism has been a far less evident theme than in previous elections.

Voter apathy was high in particular among young people and public interest in the campaign low. Many rallies were poorly attended.

Electronic media, subject to strict regulation, provided equitable but dull coverage of the political parties and the election campaign. Print media, which faces far fewer restrictions, was sharply criticised by political parties for being partisan.

The complaints reported to the Communications Regulatory Agency (CRA) mainly concerned the failure of some broadcasters to allot equal time to all candidates or to report political party announcements. Two instances of potential intimidation of the press, one in Republika Srpska and one in the Federation of BiH, have been reported to the EOM.

## **Election Day**

Predictions of low voter turnout became reality. The turnout of 55% was the worst in all four elections since the war.

The EP observers agreed with the general statement that voting took place in a calm and peaceful atmosphere, and the voting procedures including counting were conducted generally in a well-ordered and efficient way.

Domestic non-partisan election observer organisations - the Centre for Civic Initiatives (which co-ordinates around 300 NGOs) and the Helsinki Committee for Human Rights in BiH - deployed around 5,000 poll-watchers on Election Day. 70% of polling stations had full coverage, and mobile teams covered the remaining 30%.

Sick, disabled and institutionalised people could vote with the mobile polling boxes.

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<sup>1</sup> joint press release  
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Counting of ballots of tender voters, absentees and by mail/out-of-country voters (which made up a total of approximately 100.000 votes) took place at the central counting centre in Sarajevo and was expected to last for up to two weeks following the elections. Several large parties expressed fears that this lengthy counting process provided an opportunity for manipulation of the final results. EOM staff, political party representatives and domestic observers supervised the counting process.

The main problems observed were family voting, voters unable to find their names on voter registers and voters having difficulties in understanding the ballots, in particular the very complex ballots for the cantonal vote in the Federation.

## **Election results**

The **Presidency of Bosnia and Herzegovina** (BiH) at state level consists of three Members: one Bosniak, one Croat and one Serb Member. The Chair rotates every eight months. Members are elected from two separate lists. Voters registered to vote for the RS must vote for the Serb member, voters registered to vote for the Federation received one list of Bosniak and Croat candidates, and could vote for only one candidate. The candidate for each seat with the most votes wins.

| <b>BiH Presidency (state level)</b> |                |                                 | <b>% total</b> |
|-------------------------------------|----------------|---------------------------------|----------------|
| Bosniak Member                      | Sulejman Tihic | SDA, Party of Democratic Action | 37,29%         |
| Serb Member                         | Mirko Sarovic  | SDS, Serb Democratic Party      | 35,52%         |
| Croat Member                        | Dragan Covic   | HDZ, Croat Democratic Union     | 61,52%         |

The **National House of Representatives of BiH** includes 42 members, directly elected from the Republica Srpska (RS) and the Federation of BiH. A total of 28 members are elected by voters in the Federation (14 Croats + 14 Bosniaks), while a total of 14 are elected from voters in the RS. Deadline for the first session of the House of Representatives is 19 November 2002.

Members of the second chamber of BiH Parliament, the House of Peoples (15 seats: 5 Bosniak, 5 Croat, 5 Serb) are elected by the Federation's House of Representatives and the RS National Assembly to serve a 2-year terms; next to be constituted in the fall of 2002.

Election results indicate a serious defeat for the moderate Social Democratic Party, SDP, and a success of the Bosniak (Bosnian Muslim) Party of Democratic Action, SDA. At both state and Federation levels, the SDP fell behind the SDA and HDZ and in some cases even behind SBiH. The party was also badly defeated in cantonal races, losing even its long-time strongholds of Tuzla and Sarajevo. The lowest polling figures were registered in the bigger cities and among younger people where votes tend to favour moderates.

| <b>Composition of the House of Representatives of BiH (state level):</b> |                        |                     |                    |
|--|------------------------|---------------------|--------------------|
|  | <b>Political Party</b> | <b>% of PR Vote</b> | <b>Total Seats</b> |
| <b>Elected from voters from the Federation of BiH</b>                    | SDA                    | 32,40%              | 9                  |
|  | SBiH                   | 16,19%              | 5                  |
|  | HDZ                    | 15,93%              | 5                  |
|  | SDP                    | 15,65%              | 4                  |
|  | Boss                   | 2,57%               | 1                  |
|  | BiH Pensioners         | 2,45%               | 1                  |
|  | DNZ                    | 2,29%               | 1                  |
|  | Economic Bloc          | 2,24%               | 1                  |
|  | NHI                    | 1,93%               | 1                  |
| <b>Elected from voters from RS</b>                                       | SDS                    | 33,71%              | 5                  |
|  | SNSD                   | 22,39%              | 3                  |
|  | PDP                    | 10,39%              | 2                  |
|  | SDA                    | 7,25%               | 1                  |
|  | SRS-RS                 | 4,80%               | 1                  |
|  | SPRS                   | 4,32%               | 1                  |
|  | SBiH                   | 3,90%               | 1                  |

For the **House of Representatives of the Federation of BiH**, a total of 98 Members are elected from the territory of the Federation. There must be a minimum of 4 members from each constituent peoples represented in the Federation House of Representatives.

| <b>Composition of the House of Representative of the (Bosniak/Croat) Federation of BiH</b> |                     |                    |
|--|---------------------|--------------------|
| <b>Political Party</b>   | <b>% of PR Vote</b> | <b>Total Seats</b> |
| SDA  | 32,71%              | 32                 |
| HDZ  | 15,76%              | 16                 |
| SDP  | 15,55%              | 15                 |
| SBiH   | 15,30%              | 15                 |
| BOSS   | 2,81%               | 3                  |
| DNZ  | 2,28%               | 2                  |
| BiH Pensioners   | 2,31%               | 2                  |
| Economic Bloc  | 1,97%               | 2                  |
| NHI  | 1,95%               | 2                  |
| BPS  | 1,36%               | 1                  |
| HSS  | 0,88%               | 1                  |
| LDS  | 0,81%               | 1                  |
| HKDU   | 0,79%               | 1                  |
| SNSD   | 0,72%               | 1                  |
| HSP  | 0,61%               | 1                  |
| GDS BiH  | 0,56%               | 1                  |
| Hrvatski Pravaski Blok   | 0,54%               | 1                  |
| ProENS   | 0,52%               | 1                  |

| <b>Republica Srpska (entity level)<br/>President and Vice-presidents</b> |                  |                                 | <b>% total</b> |
|--|------------------|---------------------------------|----------------|
| President  | Dragan Cavic     | SDS, Serb Democratic Party      | 35,89%         |
| Vice-president   | Adil Osmanovic   | SDA, Party of Democratic Action | 6,69%          |
| Vice-president   | Ivan Tomljenovic | SDP, Social Democratic Party    | 0,79%          |

For the **National Assembly of the Republica Srpska**, a total of 83 members are elected from the territory of the RS. There must be a minimum of 4 members of each constituent peoples represented in the RS National Assembly.

| <b>Composition of the National Assembly of the (Bosnian Serb-led) Republica Srpska:</b> |                     |                    |
|---|---------------------|--------------------|
| <b>Political Party</b>  | <b>% of PR Vote</b> | <b>Total Seats</b> |
| SDS   | 31,19%              | 26                 |
| SNSD  | 21,79%              | 19                 |
| PDP   | 10,73%              | 9                  |
| SDA   | 7,10%               | 6                  |
| SRS-RS  | 4,39%               | 4                  |
| SPRS  | 4,21%               | 3                  |
| DNS   | 3,99%               | 3                  |
| SBiH  | 3,65%               | 4                  |
| SDP   | 3,38%               | 3                  |
| Pensioners RS   | 1,77%               | 1                  |
| Savez Narodnog Preporoda -<br>Mirko Banjac  | 1,26%               | 1                  |
| SNS   | 0,98%               | 1                  |
| DPS   | 0,93%               | 1                  |
| DS  | 0,85%               | 1                  |
| NHI   | 0,61%               | 1                  |

For further information: please contact Ms Ursula Bausch, Human Rights Unit, tel. 02-284.2584



**AD HOC DELEGATION FOR OBSERVATION OF  
ELECTIONS IN BOSNIA AND HERZEGOVINA**

**5 October 2002**

**PROGRAMME**

**Wednesday, 2 October**

- 2.35 p.m. Arrival of Ms Bausch, Administrator
- Afternoon Briefing for international short-term observers organised by ODIHR/OSCE Election Observation Mission  
Venue: ODIHR EOM Office, Fra Andjela Zvizdovica 1, UNIS building

**Thursday, 3 October**

- 12.35 p.m. Arrival of Ms Pack, MEP
- 2.45 p.m. Arrival of Mr Arvidsson, MEP, and Ms Boumengouche, Assistant
- 2.30 p.m. Meeting of Ms Pack and Mr Eicher, Head of ODIHR EOM
- Transfer provided by the EU Delegation to

***Hotel Holiday Inn  
Zmaja od Bosne 4  
Sarajevo, 71000  
Tel. (00387) 33. 288.000***

- 4 - 7.30 p.m. Briefing for parliamentary observer delegations organised by OSCE/ODIHR Election Observation Mission, including meetings with the President of the National Election Commission, representatives of political parties, representatives of civil society and the media (a separate programme will be distributed)  
Venue: Hotel Holiday Inn, Neretva Room
- 7.45 p.m. Departure from hotel
- 8.00 p.m. Working Dinner with the EU Council Presidency, H. E. Mr Johannes Dahl-Hansen, Ambassador of Denmark, other Ambassadors of EU Member States, hosted by Mr Renzo Daviddi, acting Head of the European Commission's Delegation  
Venue: Restaurant "La Famiglia"

## **Friday, 4 October**

- 1.45 p.m. Arrival of Mr Volcic, MEP
- 9 - 1.00 p.m. Continuation of briefing for parliamentary observer delegations  
Venue: Hotel Holiday Inn, Neretva Room
- 1.15 p.m. Working lunch of Heads of Delegation of EP, OSCE PA and PACE , hosted by the EP delegation  
Venue: Restaurant of Hotel Holiday Inn
- 3.15 p.m. Departure from Hotel
- 3.30 - 4 p.m Meeting with Lord ASHDOWN, High Representative for Bosnia and Herzegovina  
Venue: OHR Building, Emerika Bluma 1
- Individual arrangements for dinner

## **Saturday, 5 October: Election Day**

- Departure:
- |           |   |   |
|-----------|---|---|
| 5.30 a.m. | Team 1<br>Rogatica/Goradze/<br>Visegrad | Mr Per-Arne ARVIDSSON, MEP<br>Mr Demetrio VOLCIC, MEP<br>Ms Doris BOUMENGOUCHE, staff |
| 6.15 a.m. | Team 2<br>Sarajevo/Pale                 | Ms Doris PACK, MEP<br>Ms Ursula BAUSCH, staff   |
- 7.00 a.m. Opening of polling stations
- 1.00 p.m. Working lunch of Heads of Delegation of EP, OSCE PA and PACE  
Venue: Restaurant of Hotel Holiday Inn
- 7.00 p.m. Closing of polling stations

Operations of observers in the field should cover opening of the polling stations, voting, closing of the polling stations and counting.

Drop off observation forms at ODIHR EOM Office, Fra Andjela Zvizdovica 1 (UNIS building, 1st floor)

- 10.30 p.m. Co-ordination meeting between Heads of Delegation of EP, OSCE PA and PACE  
Venue: Hotel Holiday Inn

## **Sunday, 6 October**

- 7.30 - 9.00 a.m. Joint Debriefing organised by OSCE/ODIHR Election Observation Mission  
Venue: Hotel Holiday Inn, Neretva Room
- 9.15 a.m. Meeting between the Heads of Delegation of EP, OSCE PA and PACE  
Venue: Hotel Holiday Inn
- 12.15 p.m. Departure from hotel
- 1.00 p.m. Press conference of the Heads of Delegation of the International Election Observation Mission, co-chaired by the Head of the OSCE/ODIHR EOM, Mr Peter Eicher  
Venue: Press Centre, CPIC
- 2.00 p.m. Departure of EP Delegation to airport,  
Transfer organised by EU Delegation
- 3.30 p.m. flight OS 758 to Vienna (Ms Pack, Mr Arvidsson and Mr Volcic)  
3.30 p.m. flight LX 1409 to Brussels (Ms Bausch and Ms Boumengouche)

## **Programme coordinator**

**European Parliament**  
**Ursula Bausch**  
Human Rights Unit  
Tel. 0032-2-284.2584  
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## **International Election Observation Mission**

### **Joint Press Release**

#### **General elections in Bosnia and Herzegovina largely in line with international standards**

SARAJEVO, 6 October 2002 – Yesterday's general elections in Bosnia and Herzegovina were largely in line with international standards, considering the country's unique constitutional framework, concluded the International Election Observation Mission in a statement issued today. Over 400 international observers monitored the first election administered by the authorities of Bosnia and Herzegovina since the Dayton Peace Agreement signed in 1995.

"These elections mark important progress toward the consolidation of democracy and rule of law under domestic control", said Pieter de Crem, Special Co-ordinator of the OSCE Chairman-in-Office for these elections and head of the OSCE Parliamentary Assembly delegation.

"These elections – the first since Bosnia and Herzegovina's accession to the Council of Europe earlier this year – are a positive step towards meeting the country's obligations which it assumed upon joining the organization", said Baroness Hooper, the head of the delegation of the Council of Europe's Parliamentary Assembly.

"We call on all those elected yesterday to continue the process of national reconciliation and to create conditions for sustainable return", added Doris Pack, the head of the European Parliament's delegation. "We encourage all newly elected politicians to assume ownership of the process of tackling the country's main challenges by implementing the necessary economic and legal reforms, and to co-operate in mutual trust for the strengthening of the State of Bosnia and Herzegovina."

"The new national election administration has successfully passed its first test, but the final judgement will depend on the results of the tabulation and the complaints processes. These need to be completed efficiently and swiftly", added Peter Eicher, head of the Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

The international observers noted that in what was a broad and active campaign involving 57 political parties, candidates were able to move unhindered and they engaged in substantially more cross-entity campaign activities than during previous elections. Nationalist rhetoric was less overt in this campaign but remained an underlying issue. An active print and electronic media provided extensive and diverse coverage.

The adoption of election legislation and the creation of electoral administration bodies at the national level resulted in a normalization of the electoral process after years of direct international supervision. However, the elections were held within a unique constitutional framework in which ultimate responsibility still rested with the international community. As in previous elections, the international community took a number of steps affecting key aspects of the electoral process which, while in line with its mandate, would have been irregular by international standards under other circumstances. Such measures will hopefully be unnecessary in future elections.

Shortcomings included the highly negative and often personalized nature of the campaign with little meaningful debate on reform issues, and the failure of the authorities to make timely decisions on a number of important electoral issues. The long-term mission also noted considerable distrust among party officials as regards important aspects of the electoral process, including the complaints procedure, the composition of polling station committees and the counting process for absentee and out-of-country ballots.

On election day, the voting took place in a calm and peaceful atmosphere, and the voting procedures were conducted generally in a well-ordered and efficient way. Overall, the election administration was impressive.

**For further information, please contact:**

- Mr. Peter Eicher, Head of the OSCE/ODIHR EOM, in Sarajevo (+387 33 295 494); or Mr. Jens-Hagen Eschenbächer, Spokesperson, OSCE/ODIHR, in Warsaw (+48 603 293 122);
- Mr. Vladimir Dronov, Parliamentary Assembly of the Council of Europe, in Strasbourg (+33-672-754318);
- Mr. Jan Jooren, Press Counselor of the OSCE PA, in Copenhagen (+45 21 606 380);
- Ms. Ursula Bausch, European Parliament, in Brussels (+32 2 284 25 84)

## **Statement of Preliminary Findings and Conclusions**

**Sarajevo, 6 October 2002** - The International Election Observation Mission (IEOM) for the 5 October 2002 general elections is a joint undertaking of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe, the European Parliament, the Parliamentary Assembly of the Council of Europe, and the OSCE Office for Democratic Institutions and Human Rights. The Council of Europe's Congress of Local and Regional Authorities of Europe also observed the cantonal and municipal elections.

This statement of preliminary findings and conclusions is issued before the completion of the counting process, the announcement of election results and before all complaints and appeals have been addressed by the electoral and judicial authorities.

### **PRELIMINARY CONCLUSIONS**

The 5 October 2002 general elections in Bosnia and Herzegovina (BiH) were largely in line with international standards for democratic elections, when considering the country's unique constitutional framework. They also mark important progress toward the consolidation of democracy and rule of law under domestic control.

The elections were particularly significant from a political perspective because they were the first in which all State and entity offices were being elected for four-year terms. As such, the governments emerging from the vote will have a crucial role in determining the future of BiH's integration into European and trans-Atlantic structures.

These were essentially transitional elections. Although they were the first elections since the Dayton Peace Agreement to be administered and conducted by BiH authorities, they took place in a unique legal context in which ultimate authority still rests with the international community. In the months leading up to the elections and as in previous elections, the international community took a number of steps affecting key aspects of the elections which, while in line with their mandate to promote peace and in compliance with UN Security Council resolutions, were in some instances irregular by international election standards. Such measures will hopefully be unnecessary in future elections.

The elections were noteworthy for the following accomplishments:

- A broad and active campaign including 57 political parties, nine coalitions, and three independent candidates, providing voters a genuine choice;
- A campaign environment largely free of violence and with few reports of intimidation;
- General respect for the freedom of movement, association, and expression;
- Substantially more cross-entity politicking than during previous elections;
- A less overt role for nationalism than in previous elections, although it remained an underlying issue;

- 
- Normalization of the electoral process through the adoption of a State-level Election Law and the creation of national bodies responsible for the elections;
  - A national Election Commission which maintained high levels of trust among political parties and worked in a consensual manner;
  - An Election Commission decision to include political party members on Polling Station Committees, increasing the transparency of the election administration; and
  - An active broadcast and print media providing extensive and diverse election coverage.

Some shortcomings were apparent in the electoral process including:

- Failure of State and entity authorities to reach timely agreement on a number of important electoral issues and appointments, leading to the imposition of these measures by the former High Representative;
- Continued international membership on the Election Commission and other bodies, which diminished the perception of national control over the elections;
- Failure of the BiH, entity and municipal authorities to provide adequate financing for the elections;
- An expressed lack of confidence by many party officials in the fairness and impartiality of important aspects of the electoral process, including the complex electoral system, the complaints procedure, the composition of Polling Station Committees, and the counting process for absentee and out of country ballots;
- Delays by the Election Commission in adopting some regulations, affecting procedures at lower levels;
- A highly negative and often personalized campaign, with little meaningful debate on reform or other key issues; and
- Citizens who do not identify themselves as Bosniac, Serb, or Croat are effectively barred from the State Presidency and some other offices.

Voter turnout was 54%. Observers assessed the voting process positively for an overwhelming number of polling stations visited. The main problems noted were group voting, voters unable to find their names on voter registers, and unauthorized persons in polling stations. Intimidation of party observers was noted in a few isolated cases. Observers evaluated the vote count and aggregation of results at MECs in a less positive tone.

The final assessment of these elections will depend, in part, on the completion of counting and tabulation, the final announcement of results and the effectiveness of the complaints procedure. The OSCE/ODIHR Election Observation Mission will remain in country to observe the completion of these aspects of the electoral process.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of Bosnia and Herzegovina in continuing to improve its electoral process.

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## PRELIMINARY FINDINGS

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### **Background**

The 5 October 2002 general elections will award four-year mandates for the Presidency of BiH, the House of Representatives of the Parliamentary Assembly of BiH, the House of Representatives of the Parliament of the Federation of BiH (Federation), the President and Vice Presidents of the Republika Srpska (RS), the National Assembly of the RS, and ten Cantonal Assemblies in the Federation, as well as a two-year mandate for the Municipal Council of Žepče.

Following the last general elections in 2000, two large coalitions of political parties were formed that have governed at the State and entity levels. The parties allied in those coalitions chose to run separately in 2002. Fifty-seven political parties, nine coalitions and three independent candidates were certified. A significant positive development was the expansion of cross-entity campaigns: 27 Federation-based parties are running in the RS, while 12 RS-based parties are running in the Federation. However, it appears this campaigning is largely directed at minority returnee communities. Opinion polls suggest that no party will muster an absolute majority in the national or entity assemblies. An extended period of post-election coalition building may be needed to form governments in the entities and at State level.

### **Legislative Framework**

The Election Law provides the essential basis for democratic elections. Although belatedly adopted in August 2001 as a replacement for provisional rules used for elections since 1996, it has greatly improved the framework for the elections and brought electoral legislation clearly under the domestic system of rule of law. The law establishes an unusually complex electoral framework. Many of the larger political parties complain that the system encourages smaller, and less viable, political parties.

One unfortunate peculiarity of the State structure is that citizens who do not identify themselves as one of the three "constituent peoples" of BiH are effectively barred from the BiH and RS presidencies; this is contrary to international standards for democratic elections. Furthermore, citizens voting for the BiH State presidency are limited in their electoral choice based on ethnicity and their place of residence: citizens voting for the RS may only vote for a Serb, while citizens voting for the Federation may only vote for a Bosniac or Croat. The restriction also applies to the candidates to the State Presidency: a Serb registered to vote in the Federation cannot run for the BiH presidency; and the same is true for Bosniacs and Croats registered in the RS.

Unlike other sovereign States, the pinnacle of the legislative framework in BiH is the General Framework Agreement for Peace in Bosnia and Herzegovina (Peace Agreement) of which the Constitution of BiH is an integral part. Moreover, the Peace Agreement is supplemented by United Nations Security Council resolutions and Peace Implementation Council decisions. This supra-national legal structure grants extraordinary powers to the international community, including authority over elections.

In April 2002, following unsuccessful attempts by entity authorities to implement a Constitutional Court decision, the former High Representative issued decisions changing the Election Law and imposing amendments to the constitutions of the two entities affecting the electoral structure. As in previous elections, decisions by the former High Representative and other international authorities barred several hundred persons from holding elected office, barred parties in which those persons hold central party positions from being certified for participation in the elections, and removed some elected officials from office. Some parties were forced to restructure their leaderships to ensure certification. Such decisions are within



the mandate granted to the High Representative by the UN Security Council. In other circumstances, such measures would be irregular by international standards, in particular where effective means of redress against administrative decisions or the right to a fair and public hearing were not available.

Article 19.8 of the Election Law links the right of displaced persons to return freely to their homes - a key element of the peace process - to the right to vote. Persons illegally occupying a residence and subject to a restitution order should have no right to vote in their current place of domicile. However, lack of clarity in Article 19.8 and difficulties of enforcement led to the application of the rule to just 200 people out of the thousands of registered voters who may be illegal occupants, raising concerns about the equitable application of the law.

Until shortly before the election, relatively few formal complaints were filed with the Election Complaints and Appeals Council (ECAC) and still fewer were appealed to the newly appointed Appellate Division of the State Court. While this may reflect a well-run electoral process, according to political parties it also reflects a lack of confidence in the appeals procedure as an effective remedy for election complaints. In the final days before the elections, however, approximately 60 complaints were received by the ECAC, overwhelmingly concerning violations of campaign rules.

### **Election Administration**

The Election Commission (EC) functioned efficiently and retained a high level of confidence amongst most political parties. Almost all EC decisions were taken by consensus. EC meetings were open and transparent. The four national members of the seven-member EC took the leading role in its work and decisions. The Municipal Election Commissions (MECs) also generally operated professionally, although some experienced a severe lack of funding from municipal authorities. A good training program was provided by the Association of Election Officials of BiH, under the supervision of the EC.

An Election Commission decision to include political party members on Polling Station Committees (PSCs) increased the transparency and inclusiveness of the election administration. At the same time, some problems arose in the formation of PSCs, in particular meeting the requirement for ethnic composition, technical expertise and that every political party may have no more than one representative on a PSC. By 20 September, the date by which the formation of PSCs was due to be completed, about a third of all MECs either had not reported to the Election Commission of BiH or did not make PSC appointments as per the regulations. Many political parties expressed dissatisfaction with their level of representation on the PSCs; this was not surprising given the large number of parties and limited number of PSC positions.

Delays by the EC in adopting some regulations negatively affected preparations for the elections. For example, this led to incomplete training of some PSC members. In addition, the late passage of regulations regarding some election day MEC activities, including vote aggregation and the composition of tendered ballot PSCs, hindered preparations for these elements of the process.

The State, entity and municipal authorities failed to appropriate sufficient funding for the elections, leaving the international community to cover 70% of the costs. The international community also continued to provide support to the electoral process through the provision of salaries for 21 key EC staff and some logistical support.

A total of 1,262 candidates or potential candidates, approximately 14% of total applications, were denied registration. The vast majority of these were due to the failure of parties to ensure candidates met the necessary administrative requirements, namely being registered as a voter in the constituency of their candidacy.

Voter registration closed on 20 June. Final voter lists were established on 1 July. As a result

of complaints from political parties, updating continued in some municipalities until shortly before election day. Final voter registration figures showed a small increase in in-country voters and a large decrease in out-of-country voters.

### **The Campaign**

The election campaign took place in a generally open, peaceful and free environment. There were relatively few explicit instances of hate speech or incitement to violence, but three led to formal complaints and sanctions by the EC. Although there were a few serious security incidents in the country during the campaign period, none appear to have been directly related to the elections.

The campaign was highly personalized and negative in nature, with sharp verbal and press attacks on candidates. There was a lack of meaningful debate on substantive issues, including reform. Public interest in the campaign, especially amongst young people, appeared to be low. Election posters blanketed the country, but rallies were often poorly attended.

Overall, political parties and candidates reported no serious impediments to their campaigns. A few cases of political intimidation or obstructionism were reported, including a climate of subtle intimidation in some communities. Campaign posters were vandalized in several regions, in some instances on a large scale.

Nationalism played less of an overt role than in previous elections, but remained an underlying issue. Ethnicity continued to be a campaign issue in some areas and nationalist politics remain entrenched at the local level. Many parties used nationalist or ethnic symbols, slogans or music.

International authorities were actively involved in the election campaign. For example, the High Representative undertook a vigorous campaign to encourage citizens "to vote, and to vote for reform". This was consistent with his position that he would not support particular parties or candidates. The notably more neutral posture of the High Representative and other international authorities toward political parties and candidates in these elections compared to previous elections was welcomed by nearly all political parties.

### **The Media**

A large spectrum of electronic and print media provided extensive coverage of the elections. The media environment was generally more professional than in previous elections. The national broadcast service TVBH provided increased cross-entity electoral coverage, setting a positive trend.

There was only one instance of physical intimidation of journalists reported, although many media representatives reported experiencing indirect pressure by political parties and authorities, as well as tax audits in the RS.

Electoral coverage by public and private broadcasters was generally in conformity with strict regulations guaranteeing airtime and equitable and fair coverage to all parties. This was widely regarded as an improvement over previous elections. Parties and candidates were not allowed to buy airtime. The formats chosen to cover candidates were often dull or unimaginative, and may have reduced public interest in the campaign.

Print media, which are subject to fewer restrictions than broadcast media, covered the campaign in a more lively, critical and aggressive fashion. The print media were, in general, highly partisan.

The Communications Regulatory Agency (CRA), heard approximately 20 complaints by election day. These mainly concerned the alleged failure of some broadcasters to allot equitable time to all candidates or to report political party announcements. Approximately half reached a friendly settlement.

The 24-hour campaign moratorium was violated. On 4 and 5 October, the *Ekonomski blok*

*HDU za blojidak* sent mobile phone text messages to voters, soliciting support. While the EOM received no reports about BiH media violating the moratorium, some foreign newspapers available in BiH, including Croatia's *Vijesnik*, *Vecernji List*, and *Novi List*, Serbia's *Danas*, and Montenegro's *Vijesti* published political commentaries on the BiH elections.

### **Participation of Minorities**

Minority groups, which do not constitute one of the three Constituent Peoples, but are "Others", have played a marginal role in the elections. Only 169 certified candidates (2.24 per cent of all certified candidates) are "Others". Many Roma, the largest minority group, have registered in the Tuzla, Travnik and Mostar regions, but indicated very little attention from political parties. There is no Roma-based political party. A small number of Roma candidates have been reported. Two Roma leaders indicated their communities would spoil ballots in protest of their marginalization.

The small Jewish community has slated several candidates with five Bosniak-based political parties for Federation and Canton races. A small number are active at the PSC level.

### **Gender Issues**

The Election Law contains a gender requirement. Approximately one-third of each political party candidates list must be of the minority gender, equally spaced on the list. Although this has greatly increased the numbers of women candidates, women in general do not hold positions of power in political parties. Women leaders assert that the open-list voting system militates against the election of women. Within the election administration, the President of the EC is a woman, there are substantial numbers of women on MECs and PSCs, and 60% of the EC Secretariat are women.

### **Domestic Observers**

The election law provides domestic observers with full access to all aspects of the electoral process. Two domestic non-partisan election observer groups, the Center for Civic Initiatives and Elections 2002 deployed some 6,000 poll-watchers on election day. Both groups coordinated consortiums of NGOs in their monitoring effort. In a welcome development, both groups received assistance from similar organizations in the Federal Republic of Yugoslavia and Croatia.

### **Election Day & Vote Count**

The low level of public interest in the elections during the campaign seemed to have affected voter turnout on the day of election. Voter turnout was only 54%.

From 1,300 visits paid to some 1,100 polling stations, in only 3% of cases observers assessed the conduct of the polling process as "poor". The main problems noted were group voting in 38% of observations, voters unable to find their names on the voter registers in 60% of observed polling stations, and unauthorized persons in polling stations in 13% of observations. Otherwise, the voting process was orderly in an overwhelming proportion of polling stations visited. Unusual tension in polling stations was noted in only 3% of the visits, dissatisfied voters were noted in 1% of the visits, and campaign activity was noted in only 2 polling stations. However, campaign material was seen within 50 meters of polling stations in 6% of the visits, but campaign activity was limited to 1%. Remarkably, very few cases were reported of undue influence on voters or polling station committee members. The few reported cases of intimidation against party observers seemed concentrated in the western Herzegovina region of the Federation .

In terms of measures to safeguard the integrity of the polling process, voters presented proper

photo IDs in 97% of observations, each voter signed the voter register in 99% of cases, voters marked their ballots in secret in 95%, and proxy voting was limited to 2% of observations. Domestic observers, both political party and non-partisan, were noted during 94% of visits to polling stations. Of these, 42% were non-partisan civil society representatives. Observers evaluated the vote count somewhat less positively (14% "poor" rating), with unauthorized persons present reported as the main problem (28% of counts observed). The aggregation of results at MEC level was also evaluated less positively (26% "poor" rating), with procedures not followed properly. After the vote count at polling stations, domestic non-partisan and political party observer presence at the MEC level seemed to have diminished considerably.

*This statement is available in the English, Bosnian, Croatian, and Serbian languages.  
However, the English text is the only official version.*