

The Congress of Local and Regional Authorities



AUTUMN SESSION
CG(15)34REP
7 November 2008

STANDING COMMITTEE

Local elections in Bosnia and Herzegovina observed on 5 October 2008

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Explanatory Memorandum
Bureau of the Congress

Summary:

Following an official invitation from the Bosnia and Herzegovina (BiH) authorities to observe the municipal elections in BiH on Sunday 5th October 2008 and based on the Election Law of BiH, which provides for access of both international and domestic observers to elections, the Congress appointed an observer delegation comprising members of the Congress and the EU Committee of the Regions. The delegation was headed by Ms Marie-Rose Koro, member of the French delegation to the Congress (for complete composition of the delegation see Appendix I).

The role of the Congress delegation was to examine the electoral process, to ensure it complied with international standards, and that the conditions for democratic and transparent elections were met.

The observation mission qualified the elections 'in accordance with Council of Europe and international standards for democratic elections'. The poll remained free of major incidents. The Congress delegation regretted however the low voter turnout especially in major cities throughout the country and ethnic division which marred the campaign.

R : Chamber of Regions / L : Chamber of Local Authorities
ILDG : Independent and Liberal Democrat Group of the Congress
EPP/CD : Group European People's Party – Christian Democrats of the Congress
SOC : Socialist Group of the Congress
NR : Member not belonging to a Political Group of the Congress

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I. Introduction

1. The delegation would wish to thank the authorities of BiH, for their assistance and cooperation. In addition, the delegation is grateful to Mrs Caroline Ravaud, Special Representative of the Secretary General of the Council of Europe in BiH, Mr Esad Mavric and other staff members at the Council of Europe office in Sarajevo for their support and assistance, which was essential for the smooth running and efficiency of the observation mission.

2. The Council of Europe delegation, which was divided into seven teams, participated in a number of preparatory meetings. These included a meeting in Sarajevo with the Central Election Commission (CEC), members of the delegation of BiH to the Congress, representatives of the international community in BiH as well as political parties. Other meetings took place in Banja Luka, Prijedor, Mostar, Srebrenica, Duboj, Brcko and Sarajevo (for the detailed programmes please see Appendix III).

3. Unlike previous years, the ODIHR, an OSCE institution in charge of monitoring elections, did not deploy a mission to observe the elections of 5 October, which to a certain extent meant a more reinforced role and higher responsibility for the Congress mission.

II. The Electoral Administration and Process

4. The various state and entity laws provide the basis for a democratic election process. In particular the Election Law of BiH provides a generally good framework for the conduct of elections. It was adopted in 2001 and has been amended in 2002, 2004, 2005, 2006 and 2008. Recent amendments to the Electoral Law provide for minority representation and special voter registration rules for former residents of Srebrenica.

5. Polling took place in 149 municipalities all over the country. Three million BiH citizens who have attained 18 years of age and are registered in the Central Voters Register were eligible to elect 140 mayors and 142 local councils/assemblies (comprising 3,145 councillors) in their municipalities. Municipal Councils and Assemblies were elected under a proportional representation system with a 3% legal threshold.

6. 80 political parties, 239 independent candidates and 41 coalitions were registered for the elections. There were 566 mayoral candidates in 140 municipalities and 29,641 candidates for 142 local assemblies/councils. All mayors were directly elected except in the city of Mostar and Brcko District, where a system of indirect elections is imposed¹. Local elections were held for mayors and municipal councils (in the Federation of Bosnia and Herzegovina), municipal assemblies (in Republika Srpska), the Brcko District Assembly, and city assemblies of Mostar and Banja Luka. Polling stations opened at 7:00 am and were closed at 7:00 pm. Almost half of registered voters exercised their democratic right to vote.

7. As provided for in the Election Law, the hierarchical structure for the administration of this election comprised the Central Election Commission at State level, Municipal Election Commissions (MECs) and the Polling Station Commissions (PSCs). Membership of PSCs was made up of 7, 5 or 3 members depending on the number of registered voters in the municipality.

8. The municipal elections were fully funded and organised by national authorities, as was the case in 2004.

9. Displaced Persons were granted special voting rights in 2008 municipal elections: they could choose to vote for their current place of residence or for their pre-war electoral constituency in person or in absentee. Amendments to the Election Law enacted on 7 May 2008 grant pre-war residents of Srebrenica special voting rights. As it is the case with Displaced Persons, residents of Srebrenica in 1991 have the right to choose to vote for their current place of residence or for Srebrenica, regardless of their current place of residence. Voters in a number of places were also able, for the first time, to elect representatives of national minorities. (34 municipalities reserved a total of 37 seats for representatives of such minorities).

¹ Information provided by OSCE Mission to Bosnia and Herzegovina

III. Main Findings and Observations

10. The elections were observed by a large number of local observers appointed mainly by political parties. The Congress delegation met 1-2 NGO or independent observers in the polling stations visited.

11. The delegation was pleased to find out that the CEC as well as a number of municipal election commissions, which they visited prior to the election day, had in general met their responsibilities for election preparations and respected all legal deadlines. It was also concluded that in general there was a healthy working atmosphere of trust and cooperation between members of the CEC and other election commissions.

12. Gender equality was well respected in the majority of polling station commissions, a significant number of which were presided by women.

13. The municipal election commission also provided voters with telephone hotlines, which they could call for receiving detailed information about the polling stations in which they were supposed to vote. The delegation observed how this practice worked efficiently by visiting a number of municipal election commissions.

14. It was evident that political parties had spent significant sums for pre-election campaigns. This could be judged by the extensive numbers of posters and billboards present almost everywhere in the country. But the delegation could not receive precise information from representatives of political parties about concrete sources of financing.

15. The CEC had undertaken a number of initiatives to encourage voter participation such as the publication and distribution of a leaflet, posters, the broadcasting of a TV spot - all aimed at awareness raising for the voting day. Persons were also deployed to rural areas for explaining to voters the system of vote and election procedures. The CEC also put special effort into informing the former and actual residents of Srebrenica about the special voting procedures, which applied to them during the 5 October elections.

16. Although the delegation was informed by the CEC that mobile phones should not be allowed to voting booths, it was observed that in the majority of polling stations voters were not properly asked not to use their mobile phones. In several polling stations observers noticed that voters and/or members of polling station commissions were making calls while being in the polling station even in some cases in the booth.

17. Despite the system introduced by the CEC, which allowed for any voter to find out the exact place where he/she should vote by sending and receiving a simple SMS within a very short period of time. The observers noticed the general absence of any street signs marking the place of nearby polling stations. The absence of indications can be discouraging for potential voters who have a difficulty to find their polling station. The delegation also observed that in buildings (mainly schools) where a number of polling stations were located, the signs did not always clearly indicate the directions for the different stations. This quite often resulted in unnecessary crowding and confusion in front of the polling stations.

18. Security was assured at almost all of the observed polling stations, with a police officer present outside each station and ready to interfere in case of a need.

19. One of the main subjects of discussions with members of the CEC and the representatives of political parties became the non-inclusion of 2,048 Bosnian Croat refugees from BiH living in Croatia on the list of voters eligible to take part in municipal elections. These refugees, who come mainly from the municipalities of Derventa and Bosanski Brod had not been able to present legitimate proof of BiH citizenship. 10,759 refugees from BiH residing outside the country applied for voting in the municipal elections. The CEC accepted 6,465 of these requests by giving differing reasons for rejecting the others. The rejection of remaining voters was widely discussed in the press and strongly criticised by some political parties who believed that these rejections were politically motivated. Nevertheless, the CEC ensured the delegation that rejections were due by objective obstacles of administrative nature.

20. The access of handicapped persons to polling stations was limited in the vast majority of polling stations visited.

21. The counting of the votes which had to be fully completed in the hours following the election was a very lengthy and demanding process in many polling stations due to the size of the ballot for proportional voting, the length of candidate lists, not very 'user-friendly' ballot format and presentation. A specific problem observed in Novo Sarajevo was that the ballot for the mayor's election was printed on both sides of the paper, with a number of candidates appearing on second page. These led to confusion among voters and many invalid ballots cast.

22. In most of observed polling stations one single ballot box was used for casting both ballots, which proved to be a trouble-some practice during the count of the votes, since thinner ballots tended to skip into thicker ones and were difficult to find at the moment of the count.

23. All of the members of polling station commissions had received prior training organised by municipal election commissions and the CEC. The CoE Office in Sarajevo had also organised the training of 150 polling station staff.

24. Members of the Congress delegation, who were deployed in Brcko district noticed that a guidance book for carrying out the election, which had been produced by the financial assistance of the CoE Office in Sarajevo was widely present and often consulted in polling stations.

25. In Brcko, a number of polling stations had been located in temporary premises (tents), which could raise a number of problems depending on weather conditions, daylight, etc.

26. Assisted voting was widely observed on election day. Many elderly people requested to be assisted by family members although on very rare occasions assistance by polling commission members was also observed.

IV. Conclusions

27. In general it was concluded that elections were technically well organised and in accordance with Council of Europe and international standards for democratic elections. The poll remained free of major incidents.

28. The training provided by the CEC in cooperation with the Council of Europe proved useful for all members of the local polling stations.

29. Overall the observer teams had good impressions from the quality of administration by many of the Polling Station Commissions. Most of them seemed sufficiently trained and knowledgeable about their duties. They also mostly handled the arising difficulties with professionalism and discretion.

30. The election was conducted in a calm atmosphere, security and public order at polling stations was duly ensured.

31. The observers regretted the fact that the pre-election campaign was marked by widespread nationalistic rhetoric and almost complete absence of public debate on local issues. The elections and especially the preceding campaign were stained by allegations of bribery, rhetoric fuelling ethnic division and by voter apathy, resulting in low voter turnout on election day, throughout the country especially in major cities.

The recommendations of the Congress to the Bosnian authorities based on the observation of the local elections are presented in document: CG(15)34, Recommendation.

APPENDIX I

COMPOSITION OF THE CONGRESS DELEGATION ON 5 OCTOBER 2008

Members of the Congress

- **Ms Marie-Rose Koro**, Regional Councillor of Basse-Normandie (France, SOC, R) – **Head of the delegation**
- **Mr Mamuka Abuladze**, Member, Rustavi City Council (Georgia, ILDG, L)
- **Mr Mikhel Juhkami**, Chair, Rakvere City Council (Estonia, EPP/CD, L)
- **Mr Mehboob Khan**, Member, Kirklees Metropolitan Borough Council (United Kingdom/Royaume-Uni, SOC, R)
- **Ms Amy Koopmanschap**, Mayor of Diemen (Netherlands, SOC, L)
- **Mr Nigel Mermagen**, Councillor, South Somerset District Council (United Kingdom, ILDG, L)
- **Mr Jens Nilsson**, Commissioner, Chair Municipal Executive Board, Östersund (Sweden, SOC, L)
- **Ms Hana Richtermocova**, Deputy Mayor, City of Horice (Czech Republic, NR, L)
- **Mr Ali Taner**, Mayor of Antonovo (Bulgaria, ILDG, R)

EU Committee of the Regions

- **Mr Martin Heatley** (UK/EPP), Member of Warwickshire County Council
- **Mr Joseph Cordina** (MT/PES), Mayor of Xaghra
- **Ms Doreen Huddart** (UK/ALDE), Member of Newcastle-upon-Tyne City Council
- **Mr Jerzy Zajakala** (PL/UEN-EA), Mayor of Ljubjanka

Congress Secretariat

- **Mr Jean-Philippe Bozouls**, Executive Secretary of the Chamber of local authorities
- **Ms Lilit Nikoghosyan**, Co-Secretary of the Institutional Committee
- **Ms Gönül Koçak**, Congress Secretariat

APPENDIX II

PRESS STATEMENT ISSUED BY THE CONGRESS DELEGATION ON 6 OCTOBER 2008

Local elections in Bosnia and Herzegovina: Good democratic effort but low voter turnout in the major cities

Sarajevo, 06.10.2008 – Municipal elections in Bosnia and Herzegovina on 5 October 2008 were generally in line with democratic standards but marred by low voter turnout especially in major cities throughout the country and by ethnic division.

The elections were technically well organised and the training provided by the Central Electoral Commission in cooperation with the Council of Europe proved useful for all members of the local polling stations.

This was a preliminary conclusion of the delegation of the Council of Europe Congress of Local and Regional Authorities, which also included four members of the EU Committee of the Regions. On 5 October, the delegation observed the voting and ballot counting in approximately 120 polling stations in Sarajevo, Banja Luka, Mostar, Srebrenica, Brcko, Zvornik, Pale and Bratunac.

The observers acknowledged the improvements made since the previous elections, including amendments to the Electoral Law providing for minority representation and special voter registration rules for former residents of Srebrenica. They also welcomed the fact that these elections were fully funded by national authorities.

However, the elections and especially the preceding campaign were stained by allegations of bribery, rhetoric fuelling ethnic division and by voter apathy, resulting in low voter turnout on election day. This could be due to the fact that political debate during the campaign did not address the issues of concern to the citizens.

During the Autumn Session of the Congress (2 December 2008), the Head of the delegation, Marie-Rose Koro (France, SOC) will present all the findings of the mission.

The Congress encourages the authorities of Bosnia and Herzegovina to implement its recommendations for further improvement of local democracy in the country.

Members of the delegation:

- Ms Marie-Rose Koro, Congress (France, SOC) – Head of delegation
- Mr Mamuka Abuladze, Congress (Georgia, ILDG)
- Mr Mihkel Juhkami, Congress (Estonia, EPP/CD)
- Mr Mehboob Khan, Congress (United Kingdom, SOC)
- Ms Amy Koopmanschap, Congress (Netherlands, SOC)
- Mr Nigel Mermagen, Congress (United Kingdom, ILDG)
- Mr Jens Nilsson, Congress (Sweden, SOC)
- Ms Hana Richtermocova, Congress (Czech Republic, NR)
- Mr Taner Ali, Congress (Bulgaria, ILDG)

EU Committee of the Regions:

- Mr Martin Heatley (UK/EPP), Member of Warwickshire County Council
- Mr Joseph Cordina (MT/PES), Mayor of Xaghra
- Ms Doreen Huddart (UK/ALDE), Member of Newcastle-upon-Tyne City Council
- Mr Jerzy Zajakala (PL/UEN-EA), Mayor of Ljubjanka

Congress Secretariat

- Mr Jean-Philippe Bozouls, Executive Secretary of the Chamber of local authorities
- Ms Lilit Nikoghosyan, Co-Secretary of the Institutional Committee
- Ms Gönül Koçak, Secretariat

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APPENDIX III

EUROPEAN UNION



Committee of the Regions



Observation mission of the Congress of Local and Regional Authorities of the Council of Europe of local elections in Bosnia from 3 to 6 October 2008

PROGRAMME

Thursday 2 October 2008

Arrival of the members of the Congress and Committee of the Regions
All members will be met at the airport and provided with transport to :

Hotel Holiday Inn

Zmaja od Bosne 4

71000 Sarajevo

Bosnia & Herzegovina

Tel : +387 33 28 81 95

Fax : +387 33 66 38 62

E-mail: reservation@holiday-inn.ba

[Website](#)

Friday, 3 October 2008

08:45 – 09:30 Congress delegation briefing I
Venue: Herzegovina meeting room

09:30 – 10:00 Meeting with:

- **Ms Caroline RAVAUD**, Special Representative of the Secretary General of Bosnia and Herzegovina to the Council of Europe
- **Mr Esad MAVRIC**, Executive Secretary, Office to Sarajevo

Venue: Herzegovina meeting room

- 10:00 – 11:00 Meeting with chairman/members of the **Central Election Commission of BiH**
Venue: : Herzegovina meeting room
- 11:30 – 13:00 Analysis and breafing on the electoral situation by :
 ➤ Representative of the **OSCE Mission** to Bosnia and Herzegovina, and OSCE colleagues
 ➤ Representatives of **ODIHR**
 ➤ Representative of the **European Commission** in Bosnia and Herzegovina
 ➤ Representatives of the **Embassy's** accredited in BiH
Venue: Herzegovina meeting room
- 13:00 – 14:15 Lunch with :
 ➤ **Mr Mirsad KEBO**, Head of the delegation of Bosnia and Herzegovina and all members of the delegation
Venue: Herzegovina meeting room
- 14:30 – 15:13 Meeting with candidates:
 ➤ Municipality Centar , **Mr Dzevad Becirevic**
 ➤ Municipality Novo sarajevo, **Mr Nedzad Koldzo**
Venue: Centar/Novo Sarajevo
- 16:00 – 18:00 Meeting with **political parties** (tbc)
Venue: Herzegovina meeting room
- 18:30 – 19:00 Meeting with interpreters and drivers
Venue: Herzegovina meeting room

Saturday, 4 October 2008

Obligatory silent for all political parties and candidates ... 24 hrs before beginning of the elections

- 16:00 – 17:15 Plenary briefing for all observation delegations at the CEC
Venue: BiH Parliamentary Assembly, Trg BiH1a

Sunday 5 October 2008

Observation of the local elections

- 10h00 Press conference by CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1
- 10h00 Press conference by CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1
- 18h00 Press conference by CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1
- 21h00 Press conference by CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1
- 24h00 Press conference by CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1

Monday 6 October 2008

Arrival of the teams to Sarajevo

- 12:00 – 14:00 Congress delegation de-briefing II, adoption of the press release
Venue: Neretva meeting room
- 15:00 – 16:00 de-briefing with other observers
Venue: Neretva meeting room
- 16:00 – 16:30 Press Conference
Venue: Neretva meeting room

Tuesday 7 October 2008

Departure of the members to the airport

PROGRAMME Teams1-7 on 4 and 5 October 2008

Team 1, 2 SARAJEVO

08h45

Departure

09h30-10h30

Meeting with a representatives of the ACIPS, NGO
(Zmaja od Bosne 8, blue building, contact-Leila Zaimovic 061 188 428)

11h00-12h00

Meeting with representative of the Local Election Commission, Sarajevo Centar
- Pasic Mejrema, President, 061/482 002

12h30-13h30

Lunch

14h00-14h45

Meeting with representatives of the Local Election Commission (East Sarajevo)
- Ms Ljubica Novakovic, President, 065 600 252
Stefana Nemanje 2

15h00-16h00

Meeting with a representatives of the Association of cities and municipalities of FBiH
- Ms Vesna Travljanin, SG
(Musala 5, near FIS)

Teams 1+2

16:00 – 17:15

Plenary briefing for all observation delegations at the CEC
Venue: BiH Parliamentary Assembly, Trg BiH 1

Team 3, MOSTAR

08h15

Departure

11h00

Arrival, Mostar

11h00-12h30

Meeting with representatives of the Local Election Commission
- Halil Maksumic, President, 061 568 177
Contact 036 325 120, Adema Buce 19, zgrada Vranice kod MUP

12h30-13h30

Meeting with representatives of the LDA Mostar
Contact: Dzenana 061 906 867, 036 558 330)

13h30-15h00

Lunch

15h15-16h30 Meeting with representatives of the Local Election Commission, Capljina
036 312 179, Kralja Tomislava

Team 4, SREBRENICA

08h30 *Departure*

11h30 Arrival, Srebrenica

12h00-13h00 Meeting with representatives of the Local Election Commission, Srebrenica
- **Mr Hajrudin Halilovic**, President (061 148 766)
056 385 320/490, Srebrenickog odreda bb, opstina

13h00-14h00 Lunch

14h00-15h00 Meeting with NGO *tbc*

16h00-17h00 Meeting with representatives of the Local Election Commission, Zvornik
- **Mr Vojin Cuturic**, President 065/511 276)
(contact, 056 232 243 Svetog Save 124, opstina)

TEAM 5, Brcko

08h45 *Departure*

12h00 Arrival, Brcko

12h30-13h30 Meeting with a representatives of the Association of cities and
municipalities of Republika Srpska
- **Mr Brano Jovičić**, Secretary General (065 520 632)

13h30-14h30 Lunch

15h00-16h00 Meeting with representatives of the Local Election Commission, Brcko
- **Mr Slobodan Zobenica**, President
(Contact 049 220 076, Trg Pravde, bivsa kasarna)

TEAM 6, Banja Luka

<i>08h</i>	<i>Departure</i>
11h45	Arrival, Banja Luka
12h00-13h15	Meeting with representatives of the Local Election Commission, Prijedor - Zeljko Skondric , President 065 881 628 (Contact 052 213 897, Trg Oslobođenja 1)
13h15-14h00	Lunch
14h-15h15	Meeting with representatives of the LDA Prijedor - Mr Giuseppe Terrasi - Ms Dragana Radanović - Mr Dragan Došen (Address: Kralja Petra I Oslobođioca 43 Contact: Dragana 00387/52 241 100/101)
15h30	Departure to Banja Luka
16h30-13h15	Meeting with representatives of the Local Election Commission, - Ms Nada Batinar , President (Contact 051 244 585, Trg Srpskih vladara)

TEAM 7, Banja Luka

<i>08h15</i>	<i>Departure</i>
11h00	Arrival, Zavidovici
11h00-12h00	Meeting with representatives of the LDA Zavidovići - Ms Simona Sordo (Address: Omladinska 10, 72220 Zavidovici)
12h15	Departure to Doboj
13h00-14h00	Meeting with representatives of the Local Election Commission, Doboj
14h00-14h45	Lunch
16h45	Departure to Banja Luka
16h30 17h30	Meeting with representatives of the Local Election Commission, Banja Luka - Ms Nada Batinar , President (Contact 051 244 585, Trg Srpskih vladara)

APPENDIX IV

**DEPLOYMENT AREAS on 5 October 2008
Observation of the local elections in Bosnia and Herzegovina**

Team	Deployed Area	Congress Members
1	Sarajevo + Pale, Ilijas, Vogosca	Ms Marie-Rose KORO Mr Joseph CORDINA Mr Jean-Philippe BOZOULS
2	Sarajevo + Ilidza, Hadzici	Mr Mamuka ABULADZE Mr Ali TANER Ms Gönül KOCAK
3	Mostar + Stolac, Capljina <i>(2hrs driving, 120 km)</i>	Mr Nigel MERMAGEN Mr Jerzy ZAJAKALA
4	Srebrenica + Zvornik, Tuzla <i>(2hrs driving, 120 km)</i>	Ms Amy KOOPMANSCHAP Mr Martin HEATLEY
5	Brcko + Bijeljina, Janja <i>(3 hrs driving, 200 km)</i>	Mr Mehboob KHAN Ms Hana RICHTERMOCOVA
6	Banja Luka + Prijedor, Kozarac <i>(3.5 hrs driving, 300 km)</i>	Ms Doreen HUDDART Mr Mihkel JUHKAMI
7	Banja Luka + Prijedor, Kozarac <i>(3.5 hrs driving, 300 km)</i>	Mr Jens NILSSON Ms Lilit NIKOGHOSYAN