

REPORT ON THE OBSERVATION OF PARLIAMENTARY ELECTIONS IN THE REPUBLIKA SRPSKA (BOSNIA AND HERZEGOVINA) – CG/BUR (4) 147

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on 5 March 1998*

A delegation from the Parliamentary Assembly¹ of the Council of Europe and the Congress of Local and Regional Authorities of Europe (CLRAE), composed of Mr BERNAT (Slovakia) and Mr BULDANLI (Turkey), Ms AFFHOLDER from the CLRAE Secretariat and Mr RIVOLLIER, expert, visited the Republika SRPSKA (R.S.) from 20 to 24 November 1997 to observe the parliamentary elections of the Republika Srpska, one of the two entities of Bosnia and Herzegovina.

1. The general context

It is to be underlined that the people did not start the war, it was imposed on them. The general context can be described as follows:

1.1 The political climate in the R.S. reflects a certain agitation linked to:

1.1.1 The establishment of the new municipal authorities. In accordance with the Rules and Regulations of the Provisional Election Commission (P.E.C.) and the Plan for the implementation of the municipal election results adopted in May 1997, all of the results were published by the OSCE: in Bosnia and Herzegovina the nationalist parties secured 89% of the votes, 57% going to the Serb Democratic Party (S.D.S.). Now the local assemblies must hold their inaugural session so as to obtain the technical certification, the stage preceding full certification and their final establishment. According to the official figures of the national committee responsible for setting them up, 91 of the Bosnian municipalities, ie 66%, met in mid-November. In the area under the responsibility of the OSCE Regional Office in Banja-Luka, all of the municipal councils had held their first session. According to the OSCE officer for the region, there was still some disagreement on anthems, the swearing in of representatives and especially the representation of elected representatives of the Federation in the municipal authorities. There had been stormy sessions in Banja-Luka and Doboj.

1.1.2 The preparation of parliamentary elections. The holding of parliamentary elections in the R.S. follows open conflict between Ms PLAVSIC, President of the R.S., and the Parliament, which is dominated by the ultra-nationalists, and her decision to dissolve the Parliament in July 1997. On 17 August the President set up her own political party, the Serb People's Alliance (S.N.S.), after a split with the nationalist Party (S.D.S.), from which she had been expelled. On 25 September, the Permanent Council of the OSCE agreed to monitor the elections. On 29 October, the Provisional Election Commission validated the candidatures of 28 parties, 3 coalitions and 18 independent candidates. The election campaign, which was officially opened on 3 November, increased in intensity with the distribution of campaign funds and an advertising campaign involving only the S.D.S., the S.N.S. and the Radicals. Public opinion is expecting the situation to stabilise: a plan for the return of refugees has been ratified and the international peace-keeping force, S.F.O.R., has set up a multi-ethnic police force. According to the OSCE officials in the R.S., the economic situation (high unemployment, a dilapidated public sector, the destruction of a large proportion of the infrastructure as well as an economy operating at 10-15% of its pre-war capacity) will be the main problem facing the new local authorities.

1.2 The areas visited: DOBOJ and VISEGRAD

The CLRAE delegation split into two teams:

Mr BERNAT and Mr PELLICIARI, expert, visited the region of Visegrad in the southern part of the R.S., which has remained loyal to the Pale-based leaders. Their observation work focused on the municipalities of RUDO and CAJNICE. Situated in a mountainous region, Cajnice is a town of 6 500 inhabitants, a third of whom are displaced persons. Prior to the war, the population consisted of equal proportions of Bosnians and Serbs but it is now 100% Serb.

Municipal elections in this S.D.S. stronghold have brought about a more balanced representation. The municipal council of Cajnice is now composed of: 13 S.D.A. (Bosnian national party) members, 12 S.D.S. members and 10 Radicals. The election campaign did not give rise to any major problems.

The team consisting of Mr BULDANLI, Ms AFFHOLDER and Mr RIVOLLIER visited DOBOJ, 150 km from Banja-Luka, a stronghold of Ms Plavsic. Doboj and its hinterland have always occupied a strategic position from both the geographical and the political point of view. Prior to the war, Doboj, an industrial town with 70 000 inhabitants, was at the centre of a railway network and was an important crossroads linking Croatia with Sarajevo. It had a balanced population, divided equally among the three communities. Nowadays the inter-entity boundary line splits the former town into four municipalities. As this boundary line cuts deep into the heart of the town, Doboj has become an enclave in the Federation. The population is almost entirely Serb and the economic situation is still extremely unstable. Politically speaking, Doboj is an isolated stronghold of the Pale-based leaders, mainly because of the omnipresence of Mr NINKOVIC, Minister of Defence of the R.S. and President of the S.D.S. In the September municipal elections the S.D.S. and its radical allies retained the majority of the seats on the municipal council. The delegation noted the overwhelming presence of the nationalist party in the local police, the media and the Provisional Election Commission as well as the wait-and-see attitude of the population.

A number of recent events have been of particular interest:

- a failed attempt by the opponents of the Pale leaders to take over a T.V. transmitter near Doboj by force; there were several bomb attacks;
- in early November, SFOR dismantled a special police unit in DOBOJ;
- last but not least, the establishment of the municipal council in Doboj gave rise to a major incident: three members, including the outgoing mayor, resigned from the S.D.S. to join Ms Plavsic. Mr Ninkovic, Minister of Defence, subsequently announced that the mandates of those who had resigned would not be ratified in accordance with the Rules and Regulations and "warned" the members of the assembly that no Bosnian representatives would be accepted in the executive. The OSCE electoral appeals commission decided to ban the minister from all activities on the municipal council.

1.3 The political forces present

Among the candidatures accepted by the P.E.C. for participation in the ballot, a number of political parties stood out from the others:

Parties from the R.S.:

The S.D.S, a Serbian nationalist party founded in 1990, has its former leader, the indicted war criminal Radovan Karadzic, among its members; it held the majority in the dissolved Assembly.

Its ally, the Radical party, has a more extremist position and has distinguished itself from the S.D.S., claiming that it has not been involved in corruption.

Ms Plavsic's party, the S.N.S., has declared its willingness to co-operate with the international community and its support for the Dayton agreements.

The Socialist Party has very little influence and forms part of the opposition.

Parties from the Federation:

The coalition for a United and Democratic Bosnia is made up of four parties, including the Nationalist Party S.D.A., led by President IZETBEOVIC, which had 14 seats in the outgoing parliament.

The Croatian Democratic Union, H.D.Z., claims to be a party for all Croatians. The Social Democratic Party, S.D.P., advocates a multi-ethnic Bosnia and secured 20 to 30% of the votes in some Serbian municipalities.

2. OSCE/ODIHR election observation mission

2.1 The observation mission and co-operation with international organisations

2.1.1. The CLRAE delegation had the status of Special Parliamentary Delegation. On its arrival in Sarajevo on 20 November it was placed under the auspices of the Observation Mission of the Office of Democratic Institutions and Human Rights (O.D.I.H.R.), which has its headquarters in Warsaw.

The 18-member OSCE/ODIHR Observation Mission is split into two sections (elections and administration). It is headed by a Co-ordinator seconded by the Norwegian Government.

The Mission is in charge of 120 short-term and 20 long-term observers for the monitoring of the parliamentary elections in the R.S. The CLRAE delegation attended the briefing on the morning of 21 November in the presence of Mr MITCHELL, the O.D.I.H.R. electoral advisor, and Mr G ROBINSON, the Vice-Chair of the Provisional Election Commission. The main themes were the role of the OSCE (G Robinson), the political context and election procedure (the Observation Mission of the European Commission), methods of observation (Mr Mitchell) and security (SFOR).

The CLRAE delegation would like to thank the OSCE / ODIHR for the logistic preparation of the observation mission.

2.1.2 Deployment and local contacts

The two teams were taken to their allocated areas by mini-bus. Mr Buldanli's team arrived in Doboj in the evening of 21 November; it was met by the long-term observer in charge of the Doboj region and put up in the only hotel in the town. It then contacted the OSCE Office in Doboj. The Office, which is staffed by seven international representatives, is responsible not only for Doboj but also for four further municipalities situated along the inter-ethnic boundary, ie TESLIC, PETROVO, MODRICA and VUKOSALJE. In view of the late hour and the state of tension in the town on the eve of the elections, the delegation was only able to obtain very limited information on the local context.

2.2 The legal basis of the electoral procedure

2.2.1 The voting system

In accordance with the Constitution of the Serbian entity, 83 seats are to be occupied for a period of one year. The electoral system is proportional representation based on the rule of the largest remainder, with the R.S. as a single constituency. The administrative structure responsible for the election is split into three:

- the Provisional Election Commission set up by the OSCE: it is composed of seven members and its tasks are to adopt the election code and supervise every aspect of the election;
- the Local Election Commission, which is appointed by the municipality: this commission plays a key role in providing material and administrative support;
- the Polling Station Committee – there is one committee per polling station, ie 1 100 in the R.S.

2.2.2 The right to vote

All current or former citizens who can prove that they were citizens of the R.S. before 1991 or who lived in the R.S. in 1991 or who lived there before 31 July 1996 and can produce a valid identity document are entitled to vote. It should be noted that the final electoral roll is that used for the municipal elections in September, supplemented by the refugees who have returned to the country since then and the persons who voted by tendered ballot and whose vote was validated.

In order to meet the needs of the wide variety of voters, different types of polling station were set up:

- ordinary polling stations for voters residing and registered in the R.S.
- absentee polling station for those residing outside the R.S. who were registered in a municipality situated in the R.S. for the municipal elections
- polling stations reserved for voters living outside the R.S. and wishing to vote in person in the place where they are registered
- polling stations for refugees living outside Bosnia and wishing to vote in person
- "twin" polling stations accepting two categories of voters
- polling stations set up in Croatia and the Federal Republic of Yugoslavia for voters living there.

2.2.3 Voting right guarantees

The main guarantee of the right to vote is that provided for in the Rules and Regulations, ie universal suffrage by secret ballot. The delegation noted that the secrecy of the ballot was guaranteed by the presence of polling booths placed well apart from one another inside the polling station.

This legal safeguard was reinforced by local security arrangements: the local police were posted within a 50m radius of the polling both and SFOR units patrolled the area.

The presence of OSCE representatives in each of the polling stations also ensured international monitoring of the voting and the counting of the votes. The main task of the OSCE is to supervise the voting and to assist the people in charge of the polling stations by providing them with any advice required and by adding their signatures to their reports on each day of the poll.

3. Observation of the elections, 22-23 November

3.1 Observation of the elections on 22 and 23 November

During the two polling days, each delegation team was allocated a number of polling stations. In Visegrad team No. 42 concentrated on Rudo and Cajnice. In Doboje team No. 30 had 15 stations to observe, mainly within the town; two of these stations were reserved for voters residing in the Federation (cross-municipality polling stations) and were situated on the outskirts of the town, close to the inter-entity boundary line, as a result of an agreement between SFOR, the international and local police, OSCE and the local election commissions responsible for each side of the boundary.

Fixed times had been set for receiving voters from the Federation, ie the morning and early afternoon on Saturday 22 November. The main aim was to avoid any problems which might be caused by meetings between Serb voters and Bosnian voters registered on the Doboje electoral roll. No changes in the location of the polling stations had been made

since the September elections.

On Saturday 22nd, the delegation was already on the spot at 6.45 am for the preparation of the polling station in the centre of the town. It had decided that each visit would last between 20 and 30 minutes and that it would visit one of the most sensitive cross-municipality polling stations twice a day.

At the end of each visit, the observers had to fill out a questionnaire given to them by the OSCE and send all the questionnaires to Sarajevo for the debriefing analysis on Monday 24th.

The delegation spent the first day systematically visiting all of the polling stations assigned to it and, with the approval of the long-term observer, extended its visits to three rural polling stations.

On Sunday 23rd the team followed the same timetable but concentrated its visits on the stations which seemed to require special attention. It attended the close of voting and the counting of votes at the "Usora Bridge" polling station, which was reserved for Bosnian voters. It then went to the station in the town centre, where the counting of the votes continued until approximately 11 pm. It should be pointed out that the tendered ballots were set aside and counted later in Sarajevo.

Once the counting was finished, the delegation met the Local Election Commission to ascertain the reactions of local representatives and the initial, though incomplete, results.

On Monday 24th the delegation left Doboj for Sarajevo, where the debriefing of all of the short-term observers took place under the auspices of the ODIHR/OSCE.

3.2 General comments

The delegation as a whole did not notice any particular incidents during the two polling days. Moreover, they noted that those responsible for the polling stations were very experienced. Most of them had already taken part in previous elections, had either secondary education diplomas or university degrees and had been chosen by the Local Election Commission to represent the political parties present, with the approval of the latter, or in a few cases by a system of random selection.

This endeavour to represent all parties and the degree of professionalism are further guarantees that voting rights were respected.

The members of the CLRAE wish to stress the importance of the profile of the supervisors. A Cajnice the team noted that some of the supervisors were very young and inexperienced and that there was some incongruity between the supervisors and the people in charge of the polling stations, who often had longstanding experience as scrutineers.

In Doboj the delegation was struck by the high level of competence of the German and Austrian supervisors, who were very pro-active in supervising the elections and took pains to explain what they were doing.

The overall impression of the members of the CLRAE is that an election highlights a number of local attitudes and traditions:

The warmth of relations with the observers and supervisors, the celebratory aspect of this civic event and above all the tradition of voting as a family or as a couple should not be overlooked. As far as the last aspect is concerned, the members of the delegation believe that it may be due to the rate of illiteracy and the concept of head of the family but that this tradition should in no way be considered to be family voting as prohibited by the Rules and Regulations.

The observers noted a few isolated cases of pressure being exercised or voters intimidated outside the polling station; it is difficult to say whether these were examples of propaganda, a result of the tension generated by the long wait or an actual violation of a right.

The delegation noted that many people were not registered on the electoral roll but still tried to vote and were reluctant to vote by tendered ballot. This caused great frustration. The observers heard these reactions or witnessed voters expressing their doubt that their vote would in fact be taken into account.

From the political point of view, the members of the CLRAE noted that only the local observers of the three main parties in contention and a local NGO were present in the polling stations visited.

Finally, in view of the incomplete nature of the results available on the evening of 23 November, the only remarks that can be made are that the turnout was lower than in September and that the S.D.S. remained in power in Doboj.

3.3 Final recommendations

The delegation's conclusions concerning this election are that the procedure was satisfactory from a technical point of view but that it could still be improved.

- With regard to the recruitment of supervisors: care should be taken not to send persons with very little experience into

sensitive areas and supervisors should have more thorough initial training.

- With regard to information given to the observers on the spot: the information given to the delegation was by no means sufficient.

- With regard to the registration of voters: the observers consider the fact that many voters were not on the final electoral roll to have been a major problem. The procedure must be improved, be made more efficient and credible and take account of the complexity of human situations in Bosnia.

Moreover, the delegation supports the decision of the international community to ensure a mid-term presence and wishes that this presence remains sizeable.

¹ The Parliamentary Assembly delegation was composed of Mr Andras BARSONY (Hungary, SOC), Mr Efstratios KORAKAS (Greece, UEL), Mr Radu VASILE (Romania, EPP/CD). See also document 7978 Addendum I of 6 January 1998 of the Parliamentary Assembly.