

APROBAT

In secția Biroului permanent al
Camerei Deputaților

din data de 16.10.2006

Nr. 1117

INFORMARE

p. 1/16.10.2006 **privind participarea Delegației Parlamentului României
la Misiunea de observare a alegerilor generale din Bosnia și Herțegovina,
1 octombrie 2006**

Parlamentul României
Camera Deputaților

B.P. Nr. 1117 din 13.10.2006

La data de 1 octombrie 2006 au avut loc în Bosnia și Herțegovina alegeri generale.

În baza invitației adresată de Ministerul Afacerilor Externe din Bosnia și Herțegovina, a fost organizată Misiunea internațională de observare a acestor alegeri, în cadrul unei operațiuni comune la care au luat parte: Biroul OSCE pentru Instituții Democratice și Drepturile Omului (ODIHR), Adunarea Parlamentară a Organizației pentru Securitate și Cooperare în Europa (AP OSCE) și Adunarea Parlamentară a Consiliului Europei (APCE).

Acestea sunt primele alegeri generale, de după războiul din 1992-1995, administrate integral de autoritățile din această țară.

Misiunea de observare a alegerilor (**EOM**) a fost deschisă în 25 august 2006 prin repartizarea de către OSCE / ODIHR, în capitala Sarajevo și în 8 centre regionale, a 14 experți și 17 observatori de lungă durată (**LTO**). În ziua alegerilor, au fost repartizați 364 observatori de scurtă durată (**STO**) din 43 de state membre ale OSCE, între care: 46 din partea AP OSCE, 19 din partea APCE, restul fiind din partea ODIHR / OSCE. Observatorii au acoperit peste 1600 secții de vot dintr-un total de 4299.

Componenta Misiunii internaționale de observare de scurtă durată, desfășurată în perioada 29 septembrie-2 octombrie a.c., a fost condusă de către domnul David Heat (Marea Britanie), desemnat, de către președintele-în-exercițiu al OSCE, coordonator special al EOM pentru STO.

Din partea Camerei Deputaților, Parlamentul României, au participat, ca STO, următorii: doamna deputat Rodica Nassar (PSD) și domnul deputat Vladimir Mircea Fârșirotu (PRM) - membri ai Delegației Parlamentului României la AP OSCE, domnii deputați Valeriu Gheorghe (PNL) și Petru Gabriel Vlase (PSD) - membri supleanți ai Delegației Parlamentului României la AP OSCE, și domnul deputat Miron Ignat (Minorități) - chestor al Biroul Permanent, precum și domnul Mario Ruse - secretar al Delegației Parlamentului României la AP OSCE.

Din partea Senatului României au participat, în calitate de STO, doamna senator Corina Crețu (PSD) și domnul senator Constantin Găucan (PRM).

EOM a urmărit evaluarea modului în care, în raport cu procesul de desfășurare a alegerilor generale, sunt implementate angajamentele OSCE, ale Consiliului Europei și alte standarde internaționale cu privire la procesele electorale democratice și la legislația internă.

În zilele de 29 și 30 septembrie a.c. au fost organizate activități de pregătire a EOM care au oferit STO din partea organizațiilor parlamentare internaționale (IP-STO) posibilitatea aprofundării contextului politic în care urmau să aibă loc alegerile sub diferite aspecte: cadrul legislativ specific; evenimentele care au marcat campania și perioada premergătoare acesteia; modul în care au fost rezolvate sesizările referitoare la încălcarea legislației; elementele care pot afecta negativ corectitudinea procesului și măsurile ce stau la îndemâna IP-STO pentru a contracara astfel de evoluții, etc.

Pregătirea a fost deschisă de o primă întâlnire la care au participat IP-STO și:

- domnul David Heath - coordonator special al EOM pentru STO;
- Lordul Russel Johnston - șeful Delegației APCE.

O a doua întâlnire a avut drept temă introducerea IP-STO în aspectele privind analiza politică a alegerilor, în prezidiu aflându-se:

- domnul Christian Schwartz-Schilling - Înaltul Reprezentant și Reprezentantul Special al Uniunii Europene pentru Bosnia și Herțegovina;
- domnul Ambasador Vadim Kuznetsov - șef adjunct al Misiunii OSCE în Bosnia și Herțegovina;
- domnul Tim Cartwright - Reprezentantul Special al secretarului general al Consiliului Europei în Bosnia și Herțegovina;
- domnul Giulio Zanni - consilier politic, Delegația Comisiei Europene în Bosnia și Herțegovina.

Au fost prezentate elementele generale de context politic intern, regional și internațional în care are loc EOM.

Domnul Christian Schwartz-Schilling a afirmat că Bosnia și Herțegovina se află în inima Europei și de aici sunt firești interesul europenilor pentru a stabili această regiune, precum și așteptarea pentru eforturi concrete în acest sens, între acestea pentru un sistem mai bun de vize pentru cetățenii acestei țări.

Au fost în linii mari descrise elementele care fac ca sistemul și cadrul electoral din Bosnia și Herțegovina să fie unul dintre cele mai complicate din lume (o președinție prin rotație, colectivă, alcătuită din trei membri: un bosniac, un croat și un sârb; două entități: Federația Bosnia și Herțegovina și Republica Srpska; un parlament bicameral în care reprezentanții din cele două camere sunt aleși pe baza unor criterii complexe, menite a realiza un compromis la nivelul reprezentării etnice, etc), fiind apoi detaliate și evoluțiile din relațiile dintre Bosnia și Herțegovina și comunitatea internațională (în particular cu Uniunea Europeană), aspect la care vorbitorii și-au exprimat optimismul privind perspectivele acestora.

Au fost apoi discutate aspectele de ordin legislativ privite, ca realizări și nerealizări, în raport cu recomandările și standardele internaționale în materie. Între altele, domnul Christian Schwartz-Schilling a criticat modul total netransparent în care s-a derulat procedura de dezbatere și votare a așa numitului "Pachet Constituțional" (o noua Constituție).

Următoarea secțiune din program a reprezentat-o întâlnirea IP-STO cu reprezentanți ai echipei centrale a EOM a OSCE / ODIHR, respectiv: domnul Ambasador Lubomir Kopaj - șeful EOM a OSCE / ODIHR; doamna Beata Martin-Rozumilowicz - șef adjunct a

Misiunii; domnul Roumen Maleev - analist electoral; domnul Rasto Kuzel - analist media; domnul Juan Pedro Garcia Crespo - responsabil pe probleme de securitate.

A urmat întâlnirea IP-STO cu domnul Branko Morait - judecător al Direcției de Apel a Curții din Bosnia și Herțegovina, fiind dezbătut modul în care au fost rezolvate apelurile electorale de către Curtea din Bosnia și Herțegovina.

În finalul primei zile a avut loc întâlnirea IP-STO cu reprezentanți ai mass media și anume:

- domnul Amir Zukić - șeful departamentului de programe de informații TV (BHT1);
- doamna Dženana Halimović - jurnalistă (Radio Europa Liberă / Radio Libertatea);
- domnul Mirza Čubro - jurnalist (ziarul "Nezavisne Novine");
- domnul Asim Metiljević - jurnalist (săptămânalul "Slobodna Bosna").

Discuțiile au evidențiat:

- o campanie accentuat negativă și care nu a reușit prezentarea pentru marele public a unor cu aspecte social-economice concrete din platformele-program;
- o dezbatere electorală în care tema etnică a dominat autoritar (contribuind la adâncirea divizării electoratului pe liniile etnice);
- instituțiile statului au fost blocate în perioada campaniei;
- a fost acuzat controlul politic al mediei, în special private, dar și modul rigid în care a fost interpretată în unele cazuri legislația electorală de către autorități, aici fiind amintit cazul în care Comisia Electorală Centrală nu și-a dat acordul pentru perfectarea unei dezbateri televizate cu principalii candidați la presedinție, condiționând aprobarea de prezența tuturor candidaților la această funcție (numărul acestora fiind de 32, reprezentanții media au afirmat că o astfel de dezbatere nu ar mai fi avut relevanță).

Lucrările de pregătire au continuat, în dimineața zilei de 30 septembrie a.c, cu întâlnirea IP-STO cu domnul Branko Petrić - președintele Comisiei Electorale Centrale, urmată de întâlniri succesive cu reprezentanți ai principalelor partide politice, astfel:

- domnul Tarik Sadović - Partidul pentru Acțiune Democratică (SDA);
- doamna Azra Hadžiahmetović - Partidul pentru Bosnia și Herțegovina (SBiH);
- domnul Marinko Čavara - Uniunea Democratică Croată a Bosniei și Herțegovinei (HDZ BiH);
- domnul Draženko Primorak - Uniunea Democratică Croată 1990 (HDZ-1990);
- domnul Boško Šiljegović - Partidul Democratic Sârb (SDS);
- domnul Zoran Tešanović - Partidul pentru Progres Democratic al Republicii Srpska (PDP RS), candidat pentru președinția țării.

A urmat întâlnirea cu reprezentanții organizațiilor neguvernamentale, respectiv:

- domnul Srdjan Dizdarević - Comitetul Helsinki pentru Drepturile Omului din Bosnia și Herțegovina;
- doamna Irena Hadžiabdić - director executiv al Asociației Oficialilor Electoralilor din Bosnia și Herțegovina;
- doamna Memnuna Zvizdić - director executiv al ONG-ului "Femei pentru Femei";
- domnul Milan Mrda - organizația cetățenească pentru democrație „GROZD”.

La finalul pregătirii, a avut loc întâlnirea unei părți a IP-STO cu LTO reprezentând ODIHR, repartizați în zonă cu câteva săptămâni înainte de sosirea STO, ocazie cu care au fost detaliate aspectele tehnice privind: completarea formularelor de raportare; obligațiile,

atribuțiile și limitele prerogativelor observatorilor; elementele cheie ce trebuie avute în vedere în timpul procesul de observare.

După aceasta fază, după caz, unele din echipele de IP-STO au jonționat cu translatorii și șoferii locali și au procedat la verificarea traseului pentru ziua alegerilor și au mers pe teren pentru a identifica secțiile de votare și a configura traseul optim.

Observatorii din Delegația Camerei Deputaților au format trei echipe, însoțite toate de translator și sofer, astfel:

O prima echipă, formată din doamna deputat Rodica Nassar și domnul deputat Vladimir Mircea Fârșirotu, a fost repartizată în zona orașului Sarajevo.

O a doua echipă, formată din domnul deputat Petru Gabriel Vlase și domnul deputat Valeriu Gheorghe, a fost repartizată tot în zona capitalei Sarajevo.

O a treia echipă, formată din domnul deputat Miron Ignat și domnul Mario Ruse, a fost repartizată în zona orașului Zenica, inclusiv Nordul acestui oraș (cca 70 km Nord de Sarajevo), raportând rezultatele atât în Zenica, cât și în Sarajevo.

Echipa Senatului României (doamna senator Corina Crețu și domnul senator Constantin Găucan) a fost, de asemenea, repartizată în zona capitalei Sarajevo

Activitatea de observare propriu-zisă din ziua alegerilor (1 octombrie 2006) a presupus acțiunea fiecărei echipe pe baza propriului plan de răspândire.

În activitatea de observare, cele trei echipe formate din observatori din partea Camerei Deputaților au ținut legătura cu organizatorii și cu LTO, cărora le-au raportat următoarele:

- *nu s-au înregistrat incidente sau iregularități semnificative în procesul de vot (excepție cazurile destul de frecvente de vot "în familie");*
- *sub aspect procedural, s-au semnalat dificultăți organizatorice (care nu sunt însă de natură să distorsioneze rezultatele finale) apărute în procesul de numărare a voturilor. Acestea au fost, în mare măsură, puse pe seama sistemului electoral deosebit de complex (număr mare de liste, de formațiuni politice și de candidați, suprapunerea cu alegerile de nivel cantonal), ceea ce a presupus, din partea membrilor comisiilor secțiilor de vot proceduri foarte complicate și extrem de obositoare.*

În dimineața zilei de 2 octombrie a.c., au avut loc ședințe ale Delegațiilor AP OSCE și APCE de analiză a rezultatelor, în capitala Sarajevo, prilej cu care partea română a prezentat constatările anterior menționate.

În conferința de presă comună a coordonatorilor Misiunii internaționale de observare a alegerilor care a avut loc în după-amiaza zilei de 2 octombrie a.c., **pe baza datelor preliminare, s-a afirmat, în principal, că alegerile au fost, în general, sub aspectul administrării, în linie cu standardele internaționale cu privire la procesele electorale democratice și au reprezentat un nou progres în consolidarea democrației și a statului de drept în această țară.**

Între principalele idei avansate în conferința de presă, mai menționăm:

- procesul electoral a fost unul corect, în care reprezentanții au putut fi aleși în mod liber, fiind apreciat angajamentul cetățenilor în direcția unei societăți democratice;

- din perspectiva limitărilor etnice din actuala Constituție (noul pachet constituțional nu a putut fi trecut în Parlament), aceste alegeri au reprezentat, din nou, o violare a angajamentelor și standardelor internaționale referitoare la votul universal și egal dar, acum există argumente pentru reușita adoptării unei noi Constituții, în baza căreia următoarele alegeri să fie 100 % în linie cu standardele menționate;
- votul a fost apreciat ca pozitiv de marea majoritate a observatorilor, mai puțin faza de numărare a voturilor la care s-au înregistrat neregularități procedurale de către cca. 20 % dintre aceștia (aspect pus, îndeosebi, pe seama sistemului electoral complicat și a numărului mare de subiecți politici: 56 de partide, coaliții și candidați, inclusiv independenți);
- campania electorală a fost apreciată ca fiind calmă, deși marcată de o retorică naționalistă tăioasă și, ocazional, de declarații inflamante;
- aceste alegeri au însemnat tranziția de la un sistem activ la un sistem pasiv al înregistrării votanților, aspect care a fost bine administrat și, se pare, bine primit la nivelul electoratului, iar maniera în care a acționat Comisia Electorală Centrală a fost una transparentă și eficientă.

Rezultatele alegerilor nu pot fi aici prezentate deoarece nu au existat sondaje la urne (potrivit surselor mediatice, rezultatele oficiale vor fi cunoscute doar în ultima decadă a lunii octombrie a.c.).

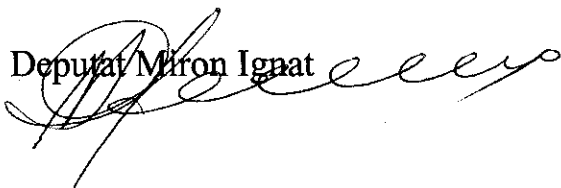
Adăugăm faptul că, în tranzitarea efectuată prin Budapesta, la întoarcerea din Misiune, participanții din partea Camerei Deputaților au avut o întrevedere cu doamna Ambasador Ireny Comaroschi și personal al Ambasadei României la Budapesta.

Atașăm prezentei informări următoarele materiale:

- *comunicatul de presă difuzat cu ocazia conferinței de presă din 2 octombrie 2006;*
- *comunicatul privind constatările și concluziile preliminare al Misiunii internaționale de observare a alegerilor.*

Din partea Delegației Camerei Deputaților,

Deputat Miron Ignat



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Redactat: Mario Ruse - consilier

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Heath: Real progress in BiH elections



Delivering the conclusions of the International Election Observation Mission to the 1 October general elections held in Bosnia and Herzegovina, David Heath (United Kingdom) announced that the elections were generally administered in line with international standards and represented further progress in the consolidation of democracy and the rule of law.

Appointed Special-Co-ordinator for the short-term observation mission, Heath said that "Real progress toward democracy in Bosnia and Herzegovina

was made" and he congratulated "the country and its people for conducting a fair electoral process in which representatives could be freely chosen". These were the first elections since the Dayton Peace Agreement to be fully administered by BiH authorities.

In addition to leading the OSCE short-term observation mission, Heath led the delegation of some 40 parliamentarians from the OSCE PA. The OSCE PA delegation, which also included Vice-President João Soares (Portugal), Special Representative Roberto Battelli (Slovenia), Third Committee Rapporteur Jesús López-Medel (Spain), and former Vice-President Nevzat Yalcintas (Turkey), worked in close cooperation with the OSCE/ODIHR and the delegation from the Parliamentary Assembly of the Council of Europe.

From the International Secretariat, the OSCE PA Delegation was accompanied by Secretary General Spencer Oliver, Deputy Secretary General Tina Schøn, Ambassador Andreas Nothelle, Programme Officer Anna Chernova and Press Officer Andreas Baker.

First elections fully administered by BiH authorities show further progress



SARAJEVO, 2 October 2006 - Yesterday's general elections in Bosnia and Herzegovina were generally administered in line with international standards and represented further progress in the consolidation of democracy and the rule of law. These were the first elections since the Dayton Peace Agreement to be fully administered by BiH authorities.

However, due to constitutional ethnicity-based limitations, these elections were again in violation of international standards and commitments for universal and equal suffrage, concluded the International Election Observation Mission in a statement in Sarajevo today.

"Real progress toward democracy in Bosnia and Herzegovina was made yesterday, and I congratulate the country and its people for conducting a fair electoral process in which representatives could be freely chosen", said David Heath, Head of the OSCE Parliamentary Assembly Delegation and Special Co-Ordinator of the OSCE short-term observer mission.

Lord Russell-Johnston, Head of Delegation of the Parliamentary Assembly of the Council of Europe, said: "The sun shone on a tranquil and well organized election, in which all citizens and peoples of BiH showed their firm commitment to a democratic society. I was greatly encouraged and am now confident that before the next election a constitution will be agreed which will finally be fully in line with Council of Europe standards and commitments".

Some 94% of observers assessed the voting positively, but citing instances of overcrowding, family voting and voters not being found on the voter lists. However, Polling Stations Committees generally were helpful in assisting voters in locating their polling stations. The process deteriorated somewhat during the count, which 20% of observers assessed negatively, frequently noting procedural irregularities.

"Despite overall well administered elections, it was a disappointment to see some problems emerge during the count. All necessary steps, including effective training of election officials, should be undertaken so that voters' confidence can be more fully assured", concluded Ambassador Lubomir Kopaj, Head of the long-term observation mission of the OSCE Office for Democratic Institutions and Human Rights.

A wide political spectrum, with 56 parties, coalitions and candidates, and a diverse media provided voters with a broad choice. The election campaign was calm, overall, but marked by sharp nationalist rhetoric and occasional inflammatory statements.

Save for the constitutional limitations mentioned above, the election legislation provides a sound basis for the conduct of democratic elections. The transition from an active to a passive system of voter registration was conducted in a generally smooth manner and appeared to be well accepted. The Central Election Commission performed its duties in a transparent and efficient manner and enjoyed confidence amongst political subjects.



INTERNATIONAL ELECTION OBSERVATION MISSION

Bosnia and Herzegovina – General Elections, 1 October 2006

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Sarajevo, 2 October 2006 – The International Election Observation Mission (IEOM) for the general election in Bosnia and Herzegovina (BiH) is a joint undertaking of the OSCE, comprising the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE).

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the tabulation and announcement of final results, the expiry of legal deadlines for hearing possible complaints and appeals, and instalment in office of elected officials. A conclusive assessment of the entire election will depend, in part, on the conduct of these remaining phases of the process.

The IEOM will comment on the cantonal elections in the Federation of BiH (FBiH) only to the extent that they had an impact on the presidential and parliamentary elections.

PRELIMINARY CONCLUSIONS

The 1 October general elections in BiH were the first elections since the Dayton Agreement to be fully administered by the BiH authorities and represented further improvement and progress in the consolidation of democracy and rule of law. The manner in which these elections were conducted was generally in line with international standards for democratic elections.

It is to be regretted that, due to constitutional ethnicity-based limitations to the right to stand for office, these elections were again in violation of Protocol no. 12 to the European Convention of Human Rights (ECHR) and of the commitments made to the Council of Europe, as well as article 7.3 of the OSCE 1990 Copenhagen Document.

In a transparent process, the Central Election Commission (CEC) registered almost all candidate lists that had been submitted. In total, 56 political subjects including political parties, coalitions, independent candidates and lists of independent candidates, representing a wide political spectrum, competed in these elections and provided voters with a broad choice.

A wide range of views was available to voters, especially through televised debates, the allocation of free airtime, and in the print media. The media met their legal obligations with regard to allocation of free airtime to election contestants. However, restrictive interpretation of legal provisions on the part of the broadcast media limited, in part, the news coverage of the campaign, as the broadcast media were reluctant to offer more informative news coverage.

The election campaign was calm, overall, but was marked by sharp nationalist rhetoric and occasional inflammatory statements from key election contestants. The last days of the campaign passed in a calm manner, with the exception of rising tensions among Croat parties in Mostar.

Save for the constitutional limitations mentioned above, the election legislation provides a sound basis for the conduct of democratic elections. The transition from an active to a passive system of voter registration was conducted in a generally smooth manner and appeared to be well accepted.

Legal requirements regarding gender balance in candidate lists were met and 37 percent of all candidates in the elections observed were women. Nevertheless, the role of women during the campaign was limited. In the CEC, one member out of seven was a woman and 30 percent of MEC chairpersons were female.

The CEC performed its duties in a transparent and efficient manner. Political subjects expressed general confidence in the professional work of the CEC and Municipal Election Commissions (MECs), although some expressed reservations over the appointment process of Polling Station Committees (PSCs). These claims have not been substantiated to date.

Some 94 percent of IEOM observation reports assessed the voting as “good” or “very good”, with overcrowding in 9 percent of cases, group voting in 33 percent, and some cases of procedural irregularities. During the count, however, 26 percent of observers assessed the process as “bad” or “very bad” and procedural irregularities were frequently noted. Measures should be taken to remedy such shortcomings, but there were no significant infringements of the OSCE 1990 Copenhagen Document.

The election day process could significantly benefit from more extensive training of polling station commissioners. However, the general impression was that the elections were held in a positive environment and there were many examples of polling station commissioners taking considerable trouble to enable voters to exercise their democratic rights.

Preliminary Findings

Background

The Central Election Commission of Bosnia and Herzegovina on 4 May 2006 called general elections for 1 October 2006. This announcement fell within the legally prescribed six month period, prior to the termination of previous mandates.

These general elections were the first after the 1992-95 war to be fully administered by the BiH authorities. The elections took place within a revised legislative framework. The latest round of election law amendments were enacted in April 2006. A total of 7,245 candidates from 36 parties and 8 coalitions and 12 independent candidates stood for election at all levels.¹

The political landscape in BiH remains largely divided along ethnic lines, with other issues playing a less prominent role. Key contests occurred mainly among political parties that competed with one another in their own ethnic communities. Thus, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of

¹ All figures given have been provided by the BiH CEC.

Democratic Progress (PDP), and other Serb parties competed for the Serb vote, while the Party of Democratic Action (SDA) and the Party for BiH (SBiH) competed for Bosniak votes. On the Croat side, a degree of fragmentation resulted recently from the breakaway of the new Croatian Democratic Union 1990 (HDZ 1990) from the Croatian Democratic Union of BiH (HDZ BiH). In contrast, some parties, including the Social Democratic Party (SDP), tried to present a more multi-ethnic profile.

Election System and Legal Framework

The state of BiH is comprised of two entities: the FBiH and RS. In addition, there is one autonomous district (Brčko). Legislative authority, at the state level, is vested in a bi-cameral Parliamentary Assembly, composed of a directly elected House of Representatives (BiH HoR) and an indirectly elected House of Peoples.

All BiH voters were eligible to elect the 42 deputies comprising the BiH HoR. In addition, the same constituency elected a three-member State Presidency. The institution collectively exercises executive power at the state level.²

At the entity level, voters in the FBiH elected 98 deputies to the FBiH House of Representatives and the ten cantonal assemblies. In the RS, voters elected 83 deputies to the RS National Assembly as well as the RS President and two Vice-Presidents.³ The IEOM has only commented on the FBiH cantonal elections to the extent that they impacted on the presidential and parliamentary elections.

The electoral framework in BiH remains complex, reflecting the unique constitutional arrangements in the country.⁴ The 2001 Election Law of BiH forms the basis of the legislative framework and was most recently amended in April 2006. The amendments introduced substantive changes, including a new passive voter registration system and the abolition of the Election Complaints and Appeals Council. The election law is further supplemented by detailed CEC regulations and other pertinent laws. Overall, the election legislation provides a sound basis for a democratic election process, save for the constitutional limitations mentioned above.

As previously noted in OSCE/ODIHR reports⁵ and in opinions adopted by the Venice Commission⁶, the legal framework continues to enshrine an ethnicity-based restriction to suffrage and citizens' ability to stand for office. Citizens who do not identify themselves as one of the three "constituent peoples", Bosniak, Croat and Serb, are effectively barred from standing for the State and RS presidencies. As well, voters registered in FBiH are limited in their choice of presidential candidate to either a Bosniak or a Croat, and RS voters can only vote for a Serb presidency member. Such measures are discriminatory and run counter to the Copenhagen Commitments and to Protocol no. 12 to the ECHR. They are also in violation of commitments made to the Council of Europe.⁷

² One Serb member was elected in the RS, one Bosniak and one Croat member were elected in the FBiH.
³ Voters in Brčko could opt to vote as either FBiH or RS voters.

⁴ The BiH Constitution is an annex to the 1995 *General Framework Agreement for Peace* (Dayton Agreement). It vests the international community and the High Representative, in particular, with considerable powers. However, the present High Representative has not used his prerogative to impose decisions and remove officials, in accordance with the Bonn Powers.

⁵ OSCE/ODIHR EOM Final Report on General Elections in Bosnia and Herzegovina, 5 October 2002, For example, http://www.osce.org/documents/odihr/2003/01/1188_en.pdf.

⁶ See, in particular, the opinion on the constitutional situation in BiH and the power of the High Representative of 11 March 2005 (CDL-AD(2005)004).

⁷ See Accession Opinion 234 (2002) and Resolution 1513 (2006).

Election Administration

The 1 October general elections were administered by a three-tiered election administration: the Central Election Commission (CEC), 142 Municipal Election Commissions (MECs), and 4,299 Polling Station Committees (PSCs) with more than 15,000 PSC members. The CEC and the MECs are appointed for five-year terms, by the parliament and municipal authorities, respectively. PSCs are appointed for each election by the MECs. The seven-member CEC is ethnically balanced and its chairperson rotates every 15 months amongst the members. Until last year, the CEC included three international members. These posts have now been filled by one additional member from each of the 'constituent peoples'. As a result, these elections will be the first to be exclusively administered by the BiH authorities.

Generally, the CEC functioned efficiently in elaborating various by-laws necessary for the uniform implementation of legal provisions in good time. Important decisions were mainly taken by consensus. The CEC also enjoyed a general confidence from political parties.

MECs were well organized, experienced and prepared for the elections. Most MECs thoroughly and responsibly fulfilled their legal obligation to train the PSCs in their municipalities. However, neither a manual nor other material necessary for ensuring uniform conduct on election day was provided by the CEC due to insufficient financial resources. This led to an unsystematic training programme for PSCs. The lack of an officially approved consolidated text of the election law was an additional difficulty for the election administration.

In line with legal provisions, the CEC elaborated a lottery for the appointment of PSCs, which dispensed with previous multiethnic composition requirements. However, a technical error in the initial lottery led to the overrepresentation of certain political subjects. A second lottery was ordered by the CEC, and PSCs were subsequently formed within the legal time limits. Some MECs expressed concern over the fact that a substantial number of PSC members had no previous experience, and this might have influenced their performance on election day.

Some smaller parties did not nominate enough members to fill all allocated PSC posts. This obliged relevant MECs to fill the extra places with voters having previous election experience and resident in that PSC area. Such appointments, as with certain chairperson nominations, became the subject of complaints made to MECs. These were on the whole resolved without controversy. Many parties expressed concern over this process and some claimed that other parties were trading PSC places to stack certain commissions in their favour. Such claims could not be substantiated.

Special categories of voters (absentee, mobile, tendered ballots, out-of-country) required the organization of specialized polling stations and a separate count at a Main Counting Centre in Sarajevo. While meticulously regulated by the CEC to ensure transparent and accountable counting procedures, the work of the Main Counting Centre is not yet completed and may last for more than a week, thus delaying the final results of the election. This may result in differences between the preliminary and final allocation in seats, with a possible impact on public confidence.

Voters Registration

The transition from an active to a passive system of voter registration was conducted in a generally smooth manner and appeared to be well accepted. The Central Voters Register (CVR), which provided the data for voter lists, closed on 17 August. As of 15 September, the overall number of registered voters increased by more than 400,000 to 2,755,207, while the number of absentee voters fell almost five-fold.

By official estimates, a small number of voters were not included in the CVR as a result of their non-registration with the CIPS (Citizens Identification Protection System) database, upon which the CVR is based. Acting inclusively, the CEC decided to include all voters who had applied to CIPS between 17 August and 15 September in supplements to the CVR excerpts, which represent the voter lists. These were provided to PSCs two days before election day. Voters who applied after 15 September were allowed to vote by tendered ballot, based on temporary IDs issued by the relevant CIPS offices.

Displaced persons (DPs) had to decide before 18 July whether they would exercise their legal right to vote in their pre-war (1991) municipality or in their current place of residence. Voters who had lost their DP status between this day and the closing of the CVR on 17 August were allowed by CEC decision to retain their special rights for the purpose of this election. Such a decision was commendable in that it sought to be inclusive and was reached after a meticulous examination and in accordance with CEC regulations; the decision affected some 4,000 voters.

Candidate Registration

The certification process was completed within the legally prescribed deadlines. Following the complaints and appeals process, a total of 56 political subjects was certified to stand in the elections at all levels. Among them, a total of 36 parties, 8 coalitions, and 12 independent candidates competed at state and entity level.⁸ A total of 7,245 candidates were certified to run in the elections on 773 separate candidate lists for all elections or 527 candidate lists, excluding the cantonal elections. The order on the ballots was determined by a lottery and no complaints were expressed in this regard.

Campaign Environment

Although campaigning got underway some months before the election, it picked up steadily after the official start of the campaign on 1 September. The intensity of campaign activities varied across the country. Activities included rallies, smaller-scale public meetings, door-to-door campaigning, billboard posters and extensive media use. Isolated cases of campaign posters on public buildings were observed.

The inability to pass constitutional changes in April 2006 had an impact on parties' positions during the election and was used by some domestic political forces during the electoral campaign. While certain parties attempted to raise the profile of issues of the economy, education and social welfare, key questions of the constitutional structure prevailed and much of the campaign was dominated by nationalist rhetoric. Key Bosniak politicians advocated the further integration of BiH as a unitary state without entities. Some Serb politicians repeatedly raised the option of an independence referendum for RS. A link was sometimes made between the status of the RS and ongoing talks on Kosovo. The High Representative

⁸ These figures were provided by the CEC.

publicly warned Mr. Dodik, head of the SNSD, on 18 September that steps would be taken against him if such divisive language continued. In addition, some Croat politicians continued to raise the possibility of a third Croat entity.

The SDP's decision to put forward only a Croat candidate in the FBiH for the state presidency proved controversial. Croat parties objected that, as the SDP's support base had traditionally been mainly among Bosniak voters, the Croat representative might be elected mainly by Bosniaks.

Isolated instances of inflammatory language directed against other ethnic groups were noted at party rallies of the SDA and SDP in Brčko and of the Democratic Movement of Srpska in Pale. The campaign atmosphere was also influenced by ongoing discussions of war crimes from the 1992-1995 conflict.

The signing of a special cooperation agreement between the RS and Serbia in Banja Luka five days before the election was considered by many to be empty politicking to attract voters, but invited comment both within and outside BiH as to its potentially destabilizing effects on BiH and the region.

In the week before the election, five candidates for the BiH presidency announced their withdrawal from the race. This decision had no legal consequence and officially they remained candidates.

Political parties expressed few complaints regarding the campaign. They were generally able to conduct their campaign activities without hindrance. Numerous instances of defaced or torn down billboard posters were observed. Some opposition parties made general allegations of abuses of administrative resources.

Political parties expressed concerns about media coverage, although no parties complained of not receiving their legally allocated free airtime. Most parties expressed a general confidence in the CEC, although several had fears that certain PSCs might be biased, especially in remote areas. They also frequently expressed confidence that the new passive voter registration system had improved the quality of voter lists.

Participation of Women and National Minorities

While there have been improvements to the legal and institutional framework with the adoption of the Law on Gender Equality in 2003, women in BiH remain underrepresented in political and public life and implementation of this law has been limited so far. The Election Law makes no provision for gender representation in the election administration. When the Election Law was amended in early 2006, intensive lobbying by the State Gender Agency for inclusion of such provisions was not successful. Nevertheless, women are involved at all levels of the election administration. Of seven CEC members, one is a woman and 30 percent of MEC chairpersons are female; some 30 MECs were all male while only two were all female.

Legal provisions regarding gender balance in candidate lists were respected and 37 percent of all candidates for the electoral races observed were women. The Election Law requires that every candidate list includes at least one-third of the minority gender, equally spaced on the list. 67 women and 460 men topped candidate lists. Participation of female candidates in the election campaign was very limited.

17 national minorities are legally recognised in BiH, but most of these are small with Roma being the only numerically significant minority population. In the absence of a new census since 1991 and as a consequence of wartime displacements, the size of the Roma minority is unclear. Estimates range from 30,000 to 100,000. During the election, no political parties specifically represented national minority interests in the country, although at least one party included Roma candidates in their lists.

Media

BiH has a pluralistic media environment that includes both public and private broadcasters and a variety of print media. Respect for legal provisions regarding free airtime on public broadcasters and regular televised debates allowed candidates to convey their messages to the electorate. In general, voters were exposed to a broad range of views, providing the opportunity to make informed choices. However, the campaign in the media was dominated by rhetoric between parties rather than focused on substantive issues.

News coverage of the campaign suffered from a restrictive interpretation of legal provisions. This may have led to media's confusion regarding the differentiation between providing information about candidates and campaigning on their behalf; broadcasters apparently maintained that if a candidate was to be interviewed during the daily news coverage, then all candidates should be given airtime to fulfil the legal requirement for equal conditions. As a result, broadcasters seemed reluctant to offer lively news coverage of the campaign.

The majority of the media monitored showed limited interest in the electoral campaign.⁹ Instead, they devoted a significant portion of their prime time news coverage to the activities of the authorities, outside of the campaign context. Media monitoring results showed that in the four weeks preceding the election, the state-level public broadcaster BHT devoted 25 percent of its political and election prime time news coverage to BiH Council of Ministers activities, which were reported in an exclusively positive or neutral tone. The entity-level FBiH and RS governments received the next highest coverage (16 and 21 percent, respectively), which was primarily positive or neutral. Regarding political parties and coalitions, most coverage was devoted to the SNSD at 7 percent and the SDA at 5 percent. While 64 percent of SDA's coverage was positive and 36 percent was neutral in tone, only 20 percent of SNSD's coverage was assessed as positive and 37 percent as negative.

There were discernable differences in news coverage between the two public entity broadcasters, whose coverage of political subjects appeared to have been based along ethnic lines. The RS entity public broadcaster, RTRS, favoured incumbent political subjects in the RS and used 62 percent of its political and election prime time news coverage to focus on activities of the RS government (44 percent), the RS president (10 percent), and the SNSD (8 percent). This coverage was predominantly positive or neutral in tone. By comparison, the FBiH entity public broadcaster, FTV, favoured the SDA, devoting 15 percent of its coverage (mainly neutral and positive) to the party. Its prime time news political and election coverage was primarily focused on activities of the FBiH government (28 percent), which were reported mainly in a positive or neutral tone.

Private broadcasters monitored exhibited similar patterns of low interest in the electoral campaign during their news coverage. TV Pink BiH devoted 30 percent of its political and election prime time news coverage to the RS government (primarily positive or neutral). The second most-featured political subject was the SNSD (25 percent, mainly positive coverage).

⁹ Television: Publicly-funded BHT, FTV and RTRS, Private OBN, Pink TV BiH and Mreza Plus. Newspapers: Dnevni Avaz, Oslobodjenje, Nezavisne Novine, Dnevni List and Glas Srpske

By comparison, the Mreza Plus private network allocated the largest portion of its political and election prime time news coverage to the activities of BiH Council of Ministers, the entity-level FBiH government and the SDA, which was mainly positive and neutral in tone. In contrast, SNSD received primarily negative or neutral coverage. The third monitored private-owned broadcaster OBN gave less coverage to the activities of the authorities and devoted the largest portion of its election and political news coverage to NSRzB.

The print media provided lively coverage of the election campaign and a plurality of views, but invariably supported specific political parties and coalitions. As such, voters could form an objective view of the campaign only if they read several publications.

The prime time news coverage by regional broadcasters was also shaped along ethnic lines. In Tuzla, for example, the local broadcaster, TV Tuzla, provided clear support to the SDP by devoting as much as 26 percent of overwhelmingly positive or neutral coverage to the party. In comparison, the Mostar-based, HTV Mostar, was slightly inclined in favour of HDZ. The third monitored regional broadcaster, ATV (based in Banja Luka), provided most of its prime time news coverage to the activities of the RS government.

Complaints and Appeals

Prior to the deployment of the EOM and during the certification of candidates, the SBiH nominated a Bosniak to stand as a candidate in the Republika Srpska (RS) for the BiH presidency. This application was rejected by the CEC on the above mentioned grounds, which restrict candidacy on the basis of ethnicity. The decision was upheld by the Appellate Division of the BiH State Court and has been appealed to the Constitutional Court, as the final instance. The SBiH has publicly stated its intention to appeal to the ECHR on the matter.

During the course of the election process observed, there were few formal complaints made to MECs. In most cases, election disputes were settled informally between political subjects, without lodging of formal complaints. The CEC considered 20 appeals on MEC decisions, mostly concerning formation of PSCs and their appointment and rejected the majority of them. Three complaints filed with the CEC alleged use of inflammatory language during the campaign. Although all of them were formally rejected, the CEC initiated a procedure *ex officio* in one of the cases; it established that a song used during campaigning by the Serb Radical Party, "Dr. Vojislav Šešelj" could incite violence or hatred through its use of certain nationalist slogans. The CEC fined the party the maximum amount prescribed.

There was also a complaint to the CEC alleging abuse of public resources during the campaign by an incumbent candidate. It is of concern that this complaint was dismissed by a letter signed by the CEC Chairperson, without its consideration during a CEC session and without a collegiate decision on the matter.

Three CEC decisions¹⁰ were appealed to and subsequently upheld by the Appellate Division of the BiH Court. The Court adjudicated the appeals with some delay vis-à-vis the legal requirements, but failed to provide any justifiable reasons for these delays.

The Communications Regulatory Agency (CRA), which is tasked to deal with broadcast media violations during the elections, reported receiving 10 complaints regarding the conduct of the media. These complaints mainly alleged unfair treatment of political subjects. However, the CRA decided to deal with them only after the elections. An early decision by

¹⁰ One appeal challenged the rejection of a request to establish a polling station, and two other appeals questioned the rejection of nominees to PSCs on the grounds of missed deadlines.

the CRA may have clarified certain elements of the 'equal treatment' provision, an issue that was cited by broadcasters as a reason not to engage in certain types of election coverage.

There is no codified right under the current legislation to a public hearing on complaints and appeals. Although public hearings may be granted by adjudicating authorities at their discretion, this failed to happen in practice.

Domestic Observers

Domestic observation was fragmented, and the scope and methodologies of the groups were highly diverse. 29 domestic non-government organizations (NGOs) were accredited to observe the elections, with a total of 4,136 domestic observers, not nominated by political parties. The NGO network OKO coordinated activities of seven domestic NGOs in conducting a nationwide election observation effort. There were also almost 30,000 political party observers registered by MECs for election day.

Election Day

On election day, voter turnout was reported by the CEC as 54.48 percent, as officially reported.

The opening of polling stations was assessed as "good" or "very good" by IEOM observers in 92 percent of cases. All polling stations opened within 30 minutes of the legal deadline. However, in 6 percent of cases observed, STOs reported that those present did not have a clear view of the preparations for opening, which may have influenced their overall assessment.

Voting during election day proceeded smoothly, although overcrowding and group voting were noted in many places by observers. In 3 percent of polling stations, ballot boxes were not properly sealed. Procedural problems were observed by STOs, especially voters not receiving a proper explanation as to how to fill in ballots, voters not always marking their ballots in secrecy, and signatures not being checked against ID documents.

On a positive note, there were no observations by STOs of multiple voting or carousel voting. However, it was noted that in 55 percent of polling stations observed, voters were turned away due to either not being in the voter lists where they are registered or for being at the wrong polling station. PSCs generally acted helpfully, assisting voters in trying to locate their correct polling stations. STOs overall assessment of the voting process was noted as "good" or "very good" in 94 percent of cases. However, there were some instances observed of polling station commissioners or party observers trying to influence voters' choice.

The process deteriorated somewhat during the course of the counting and observers assessed PSCs understanding of procedures as "bad" or "very bad" in 26 percent of cases observed. In 39 percent of cases, PSCs had difficulty in completing the results protocol and in 22 percent of cases, the results did not reconcile. In addition, the results poster was not posted in 34 percent of polling stations observed and in 44 percent of cases, summary results forms were not made available to observers. Unauthorized people either directing or interfering in the count process were noted in 14 percent of polling stations observed at closing. PSC members commented that many of the problems were as a result of poor training prior to the election.

More seriously, two singular cases of deliberate falsification were reported by STOs. In one case, ballot box stuffing was noted in Livno and in Zvornik STOs observed one polling station in which ballots were being marked during the count by a political party observer.

Based on initial observation, tabulation at MEC level was noted as "good" or "very good" 92 percent of cases. Of note, no MEC was assessed as "very bad". MECs generally had a good understanding of tabulation procedures and the organization was considered good by all STOs observing. Due to the lack of clear instructions from the CEC, a number of MECs decided to start the tabulation only upon receipt of all materials from PSCs.

The campaign silence period was breached by some parties. Allegations are being investigated by the CEC.

*This statement is also available in the official languages of BiH.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Sarajevo on 25 August with 14 experts and 17 long-term observers deployed in the capital and eight regional centres. On election day, 364 short-term observers were deployed in an International Election Observation Mission (IEOM), including 46 parliamentarians from the OSCE Parliamentary Assembly and 19 from the Parliamentary Assembly of the Council of Europe (PACE). In total, there were observers from 43 OSCE participating States. The IEOM observed the polling and vote count in over 1,600 polling stations throughout the country and in 61 MECs after polling stations closed, to observe the tabulation of results.

Mr. David Heath, Member of the UK Parliament and of the OSCE Parliamentary Assembly was appointed by OSCE Chairman-in-Office as Special Coordinator to lead the short term OSCE observation mission. Lord Russell-Johnston, former President and current member of the PACE, led the Delegation of the PACE. Ambassador Lubomir Kopaj headed the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the authorities of BiH for the invitation to observe the elections, the Central Election Commission for providing accreditation documents, the Ministry of Foreign Affairs and other state and local authorities for their assistance and cooperation. The IEOM also wishes to express appreciation to the OSCE Mission to BiH for their support throughout the duration of the mission and the Embassies of OSCE participating States in Sarajevo for their support.

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