



Office for Democratic Institutions and Human Rights

BOSNIA AND HERZEGOVINA

**REPUBLIKA SRPSKA NATIONAL
ASSEMBLY ELECTIONS**

22-23 NOVEMBER 1997



CONTENTS

INTRODUCTION

SUMMARY OF CONCLUSIONS

THE LEGISLATIVE FRAMEWORK

General
The Electoral System
Legal Issues

THE ELECTION ADMINISTRATION

VOTER AND CIVIC EDUCATION

VOTER REGISTRATION

CANDIDATE REGISTRATION

THE PRE-ELECTION CAMPAIGN

OSCE Funding of the Campaign
The Campaign
Rallies

THE MEDIA

OBSERVATION ON POLLING DAY

OBSERVATION OF COUNTING

AGGREGATION AND VERIFICATION OF RESULTS

RECOMMENDATIONS

INTRODUCTION

Following the decision of President Plavsic to dissolve the National Assembly of Republika Srpska on 3 July 1997, and the agreements reached by all involved parties to carry out the new elections for the Assembly, the OSCE Mission to Bosnia and Herzegovina took up the role of organising the elections under the same arrangements as for the recent Municipal Elections.

In accordance with Article III, 2. (e) of Annex 3 of the General Framework Agreement for Peace (the Dayton Agreement), the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) continued its observation role and extended the presence of its already established Election Observation Mission for the Municipal Elections in Bosnia and Herzegovina to include the observation of the Republika Srpska National Assembly Election.

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

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

This report is based upon the collective findings of observers seconded by 28 countries, parliamentarians and public officials representing the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly and Congress for Local and Regional Authorities, the European Community Monitoring Mission (ECMM), local Embassies, as well as a number of NGOs. In total, 130 short term observers and 21 long term observers and core staff were deployed throughout the territory of Bosnia and Herzegovina.

SUMMARY OF CONCLUSIONS

The Observation Mission has concluded that the RS National Assembly election was well administered and a technically correct process. However, it has also concluded that a technically correct process has been grafted onto a political environment which falls far short of democratic standards. While recognising that this election is part of an ongoing conflict resolution process, this process can only be effective if the political parties take serious steps in the implementation of all aspects of the Dayton Agreement.

This election does, however, represent a further step forward. The electorate met their civic responsibility by participating in the election process and expressing their political preferences in a peaceful manner. In the weeks leading up to the elections there were instances of politically motivated violence, the attack on the SNS headquarters in Bijelina being one of the most serious ones. Fortunately, the atmosphere just prior to the election and the election days themselves were peaceful.

The success of this election process now depends upon the full loyalty of all parties to respect the results, and that the National Assembly will meet and conduct its duties effectively. The obligation of all parties to actively contribute to the peace agreement implementation process should be underlined.

The Election Observation Mission is concerned that, despite the dedicated efforts of the Office of the High Representative, the OSCE Mission to Bosnia and Herzegovina and the international community in general, the implementation of the Dayton Peace Agreement is unacceptably slow. The elected institutions in Bosnia and Herzegovina are still not meeting their responsibility to the electorate and are not functioning in an effective manner.

It is of extreme concern that under such circumstances the present situation does not permit an election process to be carried out in a democratic environment. The basic standards for a democratic society in the Bosnian context, such as freedom of movement, return of refugees to areas where they constitute an ethnic minority, freedom and independence of media, remain absent.

The fact that indicted war criminals are still at large and exercising strong influence on political life seriously undermines the democratic process. A clear manifestation of this problem was the use of the indicted war criminal Radovan Karadzic's picture on SDS campaign posters.

The Presidential, Parliamentary, Cantonal and Municipal elections that have taken place in Bosnia and Herzegovina over the last two years could not have been realised without the OSCE Mission to Bosnia and Herzegovina. The thorough involvement of the OSCE will also be crucial for the upcoming 1998 elections. Nevertheless, during the 1998 election process, the local election authorities should become more engaged in order to prepare for a smooth transfer of a Provisional Election Commission to a Permanent Election Commission.

THE LEGISLATIVE FRAMEWORK

General

The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) - the so-called Dayton Agreement - Annex 3 gave OSCE the authority to supervise the elections and to establish and chair a Provisional Election Commission (PEC), the Chairman having the decisive vote in case of disputes.

The Electoral System

The electoral system is a proportional one based upon the method of largest remainder. Candidates were nominated by parties, coalitions or as independent candidates. On the ballot paper each party, coalition and independent candidate was listed with one entry each, and the

voter marked the ballot according to their preference. The number of seats were distributed proportionally between the entries. In the case of parties and coalitions the people actually elected were those candidates listed first on the party or coalition list, according to the number of seats won by that party or coalition. An elected independent candidate, would take the one seat personally.

The minimum number of votes that a party or candidate needed to gain one seat was defined as the total number of valid votes divided by the number of seats to be elected, which gives a threshold for gaining one seat of approximately 1.2%.

Legal Issues

The Integrity of Elected Members

A proposal was filed by the SDS, which called for the parties to be able to choose, at least for a limited time after the elections, from their candidate list the persons to actually take up the seats won by the party. They also called for a party's right to substitute for another party member any elected member who subsequently changed their party affiliation during their term in office. Such an arrangement would be similar to provisions in the current election law in the Republic of Serbia.

The Election Observation Mission agrees with the PEC's rejection of this proposal. Even though the seats are won by parties, the seats are to be taken up by individuals in a transparent and predictable system as representatives of a party's policies, and parties should not afterwards be able to effectively interfere with the will of the voters. The integrity of the parliament member should be protected, and thus the decision made by the PEC is the only one that secures the will of the voters.

EASC-Decisions

Judge Lynghjem's Letter to SDS

On 20 November, the chief judge of the EASC, sent a letter using extraordinarily harsh language to the president of the SDS, Mr. Aleksa Buha stating that the EASC would strike-off candidates from the SDS party list if the SDS posters bearing the picture of Karadzic were not taken down by 17.00 hours on 21 November. These posters were indeed observed all over the RS by the Election Observation Mission.

Three candidates, number 2, 4 and 6, were struck off the list on 22 November. In a meeting with the Election Observation Mission, Mr. Buha stated that party members had been instructed to take down the posters, but other parties / persons were printing fake SDS posters with the picture of Karadzic, and putting them up. This was, according to Mr. Buha, beyond the party's control.

On 25 November, Chief Judge Lynghjem wrote another letter to Mr. Buha stating that reports he had received from OSCE-personnel, SFOR, ECMM and IPTF satisfied him that the party had

complied with his letter of 20 November and the EASC decision. The result of this is that the second decision of the EASC, to strike off two candidates each subsequent day the decision was not complied with, was annulled. However, the decision to strike off the original three candidates remained upheld. The judge also accepted that the new posters put up after 20 November, had not in fact been put up by members of the SDS, or if they had been the party went to extraordinary measures to take the offending posters down within a matter of hours.

In meetings between the Election Observation Mission and Mr. Krajisnik, the Serb member of the BiH Presidency, and Mr. Buha on 23 November, they both stated that the SDS would boycott the new RS National Assembly if their three candidates were not re-instated.

The initial letter from Judge Lynghjem was written in an emotive and non-judicial fashion, with personal accusations against Mr. Buha. This created an unnecessary antagonism between the SDS and the election authorities in the period just before the elections.

The procedure for pursuing legal cases should be reviewed before new elections are held, and a legal process allowing interaction with the offender and appeals instances should be introduced.

Complaints after the elections

EASC, received 24 complaints on election day and in the period after the elections. All of them, except one, were dismissed. Most of the complaints contained allegations of campaigning during the pre-election silence of Friday 21 November and on election days. In a number of cases the allegations were vague and the EASC was not able to verify them. In most cases the EASC stated that the cases were dismissed because the violations had only an insignificant impact on the elections.

The one case (No. RS 46) not dismissed was a complaint alleging that the SDS was distributing campaign flyers in Mrkonjic Grad on Friday 21 November. The EASC found that SDS had violated Article 157 of the Rules and Regulations and thus censured the party.

Out-of-Country Voting

The Chairman of the PEC decided on 28 November that only out of country ballots postmarked 24 November or before would be counted. The original instruction to the out of country voters was that the ballot paper had to be in Vienna by 5 December and it did not mention anything about a deadline for postmarking. At the PEC meeting of 5 December, a copy of a complaint to Ambassador Ellerkmann (Deputy Head of the OSCE Mission) and the EASC, from the SDA, was handed out to PEC members. The SDA complained that the chairman's decision disenfranchised a large number of out-of-country voters who had relied on the written instructions from the OSCE. On 6 December, the EASC unanimously endorsed the PEC chairman's decision from 28 November, stating that all absentee ballots postmarked after 24 November are invalid and shall not be counted ... "

It was extremely unfortunate that the out-of-country voters were misinformed. However, Article 86 of the Rules and Regulations does state: In-country, in-person voting and absentee voting will take place on the same day.

The Election Observation Mission, whilst recognising the unfortunate situation created by incomplete information being given to voters, supports the process by which the decision on the matter was taken.

Final certification of the election results took place on December 12, although the Bosnian Serb member of the PEC refused to sign. On the 6,7 and 8 Dec. 1997, the SDS put forward a further complaint detailing more allegations about irregularities with the out-of-country voting process and challenging a November 28 PEC decision to allow all ballots which were sent with some form of proof of eligibility to be accepted. The SDS claimed that this decision opened the door for fraud. The EASC decision RS-63 dismissed this claim, stating that the risk of fraud was minimal.

The Rules on the Campaign and the Media

Several articles in the Rules and Regulations regulate the public and private media, as well as the work of journalists. Some articles seek to ensure the impartial coverage of the campaign by the media, and the equal access to such media for all candidates. Other articles are to protect a journalist's right to collect and publish information.

In addition to this there are several articles concerning all media (public as well as private), which seek to prevent the use of inflammatory language; to maintain high professional and ethical standards; to ensure fair reporting; to rectify inaccuracies; to give accurate and balanced information, and to prohibit any false statement in relation to political parties. These articles are far reaching in the way they regulate the media, even private media, and provide for a very tight regime. This has been felt necessary because of the lack of independent, professional media, and the tradition following the war of using the media for pure propagandistic purposes.

However, read literally, even party newspapers seem to be bound to give equal access to all candidates, and even what constitutes the normal use of the print media by parties during a campaign may seem to be restricted. The Election Observation Mission would recommend that a review of the articles concerned is undertaken to make a clearer distinction between the regulation of public media as opposed to other media. It should also be attempted to limit the definition the concept of slander, inflammatory language and statements to the extent that they actually hurt a third party in some way or another.

On the other hand the actual rulings of the Media Experts Committee and the EASC have not on the whole been very restrictive, concentrating on the more serious violations. The penalties issued, have again been quite heavy, and the example of the ruling by the MEC on 27 October 1997 on HTV Mostar can be used as a prime example:

After an undeniably biased and inflammatory coverage of the West Mostar bomb case the MEC made the decision to order the broadcasting of a statement, from which we quote a part:

"The Director and staff of HTV Mostar would like to take this opportunity to apologize to our viewers for our unprofessional and unethical behaviour in our news broadcasts and other programming. We have failed to meet even the minimally acceptable standards for accurate, complete, fair, equitable, and unbiased broadcasting. Rather than present you with the truth, we have purposely denied you access through our broadcast to the kind of balanced and unbiased news coverage that is available in most modern, western democracies.

Not only have we purposely deceived you, we have broadcast inflammatory language to incite hatred and violence against the Bosniak people of Bosnia and Herzegovina with the intent of preventing the full implementation of the Dayton Accords. By doing so, we have intentionally sought to divide the people of Bosnia and Herzegovina and to cause distrust between them. We have also used inflammatory language to incite you to obstruct the work of the international community in implementing the Dayton Accords ..."

Instead of complying with this instruction, the editor-in-chief resigned, and HTV Mostar did not transmit news or election coverage during the entire election campaign. This is perhaps not the most positive approach towards a resolution of the problem. The forced reading of such a public statement might even be seen to be counter-productive.

OSCE and OHR should review the way the regulations, penalties and media support can be turned into truly effective tools for providing truly independent and professional editorial work in the state media, rather than to propagate a cycle of retribution.

THE ELECTION ADMINISTRATION

Despite the different nature of the national assembly elections and the municipal elections, the same three-layered administrative structure was retained: The Provisional Elections Commission (PEC) being ultimately responsible, with Local Election Commissions (LEC) in each municipality and Polling Station Commissions (PSC) managing the polling stations.

There were some 1,300 polling stations, out of which 1,153 were in-country. In addition to the PSC, each polling station also had an OSCE International Supervisor. The supervisor's role was to ensure that the Rules and Regulations and administrative procedures were properly adhered to.

As with the municipal elections, the OSCE, with support from SFOR, took the lead role in providing the logistical support for the elections. The OSCE also maintained the lead role in the decision-making process in the PSC. Whilst there was no time between the municipal and national assembly elections to initiate any further transfer of powers and responsibilities to the civil authorities of BiH, as recommended in the Final Report by the ODIHR on the municipal elections,

it should be stressed once more that in designing the administrative structure for future elections in BiH this aspect needs to be further addressed.

VOTER AND CIVIC EDUCATION

The OSCE Mission's Voter Education Campaign for the RS National Assembly Elections was similar to the one for the Municipal Elections in September 1997. It began in early November and ran until the first week of December.

The Voter Education program included spots on TV and radio and in newspapers as well as posters. The short campaign period for the RS elections constituted an obstacle to participants in fully reaching the elections. It was also pointed out that in certain regions electronic media reception is often poor, which further complicated the task facing the parties in conveying their messages to the electorate.

A total of 13 spots were sent to all TV stations in the RS, the main TV stations broadcasting throughout the Federation, and selected local TV stations in the Federation (a total of around 20 stations). 17 radio spots were sent to 130 radio stations throughout BiH, and 33 different advertisements were shipped to 12 print media in both entities of BiH, FRY, and Croatia. The OSCE also published advertisements in selected international print media in order to reach out-of-country voters. Six different posters dealing with election-specific issues were distributed throughout the country. Telephone hotlines were established in Sarajevo and Banja Luka to inform and assist voters. The OSCE Mission also put material on their Web page so that NGOs and refugee organisations abroad could pass it on to voters there.

Voter education spots covered a variety of topics, including: the voting process; where to vote; integrity of the voting process; documents needed to vote; secrecy of the vote; the National Assembly; political parties running in the RS elections; media access for political parties; information on voter hotlines. The Voter Education program also published locations of polling stations and a list of all candidates in newspapers.

A problem encountered during the voter education campaign was the fact that much of the media in the RS does not like to broadcast OSCE material and often protested against having to do so.

In advertisements on at least two TV stations a mistake was made in that the date of the elections was said to be only 23 November. This was corrected as soon as it was detected.

Notwithstanding the short time span available, certain technical difficulties, and the often hesitant reactions from local media to run material, the Voter Education Campaign can be considered to have been largely effective.

VOTER REGISTRATION

In total 1, 158,000 registrants were eligible to cast ballots for the RS Parliamentary election. This includes in-country absentee voters and out-of-country voters. The Voter register used was practically the same as the one used for the 13-14 September Municipal Elections. Given the short time-frame from the announcement of the elections to the election day itself, it would not have been feasible to further update the voter register.

It was again very important to maintain the principles behind the existing register, which, in accordance with the general rule of the GFAP, encouraged voters to cast their ballot in their pre-war municipality, whilst including a provision allowing refugees and displaced persons to "cast his or her vote elsewhere".

However, the use of what was effectively an adapted version of the register designed for the municipal elections caused the election administration a number of technical and political problems.

Initially the Bosnian Serbs demanded that all those rejected for the Municipal Elections due to their inability to provide proof of residency prior to July 1996, and the 200,000 Bosnian Serb refugees from the Federation living in Serbia, should all be added to the register. In addition, they demanded that those RS citizens who had turned eighteen since 13 September should also be allowed to vote.

In response to this, the OSCE gave the RS Local Election Commissions the opportunity to compile a list of citizens who had moved within the RS and had not been able to prove continued residency in the municipality in which they currently resided for the Municipal Elections, but who had been resident in the RS after the beginning of the conflict in April 1992. By the allotted deadline they had provided a list of some 17, 000 names, although 4,100 of them did not contain the required information in order for their citizenship and/or residency to be checked. These persons were allowed to vote by tendered ballot, although it left the election administration with some difficult decisions to make regarding which tendered ballots to accept given that there had been no time for any new registration or claims procedure.

Due to the impossibility of registering recently turned eighteen year olds abroad and throughout Bosnia in such a short time, it was decided not to make provisions for any newly turned 18 year old to vote.

The demand for the registration of the 200,000 Bosnian Serb refugees from the Federation was denied as they were clearly not, nor ever had been, residents of the RS entity.

Other Additions to the Register

People who had voted by tendered ballot in September and who were found to be eligible were added to the register (though some technical difficulties did arise - See IX Observations on Polling Day). The 3,200 registrants from Brcko, who had been refused for the Municipal Elections, were also added.

Prior to the elections the RS authorities attempted to assert that Bosniacs now living in the Federation or abroad should not have the right to vote for the RS Assembly due to the fact that many had left several years ago. This suggestion was also dismissed outright by the OSCE, although it does raise the very sensitive and fundamental issue of the absentee and out-of-country voting option, which itself is dependent upon the right of return for refugees to their pre-war place of residence.

It is important that a full census should be undertaken. It would greatly simplify the task of the election administration ahead of the five-tier election next year as well as leave BiH with the basis of an updated administrative infrastructure which it desperately requires.

CANDIDATE REGISTRATION

Three coalitions, 28 political parties and 18 independent candidates registered successfully for the elections in the period between 12 - 22 October. Registration of political parties, coalitions and independent candidates had to take place before the elections were officially announced. Since these elections had to be organised in a very short space of time the claims period for rejected parties was short as well.

One coalition, 25 political parties and 84 independent candidates were rejected by the PEC. There were various reasons for this, a lack of correct signatures being the most notable.

Political parties, coalitions and independent candidates had three days, after they received the letter of rejection from the PEC, to file a complaint to the EASC which again had three days to respond to the complaint. A total of 30 political parties and coalitions filed complaints to the EASC. On November 11, the EASC dismissed all the complaints.

All cases of rejection of an application were due to an insufficient number of valid signatures. The scrutiny of signatures was carried out on a sample basis because of the short time period before the ballots were to be printed.

Whilst the EASC argued that all applicants were treated equally it also stated that ideally each signature submitted in support of an application should have been examined. However, the use of a percentage formula based upon a random pool of signatures was necessary in order to prepare the ballot paper in time. The EASC decision states: An important aspect of a democratic process is that all participants are treated evenly. Every party that submitted an application was subject to the same scrutiny. The EASC finds this factor to be the main reason for upholding the decisions by the PEC.

The EASC noted in its decision that any modification of the ballot at that juncture would require a postponement of the elections, which was not a tenable option. A number of political parties were not satisfied by the EASC decision when it became known during the Political Parties Consultative Council (PPCC) in Banja Luka on 13 November. They said there was no real

possibility for appeals since the ballot paper had already been printed by the time they were able to file a complaint with the EASC.

THE PRE-ELECTION CAMPAIGN

The official start of the campaign was 3 November. The formal decision to conduct these elections was not taken by the Provisional Election Commission until 30 October. Because of the problematic situation with SRT (see Section VIII), Ambassador Frowick did not announce the start of the campaign until the media situation was improved.

OSCE Funding of the Campaign

The Election Observation Mission is concerned by the lack of transparency in the allocation of campaign funding provided by the OSCE Mission. Not making the fund distribution public could create suspicion among the parties and the public at large.

All parties on the ballot paper were entitled to receive funds (with the exception of Stranka Srpskog Jednstva Republike Srpska, sometimes known as 'Arkan's party'). There was a long discussion among the donor countries whether independent candidates should receive funds. No independent candidate was elected in 1996, and in some instances it was noted that during the election campaign the funds were not used for campaigning. However, it was decided to give them funds, although a smaller amount than for the September 1997 municipal elections.

Political parties received funds according to their strength in the dissolved assembly. To encourage co-operation between parties, it was decided to give coalitions more than parties. New parties and those parties not elected last year got an equal amount.

The Campaign

There is a strict Code of Conduct governing the behaviour of parties during the campaign, and in general, the campaign proceeded in an orderly manner. No major incidents occurred except for the attack on the SNS office in Bijelina (see below). Most campaigning took place in the media (See chapter VIII.), though a number of rallies did also take place.

Posters seem to be one of the main ways of informing the voters about a party's existence. There were some complaints about parties putting their posters on the top of others or parties taking down other party's posters.

Rallies

There were fewer rallies for the RS elections than for the municipal elections in September. Many parties said they did not have time to organise many rallies due to the short campaign period. The OSCE funding for the political parties came late, and this was also probably a reason for the relatively low campaign activity.

The larger parties, such as SNS and SDS, had quite a few rallies and no disturbances were reported. On 13 November the SDS held a rally in the main theatre in Banja Luka with some 600 people present. In a meeting with the president of SDS in Banja Luka the Election Observation Mission was informed that the rally would be the only campaign activity of the SDS in Banja Luka. The party did not want to repeat what happened on 8 September, when President Krajisnik had to be escorted out of the town by SFOR after an illegal rally.

On 13 November, the SNS office in Bijelina was attacked by gunmen, shooting more than 90 bullets into the office and throwing teargas. Nobody was injured in the incident and the attackers were not apprehended. SNS blamed the SDS but had no evidence. The president of SNS in Bijelina, Mr. Krsmanovic, told the Election Observation Mission that since the party was formed in September, the board members had received threats from SDS and had been subject to various forms of intimidation, such as dismissing them from their jobs.

Nine political parties and one coalition from the Federation ran for the RS elections. They did not campaign in the RS. They assumed that most of their voters live in the Federation and they therefore did not use their limited resources to campaign in the RS. However, there is also a genuine fear of entering RS territory, which is obviously one of the reasons why they chose not to campaign there. However, a number of the parties did attend the PPCC meetings in Banja Luka under the auspices of the OSCE.

All political parties and coalitions were invited to participate in political debates on SRT Banja Luka. However, some of the Federation parties did not show up due to a fear of crossing the IEBL without OSCE support.

The campaign silence started 24 hours before the opening of the poll. The campaign silence was reduced from 48 to 24 hours by a PEC decision of 18 November. This change was a response to a suggestion from the political parties, during the PPCC meeting 13 November in Banja Luka.

THE MEDIA

The media situation was problematic in that no agreement was reached which would have allowed for Bosnian Serb TV (SRT) in Pale to resume broadcasting. The SRT transmitters were seized by SFOR in early October, and the Pale studio, which was controlled by SDS hard-liners in Pale, was taken off the air. The station broadcast exclusively out of its Banja Luka studio. The SRT programmes from Banja Luka gave every party and candidate a chance to present their platforms and the commentaries were generally less biased than during previous elections.

The main Bosnian Croat TV station, HTV Mostar, stopped broadcasting news on 8 November, following the resignation of its editor-in-chief who refused to make an apology for broadcasting inflammatory language (See Section II p. 8).

These two instances of limited TV broadcasting is unfortunate, especially during an election period.

The media in general and the electronic media in particular played an important role in the campaign. While even the most important newspapers are plagued by low circulation figures, almost every household has a TV set or radio. Among the electronic media, state TV stations are the most influential, both because of their resources and because they can be received throughout the respective entity.

Compared to the campaign for the municipal elections, the media -especially in the RS - improved their coverage and style of reporting. State-run SRT's coverage changed considerably since the Pale hard-liners lost control of the station and the International Community started to monitor its activities more closely. Still, Bosnian state media have a long way to go before they conform to the OSCE commitments.

On the positive side, there were virtually no instances of the use of inflammatory language by journalists. Overall, reporting was fairly balanced and accurate. Also, equal access was granted to candidates to present their platforms or participate in discussions with journalists and other candidates. This is particularly true for SRT, which broadcast a lot of election-related programming.

On the other hand, certain consistent trends are a source of concern. Firstly, all state media and most private media display a striking closeness to certain parties and/or the state authorities of their respective entities. Most of them also tend to concentrate on events and parties from their respective entity, sometimes ignoring parties from the other side of the IEHL altogether.

Secondly, most media - especially the state-run electronic media - give excessive coverage to incumbent politicians from their entity. The following table shows that both SRT and BHT devoted around half of their election-related reporting to the top politicians of their entities and their parties. While politicians holding elected office tend to get more media coverage than others in most countries' media, the amount of coverage they received in the Bosnian media during the election campaign period is unusually high, maybe alarmingly so. Although most of those reports were not about the campaign itself, but rather on the activities of those politicians in their public office, they probably had at least some impact on voters' choices. SRT in particular tended to put reports about Mrs. Plavsic' activities at the top of the news and cover them extensively, even if they were of minor importance. In the main news of SRT Banja Luka, Mrs. Plavsic received 45% of the coverage and in the evening news up to 53%. On BHT the Coalition and their main political figures took 44% of the time in its news programme.

The opposite trend can be noted for reporting on parties and politicians from the other entity. Both state-run stations gave virtually no coverage to events in the other entity. This trend was consistent for both ruling and opposition parties based in the other entity.

Coverage for the Main Parties on the Major TV Stations (positive, neutral, negative; in percent)

	SRT Main News			SRT Late News			BHT News			NTV Banja Luka		
	neg	neu	pos	neg	neu	pos	neg	neu	pos	neg	neu	pos
SNS Plavsic	9.4	35.6	0.0	20.7	31.8	0.0	0.0	3.2	1.9	2.5	20.3	0.0
SDS	0.0	14.1	3.9	0.0	23.7	0.0	0.0	1.9	0.0	2.6	16.8	7.1
SP RS	0.0	7.4	0.0	0.0	7.7	0.0	0.0	0.0	0.0	0.0	10.2	0.0
SRS	0.0	3.0	0.0	0.0	6.0	0.0	0.0	0.0	0.0	0.0	1.8	0.0
SKriP	0.0	3.0	0.0	0.0	1.5	0.0	0.0	0.0	0.0	0.0	2.7	0.0
SPAS	0.0	1.7	0.0	0.0	3.6	0.0	0.0	0.0	0.0	0.0	7.0	0.0
Coalition	0.0	2.7	2.9	0.0	0.0	3.3	0.0	44.1	0.0	0.0	4.2	0.0
SDP	0.0	0.1	0.0	0.0	0.0	0.0	4.7	21.6	0.0	0.0	0.0	0.0
SNSD	0.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.3	9.1	0.0
UBSD	0.0	0.0	0.0	0.0	0.0	0.0	0.0	9.4	0.0	0.0	2.6	0.0
HDZ	0.0	0.5	0.7	0.0	0.6	0.0	0.0	3.8	3.8	0.0	0.0	0.0

Coverage in private media showed similar trends in that they focused heavily on their respective entities in general and on the incumbents and their parties in particular. The two RS-based dailies, Glas Srpski and Nezavisne Novine, virtually completely ignored Federation-based parties. Likewise, Dnevni Avaz had very little coverage of RS politics and parties and also showed the most obvious slant towards a ruling political force. Glas Srpski, for its part, can still be considered to be very close to the SDS, giving both extensive and relatively positive coverage to the Pale hard-liners, but also to the SRS.

Coverage for the Main Parties in Daily Newspapers (positive, neutral, negative; in percent)

	Glas Srpski			Nezavisne Novine			Dnevni Avaz			Oslobodjenje			Vecernje Novine		
	neg	neu	pos	neg	neu	pos	neg	neu	pos	neg	neu	pos	neg	neu	pos
SNS Plavsic	0.0	18.8	0.0	0.0	29.9	0.5	0.8	2.5	3.4	0.0	13.2	0.0	0.0	1.3	0.0
SDS	15.1	23.8	0.0	0.0	0.4	32.2	0.0	2.3	5.4	0.0	28.7	0.6	0.0	17.4	0.0
SP RS	0.0	7.1	0.0	0.0	11.7	0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0

SRS	0.5	13.6	0.0	0.0	0.9	0.0	0.0	1.1	0.0	0.0	0.0	0.5	0.0	0.0	0.0
SKriP	0.0	2.4	0.0	0.0	0.5	0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPAS	0.9	1.0	0.0	0.0	0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Coalition	0.0	0.0	0.0	0.0	0.4	0.7	14.8	43.9	0.0	4.1	14.3	1.0	0.0	28.5	0.0
SDP	0.0	0.0	0.0	0.0	0.0	0.0	1.2	9.6	0.0	0.0	8.7	0.0	2.0	17.2	0.0
SNSD	0.0	10.5	0.0	2.0	15.7	0.0	0.0	0.2	0.0	0.0	1.2	0.0	0.0	0.0	0.0
UBSD	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.6	0.0	5.0	10.8	0.0	0.0	15.6	0.0
HDZ	0.0	0.0	0.0	0.0	0.3	0.3	0.0	6.3	1.8	0.0	1.6	1.7	0.0	3.4	0.0

The case of SRT highlights the problems of the Bosnian media. On the political side, the conflict between Pale, Banja Luka, and the International Community over SRT's future remained unresolved throughout the pre-election period. The International Community's decision to seize SRT's transmitters and effectively remove the Pale hard-liners from SRT management and break their grip on SRT's editorial policy led to angry protests by the SDS, which claimed it was ultimately denied adequate media access. It also effectively gave Mrs. Plavsic and the SNS the opportunity to get their message through to a disproportionately high extent. It is indicative that the only outright positive coverage on SRT was for Mrs. Plavsic, while the SDS and the Coalition were most often mentioned in a negative context. Monitors also noted several cases indicating that SRT is still not impartial. On the first discussion with candidates, the journalist moderating the discussion unfairly attacked the representatives of two Federation-based parties. And on the last day of campaigning, SRT showed a one-hour interview with Mrs. Plavsic on prime time, and later in the evening hosted a long discussion to which only representatives of RS-based parties had been invited.

Although SRT's news coverage has improved both in content and in style since Pale lost its influence, the present situation is far from satisfactory. Removing one political group from state-TV management in favor of another does not solve any of the fundamental problems plaguing the local media in BiH. What is needed is a public TV and radio system in which both the managerial and editorial sides are supervised by an independent governing board. A draft statute to this effect has been proposed by the OHR, but so far the current SDS-dominated Board of Governors of SRT has failed to agree to it. Finding a solution to these problems is all the more important given the fact that independent media sponsored by the International Community (such as OBN) have failed to make a real impact and are often perceived as foreign.

OBSERVATION ON POLLING DAY

Polling was over a two day period, Saturday 22 and Sunday 23 November. Following a late change to the opening hours, to allow SFOR to clear the roads in the event of adverse weather

conditions, polling stations opened at 08.00 on both days. On day 1, the closure was at 19.00, and Day 2 it was at 16.00.

On election days observers visited approximately 90 per cent of the polling stations on at least one occasion. It can be concluded that the voting was generally carried out in a calm and peaceful manner in most parts of the country, with the process administered in a competent manner. Once again, the absence of violent incidents during the election days must be stressed as a very positive factor in view of the nature and context of these elections.

Some 1,670 Election Day observation forms of polling station procedures were processed in total.

No significant problems were reported relating to the opening and closing procedures of polling stations over the two days of voting.

The overriding conclusion of the election day observations is a very positive one, with approximately 90 per cent of observers rating the voting process as being good or very good.

There were, however, two issues of concern to the observation mission: the handling of voters not appearing on the Final Voters Register (FVR) and the associated tendered ballot process; and the continuing frequent practice of family voting.

It became apparent during the first election day that the updating of voters registers to include those persons voting tendered ballot in the municipal elections had not been as comprehensive as anticipated. Thus the new administrative directive, that persons arriving at a polling station but not appearing on the voters register would not be allowed to vote but would instead have to go to the LEC to find out their correct polling station, based on the assumption that this would generally only occur to those persons not registered or not eligible, resulted in some confusion and consternation locally.

Once the problem became apparent the central OSCE Mission issued a new directive, to allow persons with appropriate ID to vote by tendered ballot, contrary to the earlier directive. However, this message was not always relayed quickly or clearly to polling stations. It was reported by observers, for example, that one polling station was conversant with the changes at 07.00 on the Saturday morning, whilst another did not hear of the change until 14.00 on the Sunday afternoon. Observers in Croatia reported a similar confusion relating to this issue.

There are two issues here. Firstly, the discovery of mistakes so late in the process, or even into the process, particularly relating to an issue as sensitive as voter registration, whilst not always avoidable given the rushed nature of these elections, serves to decrease confidence in the electoral process and even create some localised hostility. It was also noted that it caused embarrassment to local officials who had to change their position on the second day. Any amendments to the electoral procedures should be made in sufficient time to allow full communication to the local level.

Secondly, once a problem has been discovered it is imperative that a clear message be transmitted to those persons administering the electoral process at the polling station level, to ensure a consistent approach and avoid frustrating voters, PSC members and international supervisors alike. It was noted by observers that voters crossing the IEBL on day one, and falling into the above category, did not come back on the second day of voting to find out if the rules had changed. Whilst in statistical terms the numbers affected by this may have been somewhat marginal it is unfortunate in the extreme for the individuals concerned.

An analysis made by the OSCE Mission on a sample of the people not appearing on the lists showed that many of them were not entitled to vote anyway, often because they had been registered to vote as absentee voters for the Federation during the municipal elections. Others had gone to the wrong polling station. Some had voted by tendered ballot in September but had failed to provide their full details (missing personal ID or polling station number) when they had previously cast their ballot and had thus been omitted. According to the OSCE Mission, of the total enquiries, less than 0.5% could not be found on the central register for an unknown reason.

In general it was again felt that the supervisors played an important and constructive role, with some observers commenting that the overall quality was higher this time than last. However, as mentioned earlier it is important that BiH authorities at the local level do start to assume more responsibility.

Some 30 per cent of observers noted one or more instances of family voting - more than one person in the booth at the same time - during the two days. Whilst this problem is mainly due to family members wishing to vote together, it is not satisfactory to dismiss this practice as a 'local tradition'. Such a practice has been discouraged in other similar environments and could be here, as it does compromise the principle of a secret ballot and should not be permitted in the future.

OBSERVATION OF COUNTING

Following the closure of polling stations at 16.00 on Day 2, counting took place in the polling stations. This rule applied to all polling stations inside BiH, including Absentee Stations in the Federation, and for all polling stations in Croatia and the Federal Republic of Yugoslavia. The exceptions were for tendered ballots, which were sent to a central counting station in Rajlovac, in Federation Sarajevo, for checking against a central register for eligibility, and out of country votes (excluding Croatia and the Federal Republic of Yugoslavia), which were collected in Vienna then transported to Lukavica, in Republika Srpska Sarajevo, for counting.

The Election Observation Mission received 92 reports on the counting process from observers. Over 90 per cent rated the counting process as being either good or very good.

Whilst it was reported that in nearly 7 per cent of cases there was some disagreement on determining invalid ballots, only 3.5 per cent of observers felt the judgement was harsh, which is not significant.

The counting procedure for this election was different to the procedure for the municipal elections, reflecting the different nature of the elections and the somewhat simplified process, since there was only one standard ballot, compared with the multiple ballots for the municipal elections.

The procedure used was the 'stack and count' method, whereby all ballots were stacked into piles of 100 initially to ascertain the number of ballots cast - with tendered ballots separated out - they are then sorted by party, coalition and independent candidate - with potential invalid ballots separated at this point - with the respective numbers checked by a team of two counters and recorded.

Observers noted that the process was significantly simplified compared to the municipals, with the average counting time observed being 2 hours and 9 minutes.

67,848 out-of-country ballots were accepted by the counting centre. And 11,920 tendered ballots were accepted.

Observation of the counting of out-of-country ballots concluded that the process was very well handled and efficiently dealt with.

No problems were noted during the observation of the adjudication of tendered ballots.

AGGREGATION AND VERIFICATION OF RESULTS

It has been stated by OSCE officials that the polling station-level results will not be made publicly available. This was also the case for the September Municipal Elections. In its report on the Municipal Elections the ODIHR stated that such a lack of transparency is extremely unfortunate, as such a public verification of observed polling stations is ultimately the only recourse the general public and observers have. The Election Observation Mission must once again strongly state its position that it is imperative that in future elections the results at polling station level are made available to the public and observers. The observation mission was allowed to check the published results for the polling stations at which the count was observed against the observation records. In this sample check, it was found that all results had been properly tabulated.

In total, some 792,994 valid votes were cast. The voter turnout figure was 70.07%.

Votes cast broke down in the following way:

Republika Srpska - 620,452

Federation - 75,548

Vienna - 67,848
accepted Tendered Ballots - 11,920 (13,953 rejected)
Croatia - 9,973
Federal Republic of Yugoslavia - 7,253
Invalid Votes (regular polling stations only) - 1,430.

In addition there were some 20,000 out-of-country votes not counted as they were postmarked after 24 November 1997.

The Election Observation Mission stresses the importance of publishing the results as quickly as possible to enhance public confidence in the outcome of the election and restrict sometimes harmful political conjecture. At the time when all in-country votes have been tabulated, the preliminary results of the count should be announced.

According to the published results the new National Assembly will be made up of the following parties with the following seat distribution:

Serb Democratic Party - 24;
Coalition for a Single and Democratic Bosnia and Herzegovina - 16;
Serb Radical Party - 15;
SNS-Bilijana Plavsic - 15;
Socialist Party of Republika Srpska - 9;
Independent Social Democratic Party - 2;
SDP BiH - 2.

It should be noted that in the private parallel count carried out by the Election Observation Mission, based on a model weighing of the reports from the count received from our observers in BiH, Croatia and FRY, and building in the votes cast in Vienna, the exact same seat distribution was arrived at some 2 weeks prior to the official announcement.

RECOMMENDATIONS

The OSCE/ODIHR Election Observation Mission would like to offer the following recommendations:

- Before new elections are held, a comprehensive citizen's register should be established and it should be maintained on a regular basis.
- The results at polling station level should be made available to the public and observers.
- The distribution of public campaign funds should be made public and should be distributed in a timely manner.

- The procedure for pursuing legal cases should be reviewed before new elections are held, introducing provisions for interaction with the offender before a ruling is made. Also a two-level system of appeal instances should be introduced.
- OSCE and OHR should review the way the regulations, penalties and media support can be made effective tools for providing truly independent and professional editorial work in the state media, rather than merely retributive.
- A strategy for transferring the responsibility and duties of administering the elections to the authorities of Bosnia and Herzegovina, even at central level, should be worked out. This will permit a smoother transition from a provisional to a permanent election commission. However, as stated in the final report of the Bosnia and Herzegovina Municipal Elections, it must be stressed that the international presence and full involvement of the OSCE Mission to Bosnia and Herzegovina will be required for the 1998 elections.