

THE 1997 MUNICIPAL ELECTIONS IN BOSNIA-HERZEGOVINA



**A Report Prepared by the Staff of
the Commission on Security and Cooperation in Europe**

October 1997

Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515-6460
(202) 225-1901
csce@mail.house.gov
http://www.house.gov/csce/

ALFONSE D'AMATO, New York, *Chairman*

CHRISTOPHER H. SMITH, New Jersey, *Co-Chairman*

JOHN EDWARD PORTER, *Illinois*

FRANK R. WOLF, *Virginia*

MATT SALMON, *Arizona*

JON CHRISTENSEN, *Nebraska*

STENY H. HOYER, *Maryland*

EDWARD J. MARKEY, *Massachusetts*

BENJAMIN L. CARDIN, *Maryland*

LOUISE MCINTOSH SLAUGHTER, *New York*

BEN NIGHTHORSE CAMPBELL, *Colorado*

SPENCER ABRAHAM, *Michigan*

CONRAD BURNS, *Montana*

OLYMPIA SNOWE, *Maine*

FRANK R. LAUTENBERG, *New Jersey*

HARRY REID, *Nevada*

BOB GRAHAM, *Florida*

RUSSELL D. FEINGOLD, *Wisconsin*

Executive Branch

HON. JOHN H. F. SHATTUCK, *Department of State*

VACANT, *Department of Defense*

VACANT, *Department of Commerce*

Professional Staff

MICHAEL R. HATHAWAY, *Chief of Staff*

DOROTHY DOUGLAS TAFT, *Deputy Chief of Staff*

E. WAYNE MERRY, *Senior Advisor*

MARIA COLL, *Office Administrator*

OREST DEYCHAKIWSKY, *Staff Advisor*

JOHN FINERTY, *Staff Advisor*

CHADWICK R. GORE, *Communications Director*

ROBERT HAND, *Staff Advisor*

JANICE HELWIG, *Staff Advisor (Vienna)*

MARLENE KAUFMANN, *Counsel for International Trade*

SANDY LIST, *GPO Liaison*

KAREN S. LORD, *Counsel for Freedom of Religion*

RONALD MCNAMARA, *Staff Advisor*

MICHAEL OCHS, *Staff Advisor*

ERIKA B. SCHLAGER, *Counsel for International Law*

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

SUMMARY

On September 13 and 14, 1997, elections were held throughout Bosnia-Herzegovina to choose representatives on 136 municipal councils. Organized under the auspices of the Organization for Security and Cooperation in Europe (OSCE), these local elections had been postponed several times since early 1996 as attempts to commit fraud in the voter registration process were uncovered, especially in Republika Srpska. In administering the elections, strong efforts were undertaken to deter fraud, involving a large number of international personnel, and these efforts were largely successful. Certainly, the controls over the electoral process were more thorough than for the September 1996 elections for national, entity and cantonal offices. Attempts at fraud were made, but, it seems, the OSCE identified many such attempts and took appropriate steps in response. Attempts at fraud may have succeeded in those municipalities where the international community was less focused. The very fact that such attempts were made, however, indicate that many not only want to remain in power in Bosnia-Herzegovina, but want to have the results of ethnic cleansing become recognized fact despite being contrary to the Dayton Agreement. Indeed, throughout the election period, the incumbent political powers remained highly recalcitrant, and Serb and Croat leaders threatened to boycott the elections virtually until election day.

Despite the successful administration of the elections, the overall political environment in Bosnia-Herzegovina in September 1997 detracted from their quality. Freedom of movement, association and expression all continued to be severely circumscribed. For example, the denial of freedom of movement was especially of concern, given that the elections were for municipal level offices while a significant share of the population still could not return to their municipalities of origin. The mass media continued to be dominated by the ruling parties. Finally, many persons indicted for war crimes by the Hague-based International Tribunal for the Former Yugoslavia (ITFY), remained at large and politically active, particularly at the highest levels in Republika Srpska. A growing split within the ranks of the ruling party in Republika Srpska was not yet clear enough by election day for the average voter to understand what effect his or her vote might have.

Polling on the two election days went relatively smoothly, except for those polling stations where displaced persons returned to vote. These polling stations were often inundated with voters under very tense circumstances. Voter turnout was very high. The results, which were slowly released, show that displaced persons—for example, Bosniacs¹ from Srebrenica in Republika Srpska and from Mostar in the Federation, or Serbs in the Federation town of Drvar—have assumed majority control of their respective municipal governments. Only when duly elected persons are installed and govern their respective municipalities, however, can a victory over the ethnic cleansing which took place during the war be declared. Elsewhere, the ethnically based ruling parties in some cases lost ground to other parties or coalitions, some of which are less nationalistic. It remains to be seen the extent to which the elections signal political change in Bosnia-Herzegovina. Clearly the elections represent advancement, but now the country must implement the principles embodied in the Dayton Agreement to the benefit of the country's unity.

¹ "Bosniac" is now a more accepted and less artificial ethnic designation than the "Muslim," which is still widely used. Bosniacs, along with ethnic Serbs, Croats and others residing in Bosnia-Herzegovina, are considered "Bosnian" in a civic, as opposed to ethnic, sense.

BACKGROUND

One of six republics in the former Yugoslavia, Bosnia-Herzegovina was clearly the greatest victim of that Federation's violent disintegration. The republic and its Muslim, or Bosniac, population were among the principal beneficiaries of Communist leader Josip Broz Tito's policies toward nationalities, which sought to balance the historical dominance of the larger republics of Serbia and Croatia and their constituent nationalities through the recognition and promotion of other national groups. As a result, Bosnian leaders were generally among the strongest supporters of maintaining the Federation following the collapse of Communist rule, and Bosnia-Herzegovina was targeted by Serbia and Croatia in subsequent years as they, from opposing perspectives of what Yugoslavia was all about, asserted their historical dominance of the region and destroyed the Yugoslav state that was formed and reformed several times since its creation in 1918.

Bosnia's first multi-party election in 1990 brought to power a troika of ethnically-based political parties from each of the main national groups,² which at first shared power and sought to balance their interests during what were obviously difficult times. Through its nationalist supporters among Bosnia's Serb population, however, Belgrade sought to keep Bosnia-Herzegovina in a federal relationship after Slovenia and Croatia had won independence in late 1991. Without these republics checking Serbian domination, Sarajevo broke with ethnic consensus—which effectively became a Serb veto—and opted for independence. A referendum was conducted in early 1992, in which the majority of the population as a whole supported independence.³ In response, Bosnian Serb leaders declared their own independent entity, Republika Srpska, and subsequently sought to enlarge their territorial holdings through heavy use of force and a policy of ethnic cleansing which cleared the areas taken of most of their non-Serb populations. By 1993, Serbs controlled 70 percent of the country.

Bosnian Croat leaders, especially in western Herzegovina, saw Serb successes and international inaction as their opportunity to make a land grab of their own, during which additional war crimes were committed to varying degrees by all sides. U.S. diplomatic intervention coincided with limited international military intervention to establish a truce between Croats and Bosniacs in a newly established federation within Bosnia-Herzegovina. Heightened brazenness on the part of Serb militants in committing atrocities while seizing territory in 1995 ultimately led to greater international intervention led by the United States, diplomatically and militarily, while their stretched resources left them unable to defend territory held elsewhere against Bosnian and Bosnian Croat advances. The conflict formally ended with the General Framework Agreement for Peace in Bosnia-Herzegovina (hereinafter the "Dayton Agreement") in late 1995, which allotted 51 percent of Bosnia's territory to the struggling Bosnian Federation and the remaining 49 percent to Republika Srpska as a now internationally recognized entity within Bosnia-Herzegovina. After three and one-half years of fighting, half the original population of 4.4 million was displaced, either within the country or as refugees abroad, while as many as 250,000 had perished and tens of thousands had been victimized by rape and torture.

² At the time, Bosniacs constituted 44 percent of the population, Serbs 33 percent, and Croats 17 percent.

³ Serbs, however, were encouraged by their ethnic leaders to boycott the referendum. Generally they did, although many felt intimidated into doing so. In Sarajevo and other cities, however, many Serbs were known to have voted.

Implementation of the Dayton Agreement has required compromises between the principle that use of force is an unacceptable means for achieving political ends on the one hand, and the reality that force was permitted to achieve an ethnic division of Bosnia-Herzegovina on the other. This has been particularly the case in the holding of elections. The international community has sought to have elections as a means for restoring Bosnia's unity, while some of the Bosnian parties, especially the Bosnian Serb leadership, have sought to use them to confirm the results of ethnic cleansing. The Dayton Agreement mandated elections at the Bosnian, entity and—for the Bosnian Federation—cantonal level within nine months of its adoption and continual problems caused their repeated delay up to the very last day: September 14, 1996. Even then, problems regarding the degree to which Bosnian citizens could exercise their rights to freedom of movement, association and expression detracted greatly from the quality of the elections. Given the difficulties in organizing elections in a country torn by conflict, it was agreed in Dayton that the Organization for Security and Cooperation in Europe (OSCE) would administer the elections through a Provisional Election Commission.

Nevertheless, the problems continued, and local elections originally scheduled in conjunction with the other elections had to be postponed in late August 1996, just weeks before they were to have been held, because massive fraud was committed in voter registration. The Dayton Agreement permitted displaced persons to register to vote in the municipality in which they intended to live in the future, and Bosnian Serbs in particular were registering in droves in strategic locations—like the municipalities of Brcko and Srebrenica—in order to prevent non-Serbs from gaining local political control. As local elections, unlike those at higher levels, were mandated by the Dayton Agreement to be held “as soon as possible” rather than “within nine months,” they could be postponed. Elections at the Bosnian, entity or cantonal level could proceed without prior resolution of voter registration in this or that municipality. It was hoped that the local elections could be held in November 1996, but complaints over the conditions in the September elections and difficulties in achieving an agreement for the OSCE to administer them compelled a further postponement until April 1997. Eventually the elections were rescheduled for September 13 and 14, 1997, allowing time for enforcing additional measures to preclude anticipated fraud.

ELECTION ADMINISTRATION

The OSCE was mandated in the Dayton Agreement to supervise the conduct of elections in Bosnia-Herzegovina. The OSCE Mission is based in Sarajevo, with numerous regional centers and field offices scattered throughout the country. Created in early 1996, the mission is headed by retired U.S. Ambassador Robert Frowick, who, in that capacity, is also head of the Provisional Election Commission (PEC). The PEC includes other OSCE and international officials, as well as two representatives from the Federation (one Bosniac and one Croat) and one representative from Republika Srpska. In case of disagreements within the PEC, the OSCE Head of Mission makes the final decision. Although the PEC was supposed to be replaced by a new—and permanent—Bosnian institution, Bosnian legislators have failed to put together the necessary laws. The PEC is still functioning, and should conduct the next country-wide elections in 1998. Election officers within the mission work with municipal election officials at the local level, but they are not members of these commissions. Criticism of the performance of some of these local commissions in 1996 led to the expansion of their membership to allow for broader representation in 1997.

Beyond the PEC, the OSCE operates a Media Election Commission (MEC) to monitor media performance and encourage free media. For 1997, the MEC was given authority to take punitive action when it identifies violations of media regulations. There is also an Election Appeals Subcommission (EASC) which investigates alleged violations of election rules and issues penalties when such violations have occurred. Several other commissions deal with issue like voters wishing to register in municipalities where they intend to live in the future, verification of voter documentation, logistical and security aspects of the election process and implementation of the results of the municipal elections.

Over 13,000 Bosnians participated on polling committees under the supervision of municipal election commissions. There were several different types of polling stations. Most polling committees operated both days in one location. Some, in rural areas, were located at one location during the first day of voting and at another location during the second. Some serviced voters residing in a particular municipality who were voting “absentee” in another municipality, while others serviced and provided additional security for those residing in a particular municipality who were returning to their original municipality. Still others serviced refugees returning to the municipality in which they had registered to vote. A few polling committees served two of these functions.

While international observation of the September 1996 elections was intensive, the goal in monitoring the 1997 municipal elections was to be complete, preventing any significant fraud from taking place. To accomplish this goal, the number of polling stations was cut almost in half to 2,139, and an international supervisor was contracted for each. Unlike observers, supervisors played a more intrusive role in the election process, not only monitoring what was going on but working with the polling committees and making recommendations to them as well. In practice, some supervisors became the effective heads of polling committees, while others had difficulty obtaining any cooperation from their committee members.

The roles of election supervisors and observers overlap, but have different approaches and advantages. Supervisors, by spending more time on the ground, generally have a greater sense for what is happening and can step in to prevent problems from occurring rather than simply watching them take place and then reporting them. On the other hand, supervisors tend to become part of the system, and may lose sight of the professionalism of the polling committee with which they work. Also, given the number of personnel involved, it proved impossible for the OSCE to obtain only those people who had substantial experience. Some supervisors were clearly new to the field. Because supervisors were actually involved in running the elections, 270 short-term, as well as another 30 long-term observers, hailing from 30 countries, were deployed throughout Bosnia-Herzegovina to observe election day activity, including the conduct of the supervisors. The observers were sent from the OSCE Office of Democratic Institutions and Human Rights, and were not members of the OSCE mission. The President of the OSCE Parliamentary Assembly, Spanish parliamentarian Javier Ruperez, was selected to lead the observation effort.

THE CONTEST

Contested in the September 1997 local elections were seats for 136 municipal councils, 75 in the Bosnian Federation and 61 in Republika Srpska, each having between 15 and 70 seats. The Federation side of municipalities split by the boundary line separating the two entities, 18 fragments in all, did not hold elections due to differences over their status.⁴ A total of 19,584 candidates, 8,539 in the Bosnian Federation and 11,045 in Republika Srpska, contested the 4,830 seats. Except for 159 independent candidates, however, the seats were allotted by a proportional vote for political parties, of which 91 participated. In many cases, political parties ran partly or wholly as members of coalitions, of which nine existed, four in the Federation and five in Republika Srpska.

The plethora of political parties is indicative of the ease with which they can be organized in Bosnia-Herzegovina. The main requirement, other than obtaining 200 signatures of eligible voters, was that parties sign a statement agreeing to abide by the Dayton Agreement, as well as a Code of Conduct and the rules and regulations governing the elections. Among other things, the regulations preclude political parties in which persons indicted for war crimes hold a party office. Of course, some political parties claimed adherence to these rules but, in reality, consisted of hardline nationalists with no intention to support implementation of the Dayton Agreement. Indeed, the ruling Serbian Democratic Party in Republika Srpska, while in the midst of a political split during the election period, is still heavily influenced by former Bosnian Serb leader Radovan Karadzic, who has been indicted for war crimes.

The ruling parties—the Party of Democratic Action, the Serbian Democratic Party and the Croatian Democratic Union—dominated the political landscape going into the elections. Despite their strengths, however, each had major challenges which threatened their control over certain localities.

The Party for Democratic Action (“SDA”, using its native language initials) faced a divided Bosniac population, though it claims to represent all Bosniacs. Its increasingly Muslim orientation—in both an ethnic and religious sense—has alienated many Bosniacs who clung to the principle of a multi-ethnic society since the Dayton Agreement. Some local leaders from other parties had strong followings of their own. Moreover, the Bosniac population is essentially split between those who originate from what is now the Bosnian Federation, and those who have been displaced from Republika Srpska. While encouraging the displaced to vote in the municipalities of origin was seen by the SDA as a way to undo ethnic cleansing and regain some political power within Republika Srpska territory, the displaced population also helped the SDA garner a firm nationalist vote in Sarajevo and other cities which counterbalanced the more cosmopolitan natives.

Enhancing its chances for victory, the SDA entered into a “Coalition for an Integrated and Democratic Bosnia-Herzegovina” with several other political parties, the most prominent of which was the Party for Bosnia-Herzegovina founded by Haris Silajdzic. Silajdzic, who had served as

⁴ The OSCE Mission to Bosnia-Herzegovina estimates the voting population of these fragments to be 67,000, although many of these voters may have been able to register elsewhere in the Federation as a displaced person.

Bosnia's Foreign or Prime Minister since 1990, represented the cosmopolitan, non-nationalist wing of the SDA until 1996, when differences with the Muslim-oriented wing became more pronounced and led to his founding this new party. Following the September 1996 elections, the two again found common ground.

The Coalition's rivals varied from place to place. One was another coalition, United List '97, consisting of moderate political parties. One of the parties, the Union of Bosnian-Herzegovinian Social Democrats, is led by Tuzla mayor Selim Beslagic, a known advocate of multi-ethnic tolerance. The Croatian Peasants Party and the Muslim Bosniac Organization, while ethnically based, are non-nationalist alternatives to the HDZ and SDA respectively and have some following in central Bosnia. The Republican Party, led by former Bosnian HDZ chairman Stjepan Kljuic, is composed of a range of Bosnian intellectuals across the country's ethnic spectrum. Another rival was the Social Democratic Party (SDP), the reformed successor to the ruling League of Communists which lost power in the republic's first multi-party elections in November 1990 but, under the leadership of Zlatko Lagumdzija, remained strong in Sarajevo. In Bihac, former SDA member and renegade Fikret Abdic challenged local SDA control by fielding candidates of his party, the Democratic People's Community of Bosnia-Herzegovina (DNZ). Finally, in Republika Srpska, the SDA was the challenger, not the ruling party, but its strength would be judged in the elections by its ability to win majorities in towns where the pre-war population had been predominantly Bosniac.

The Serbian Democratic Party (SDS) in Republika Srpska faced the greatest hurdles, as it had itself split into two factions during the summer of 1997. One faction, led by Republika Srpska President Biljana Plavsic, charged the other, led by Republika Srpska representative on the collective Bosnian Presidency Momcilo Krajisnik, with major corruption that was sapping what little economic potential the entity had. During the election period, Plavsic, based in Banja Luka, eroded support for Krajisnik, whose base was in Pale and the less populated and more militant region of eastern Bosnia. In turn, Plavsic was removed from the SDS, and she formed a new political party, the Serbian People's Alliance ("SNS"). Though a nationalist, she had the support of the international community, which viewed the Pale group as ultimately controlled by Radovan Karadzic and the greatest hindrance to Dayton's implementation. Popular support for Plavsic was substantial, however, due to growing frustration of the standard of living caused by corruption and self-isolation.

The split added to an already confusing picture of Republika Srpska's political scene. The SNS formed too late to compete separately in the elections, and both Plavsic and Krajisnik supporters ran under SDS auspices. Voters, therefore, had to know with whom their local leaders were aligned. This worked to the advantage of the many alternative parties which existed to both the relative left and right of Republika Srpska's political spectrum. Among the other major contenders was the Serbian Radical Party of hardline nationalist and paramilitary leader Vojislav Seselj in Serbia, and a Socialist Party which similarly was affiliated with its Serbian counterpart. Some Serb parties and coalitions were specific to a region, especially in Banja Luka, while others focused on the needs of refugees and the displaced, youth or other groups in society.

The Croatian Democratic Community ("HDZ") had the strongest hold over the ethnic group which it claimed to represent, especially in western Herzegovina. The Croatian Peasants Party, led by Ivo Komsic, had some support in central Bosnia, and sometimes fielded candidates separate

from the United List '97 coalition to which it belonged. The main challenge to HDZ authority, however, was in those towns and cities where it maintained absolute control because the non-Croat population had been cleansed. In Jajce, for instance, Bosniacs originally cleansed by Serb militants were challenging the Croat majority that had been settled there after the city was retaken by Croatian forces in 1995. Similarly, the Serb population of Drvar, despite the pressures Republika Srpska officials applied on all Serbs not to return to the Federation, organized themselves into a coalition specifically to make their return possible. Finally, maintaining control of the divided city of Mostar in Herzegovina had become such a priority for the HDZ that only two days prior to the voting did it agree not to boycott the election altogether. Though less so than the SDA, the HDZ also ran in councils in municipalities of Republika Srpska from where Croats still could not return.

THE CAMPAIGN

Despite a two-year period of relative peace under the Dayton Agreement, the ability of political parties and candidates to campaign freely remained severely circumscribed. That said, the campaign period was fairly uneventful. Most likely due to the fact that these were local elections and that Bosnians generally may have become fatigued with elections, no aggressive campaigning really took place. As a result, there were few reported instances when those campaigning were actually denied their right to do so. The principal exception to this was the confrontation which had developed between Biljana Plavsic and Momcilo Krajisnik within the SDS. An attempted rally by the latter in Banja Luka on September 8, for example, led to a clash between the two rival SDS factions and their supporters.

Throughout the country, the ruling parties, relative to opposition parties, had better access to, and at least a degree of control over the local media. There were no country-wide media outlets to counter local controls, and international efforts to establish such outlets from within the country generally were ineffective. Voice of America, Radio Free Europe and other international broadcasters, however, did expand their broadcast time for Bosnia-Herzegovina during the election period, and may have had some success in broadening the political debate.

Local media bias was particularly serious in Croat-held regions of Herzegovina and in eastern Republika Srpska. The presentation of alternative points of view was practically impossible in these areas. The HDZ actually had several of its candidates struck from the lists in Mostar municipalities as an OSCE-instituted punishment for broadcasting highly inflammatory statements on Mostar television. Some observers, while agreeing with this action, nevertheless were surprised that similar action was never taken against the SDS. Instead, once the situation within Republika Srpska had become divided and Pale-backed media began calling for violence against international organizations, SFOR contingents began to surround transmission towers in an attempt to silence the propaganda.

VOTER REGISTRATION

Unlike the norm for European elections, including those previously held in Bosnia-Herzegovina, Bosnian citizens eligible to vote had to take the initiative to be registered. Normally, voters are automatically registered from the most recent census, but the major demographic changes brought about by the Bosnian conflict—over 200,000 killed and half of the pre-war population of 4.4 million displaced—made a list done in 1991 inaccurate. Efforts to update the lists for the September

1996 elections led to attempts, particularly by Republika Srpska officials, to commit massive fraud and validate the results of ethnic cleansing. Indeed, this was one of the principal reasons for the postponement of the municipal elections; elections at higher levels were able to go forward only because a specified place of residence was not necessary. Even so, inaccuracies in the voter registration lists at the time led to the controversial conclusion of one prominent non-governmental organization that more people had actually voted in the September 1996 elections than were eligible.

To avoid a repeat of this problem, the Provisional Election Commission decided to require voters to register themselves. A major voter education effort was undertaken in order to encourage people to register, and political parties were expected to undertake their own efforts among potentially loyal segments of the population. The effort was largely a success, and 2.5 million Bosnian citizens had registered to vote by the June 28 deadline. Of these, 1.3 million were in the Federation, 800,000 were in Republika Srpska and 400,000 remained outside the country.

The Dayton Agreement had listed several options Bosnians could exercise in establishing their residency. These were the provisions used to commit fraud through the registration of large numbers of people in strategic locations like Brcko who had no association with the place nor a genuine intention to live there. Generally, people were required to be registered in the municipality where they had lived in 1991, prior to the conflict. Exceptions were allowed for refugees and displaced persons, but they were circumscribed by conditions which were carefully monitored. Displaced persons were allowed to register where they were currently residing if they had been residing there before August 1996 and had documentary proof of that fact. Refugees—in other words, those not currently living in any municipality of Bosnia-Herzegovina—alone could choose to register in a municipality of intended future residence. As a broadened version of this option is what led to organized fraud in 1996, persons exercising this option in 1997 had to demonstrate with clear and convincing documentation that they had a pre-existing, legitimate and non-transitory relationship with that municipality based on ownership of a property or business, an offer of employment or an invitation by a blood relative who had lived in that municipality before the conflict began. The OSCE employed hundreds of registration supervisors and 120 adjudicators to deter fraudulent registration. In the end, only a few thousand refugees attempted to register to vote in a municipality other than where they had lived in 1991, and only 145 received permission to do so. This is in contrast to the 160,000 refugees in Serbia and Montenegro who had exercised this option in 1996.

The registration process was sufficiently strict and scrutinized by international observers to be considered a success in catching and countering major fraud. When fraud was attempted, usually it was caught and the party punished, such as in Zepce where the HDZ conspired with local officials to bring in voters from surrounding areas and provide them with false documentation. Approximately 2,800 voters were removed from the registration list for that municipality due to evidence of fraud, and a new 3-day registration period was scheduled there. Similar attempts at fraud occurred in Brcko, as over 3,000 applications for registration there were rejected by the OSCE.

Despite these efforts to counter fraud, some have criticized the registration process in that it may have tolerated some fraud that was not massive but still locally significant. This fraud could

have been committed by local officials intentionally issuing inaccurate papers. Some have asserted that hotspots like Brcko were monitored closely while less strategic areas were overlooked. A greater problem to some, of course, is that even permitting people who had moved to a municipality after the conflict began but before August 1996 acquiesced to considerable ethnic cleansing. This problem, however, is a more fundamental one in that it is based on the Dayton Agreement itself. As a practical matter, election officials narrowed the criteria for registration as much as they reasonably could.

ELECTION DAY

The Bosnian municipal elections were held over a two-day period; Saturday, September 13 and Sunday, September 14. The principal reason for this was that the number of polling stations had been reduced in order to ensure near complete international supervision. By cutting the number of stations, additional time was believed to be necessary to permit voters from isolated rural areas to cast their ballots. Furthermore, given the problems which existed for eligible voters who were not correctly registered in 1996, the additional day gave time for individuals to resolve similar problems in time to vote. Some international observers, however, felt that it was not necessary to have two days of voting, and that doing so added to the security problem for the ballots and provided greater opportunity for tensions to mount. There was also the increased effort of polling committee chairmen and supervisors having to return polling materials to the municipal election commission at the end of the first day and then pick it up again before voting could resume on the second day. On the other hand, tensions existed prior to the elections, and the extra day, while perhaps unnecessary, did not produce any additional threat to the integrity of the process. If anything, the additional day had the net benefit of permitting more people to vote than otherwise would have been the case.

The balloting itself was straightforward in the sense that there was only one ballot per voter, as opposed to the two-to-four which voters can receive when elections are being held at more than one level. On the other hand, the plethora of political parties, many with similar names, confused some voters. One voter was observed sitting in the polling booth for over one-half an hour trying to figure out which of the more than three dozen choices on the ballot was the one he supported. The procedures for voting in polling stations, including the use of invisible ink to preclude double voting, was standardized and usually followed.

Observers reported relatively few problems during the balloting. A few polling stations opened late, while others began with a shortage of some elections supplies. In one polling station in a Bosniac-inhabited section of Mostar, polling committee materials arrived in the Cyrillic alphabet used by Serbs, reenforcing voter paranoia regarding the election process. Polling stations established for persons crossing the inter-entity boundary line seemed to have the more difficult problems, with longer lines and slower processing of voters under tense circumstances. In Stolac, visiting refugees had to wait in the hot sun for hours before materials arrived permitting them to vote. Given the known sensitivity of refugee voting, such problems, while eventually overcome, were inexcusable nonetheless. Some polling stations were in small rooms and could not accommodate large crowds arriving together to vote. As with the previous year's elections, last-minute changes—including the transfer of some voters from one station to another, caused undue confusion during the balloting period.

The registration lists continued to pose problems for voters. For example, many were registered on the list but with an indication that they were potentially a “duplicate” voter, in other words a person who either intentionally or accidentally been registered twice. Many claimed that people were listed as “duplicates” when someone else in their family held the same name. In any event, they had to submit a tendered ballot, which was placed in an envelope with the persons name and other information on it, for counting in Sarajevo. Those who cast absentee or, for those listed as duplicates on the registration lists, tendered ballots expressed the greatest distrust of the process, especially those in Republika Srpska who assumed that their ballots would be rejected. A few of these individual voters also expressed dismay at having to have their name written on the envelope which contained their ballot. A major shortcoming of the tendered ballot system is that those voting in this fashion could never find out if their ballot had been accepted or rejected.

Despite these problems, the balloting concluded without significant problems. The counting of ballots then commenced. Unlike the previous year’s elections, when ballots were taken to large counting centers for processing, the ballots for the municipal elections were counted at the polling station and then forwarded to the municipal election commission for tabulating the final results. As with the balloting, there was a detailed procedure for how the ballots were to be counted. However, the method used was not the best, and the fact that polling committees nevertheless continued to follow it was admirable, especially as it may have added to the time consumed in the process.

THE RESULTS

The results of the municipal elections have been released over a period of time, municipality by municipality, after the tabulations have been examined and certified by the OSCE. It is, therefore, difficult to ascertain any general outcome or trend of such results, and generalizations made about the country-wide significance of local election results must be treated with circumspection. That said, the following can be said about the results known so far:

- The ruling parties—namely the SDA, the SDS and the HDZ—won the most seats on councils, and achieved majorities in areas where they traditionally predominate. Only in a few municipalities did other political parties or coalitions win absolute or even relative majorities. The main exception to this is the SDS, votes for which were highly concentrated in the eastern half of Republika Srpska.

- The SDA and, to a lesser extent, the HDZ have also become more significant opposition parties within Republika Srpska, winning seats on municipal councils from votes cast by the displaced population. While there are, in fact, more Serb-majority councils in the Federation than non-Serb-majority councils in Republika Srpska, Serbs generally seemed to have chosen to remain in Republika Srpska, at least for now. The main exception to this have been the Serbs who wished to return to Drvar and won a majority of the council seats there.

- Despite the continued dominance of the ruling parties, their hold on power has been diluted at the local level. Opposition parties, especially the Socialist and Radical parties, did well in Republika Srpska. Opposition parties in the Federation made smaller gains, but the Unified List ‘97 maintained its majority in Tuzla and Fikret Abdic’s DNZ won in Velika Kladusa. The SDP also did well in the Sarajevo area. A respectable 45 political parties or coalitions won at least one seat on a

municipal council somewhere in Bosnia-Herzegovina, just under half the number who participated in the elections.⁵

Immediately after the elections, the Elections Appeals Subcommittee issued a finding that the SDS in Pale was maintaining a person indicted for war crimes in its apparatus, Radovan Karadzic, and therefore should be decertified from the elections in that municipality. The finding was overturned by the head of the OSCE Mission, Robert Frowick. The substance of the finding is beyond doubt, but Ambassador Frowick, among others, expressed concern over the implications of decertifying the SDS in its own stronghold of Pale, especially after the elections had taken place. The controversy surrounding this issue demonstrated the constant tension which exists between principle and stability in Bosnia-Herzegovina. It also raised questions of process, specifically whether Frowick could overturn a decision of the subcommittee as well as whether the subcommittee could make such a decision after—instead of before—the elections were held.

CONCLUSION

The September 1997 municipal elections in Bosnia-Herzegovina were characterized by the OSCE Observation Mission as representing a “significant accomplishment in the peace process.” The administration of the elections by the OSCE was excellent, especially in the provision of additional oversight that precluded major fraud. Moreover, the security provided ensured that the elections would take place without major incident. “Their ultimate success,” the Mission rightly adds, “will depend upon the parties fully implementing and complying with the final results.” Implementation of the results only recently commenced, and the ability of duly elected officials to govern municipalities from which they had been displaced and still cannot safely return will be a key indicator of the Bosnian parties’ commitment to peace and the international community’s resolve.

The admirably efficient administration of the elections stands, however, in stark contrast to the political environment in which they took place. Few dare to assert that the elections were free and fair, especially due to continuing limits on freedom of movement and freedom of expression. What has been most disappointing is the degree to which this situation is simply accepted as a given reality of Bosnia-Herzegovina. In 1996, OSCE officials eventually certified that conditions for effective elections did exist, but there was at least debate and consideration over how free and fair the conditions needed to be in order for them to be effective. The September 1997 elections went forward with little agonizing over how to make them as free and as fair as possible. Concentration was spent on what is, in fact, a minimalist approach to elections—avoiding outright fraud.

In short, it would be most accurate to portray the municipal elections as a modest advance in the development of a unified Bosnian state. The elections reflected some improvements which have taken place in the year since the elections for higher offices, such as freer movement and an increased desire to return to pre-conflict conditions. They also revealed the continued resistance that exists to restoring what was a functioning, ethnically mixed society and, in so doing, may lead to greater efforts to conquer that resistance. Finally, there may be subtle change taking place through local elections, an almost imperceptible building of a more democratic and tolerant society from below while attention is focused on power politics at higher levels. Transition in Bosnia-Herze-

⁵ National Democratic Institute for International Affairs, *The 1997 Municipal Elections in Bosnia-Herzegovina: Analysis of Results*.

govina is taking place, but so slowly that it remains possible to stop and even reverse it. It will undoubtedly take continued vigilance by the international community to ensure that these possibilities do not, in fact occur, at least until such times that there is a genuine consensus among the country's leaders—on all sides—regarding the country's future.