

ELECTIONS IN BOSNIA-HERZEGOVINA

September 12-13, 1998



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

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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.

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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.

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SUMMARY

On September 12 and 13, 1998, elections were held in Bosnia-Herzegovina for offices ranging from the collective state presidency to several local councils. These elections were the latest in what have been an ongoing series of elections since the Dayton Agreement ended the Bosnian conflict in December 1995. Like those in 1996 and 1997, these elections were also administered by the Organization for Security and Cooperation in Europe (OSCE) through a Provisional Election Council (PEC). Continuous elections, if held in as free and fair a manner as possible, have been viewed by the international community as a means to bring stability and recovery to a country divided by extreme nationalist political leaders, particularly among the Serb population, many of whom remain in positions of power or influence.

Compared to past electoral periods, the months leading up to the September 1998 elections went exceptionally smoothly. Administering the elections, for example, is a task in which the OSCE has developed considerable experience. Indeed, its ability to anticipate attempts by various factions to manipulate the system to their advantage, such as through voter registration fraud, likely led to fewer such attempts in 1998. In addition, stronger action by the international community to marginalize or remove nationalist hardliners led to a more open and competitive environment during the campaign. Finally, with the conflict almost three years past, there were signs that the Bosnian people themselves were becoming more concerned with economic issues than with advancing a nationalist cause.

There were few disruptions during the two days of voting. Unfortunately, in what were otherwise well administered elections, there were major, albeit unintentional, flaws in the OSCE-prepared voter registration lists, preventing or making it difficult for many citizens to vote and encouraging local suspicions of international manipulation. Nevertheless, international observers deployed by the OSCE concluded that the will of the people was generally reflected in the results. These results did not bring any major change in Bosnia's political leadership, which remains largely in the hands of political parties representing the three major ethnic groups—the Bosniacs, Serbs and Croats. They did, however, continue the trend of previous elections in bringing greater diversity to Bosnian politics. Among the Bosniac population in the Bosnian Federation, the opposition which promoted a multi-ethnic Bosnian society did make some gains, while among Bosnian Croats there was an advance in the simple fact that some serious alternatives existed. In Republika Srpska, however, nationalist sentiment showed a resiliency which the international community found disappointing given the major effort over the past year to promote political moderation. This was especially reflected in the defeat of the incumbent President of Republika Srpska, Biljana Plavsic.

Overall, the 1998 elections may represent one small but definite step toward eventual political reunification of Bosnia's two entities and social reintegration after the devastating conflict. On the other hand, such incremental change may be insufficient to counter the solidification of the country's division. It is uncertain whether time is working for, or against, Bosnia's future as state. The elections have made certain, however, that structural change in the electoral and even the political process—promoting a social consensus across ethnic lines—is now needed. Within the next year, the international community must work to see if the Bosnian people themselves are prepared for such a step.

BACKGROUND

At the time of the 1998 electoral season in Bosnia-Herzegovina, the open conflict which had displaced half of the country's 4.4 million population and killed an estimated 250,000 people was two and one-half years in the past. This conflict, instigated if not orchestrated by the Serbian regime in Belgrade through its Bosnian Serb collaborators in early 1992, led to massive displacements through "ethnic cleansing" campaigns until, well before the Dayton Agreement was adopted, the Bosnian Serbs achieved their goal: the destruction of a society in which ethnic differences were tolerated or irrelevant and its replacement with one based on ethnic exclusivity.¹ Modest international intervention in early 1994 brought an end to Bosniac-Croat fighting that followed Serb successes, and a Bosnian Federation was established in which the two ethnic groups shared political power over 51 percent of the country. Then, in 1995, the Dayton Agreement formally acknowledged the results of ethnic cleansing by recognizing the establishment of a second entity comprising the remaining 49 percent of the country, Republika Srpska, dominated by the Bosnian Serbs. Tens of thousands of essentially NATO peacekeeping forces were deployed to keep a general, though far from solid, peace.² Military forces were separated and balanced through arms control measures and an equip-and-train program for the Bosnian Federation.

In 1996 and 1997, thousands of Bosnians returned and began to rebuild the country. However, only a small percentage of those displaced had been able to return to their original homes as a minority population. Attempts, especially by Bosniacs seeking to return to what became Republika Srpska, often led to violent confrontations. Meanwhile, the three ethnically based political parties in power before and during the conflict remained in power after the first post-Dayton elections were held in September 1996. Those elections took place under conditions that were far from free and fair, especially in regard to limits on freedom of movement and expression. Significant attempts at fraud were made, as Bosnian Serb leaders sought to confirm the results of ethnic cleansing by having Serbs register to vote in strategic municipalities—especially Brcko³—in which they did not live.

Those elected to their offices in September 1996 were unable to find consensus in administering even the most basic matters in the country's affairs, and they relinquished much decision-making to an international community frustrated by the domestic recalcitrance. For example, the current High Representative, Spanish diplomat Carlos Westendorp, is responsible for establishing Bosnia's new flag, currency and even vehicle license plates.⁴ Hopes that the ruling parties would lose some influence at the

¹ Bosnia-Herzegovina's pre-war population was 43 percent ethnic Muslim (now called Bosniac), 32 percent Serb and 17 percent Croat. The remainder consisted of smaller ethnic groups, such as Jews and Ukrainians, as well as a significant number of people of mixed ethnicity, who often referred to themselves as ethnic Yugoslavs. There was significant inter-marriage in urban areas, while in rural areas ethnic communities remained separate but largely tolerant of one another.

² Known for the first year following the Dayton Agreement as the Implementation Force (IFOR) and, thereafter, as the Stabilization Force (SFOR).

³ Brcko, in northern Bosnia-Herzegovina along the border with Croatia, serves as a very narrow corridor linking western Republika Srpska, where the majority of Bosnian Serbs reside, with eastern Republika Srpska and Serbia itself. Because of its strategic importance, during the conflict Bosnian Serb militants ruthlessly cleansed the town of virtually its entire Bosniac majority and sizable Croat population. The Bosnian Federation argued on the basis of original population and economic viability that Brcko should be returned, but the Serbs threatened to resume fighting to keep the lifeline. As a result, Brcko's status has been subject to arbitration, with final decisions pending performance in adhering to the Dayton Agreement.

⁴ The Office of the High Representative (OHR) was created by the Dayton Agreement to oversee domestic implementation. Prior to Westendorp, the office was held by former Swedish Prime Minister Carl Bildt.

local level in municipal elections were realized to some extent in September 1997. The 1997 elections were less complicated and better organized than those held the year before. Among other things, the OSCE dropped its past attempt to base voter registration lists on past residency records and required voters to register anew. Diligent supervision of this effort curbed fraud, and it was made significantly more difficult to be registered in a location other than a pre-war place of residence or current location if actually displaced during the conflict. Delegates elected by displaced persons were generally able to take office, albeit after prolonged negotiations and some international pressure.⁵

The year 1998 began with higher hopes for progress in Dayton implementation. During the previous six months, a split had developed within the Republika Srpska (RS) leadership as less corrupt and militant authorities, based in Banja Luka and led by entity President Biljana Plavsic, split with their radically nationalistic and uncooperative counterparts based in Pale and led by RS representative on the Bosnian collective Presidency, Momcilo Krajisnik. Plavsic dissolved the RS National Assembly and called for new elections, administered by the OSCE in November 1997, which formalized the split. With help from Belgrade-controlled Socialists and particularly from delegates elected by still largely displaced Bosniacs and Croats, a minority RS Government was formed with known moderate Milorad Dodik as Prime Minister, which made inroads into hardline Serb areas. While the joint state institutions continued not to function very well, the entity-level governments actually began to work together in areas of common concern.

Meanwhile, the continued need for a peacekeeping presence for which American leadership and actual American forces were needed had convinced NATO to establish “benchmarks” in Dayton implementation, as opposed to some pre-determined date, as the basis for the eventual withdrawal of SFOR. The perceived commitment by the international community to stay “for as long as it takes” virtually eliminated the planning of post-SFOR scenarios by various factions that, if SFOR did leave, could have led to a resumption of the conflict. International determination was bolstered by the decision to use SFOR contingents to back up Plavsic and Dodik in their attempts to weaken the Serb radicals, including by the seizure of radio towers in eastern Republika Srpska which were broadcasting hardline propaganda that encouraged attacks on SFOR itself. In addition, SFOR began to apprehend some of the dozens of persons, mostly Bosnian Serb, indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes, crimes against humanity or genocide, and to send them to The Hague for trial.

The positive developments translated into some concrete progress on the ground. For example, those regions of Republika Srpska which cooperated with the international community received needed aid. In Banja Luka and western Republika Srpska, independent media began to grow. License plates on vehicles which did not indicate place of registration permitted wider inter-entity traffic, while a common currency based on the German Mark—the Convertible Maraka—permitted greater economic interchange. The High Representative received and began to use new powers to remove uncooperative officials.

⁵ A Bosniac majority elected to the council in Srebrenica municipality in eastern Republika Srpska – and the scene of the worst atrocities against Bosniacs during the conflict – was violently blocked from returning. Instead, an interim executive board was established by the OSCE, and even that met with resistance from local Serb hardliners.

Despite this progress, significant problems persisted through 1998. Minority refugee returns remained extremely low. This was especially the case for Bosniacs and Croats seeking to return to Republika Srpska, despite promises of great increases by RS Prime Minister Dodik. Attacks by Croats on returning Serbs in Drvar, and restrictions on returns to Sarajevo, however, demonstrated that there were problems for returnees all around. Leading indictees, in particular Bosnian Serb wartime leader Radovan Karadzic, remained at large and at least somewhat influential. The severe gap between the general security environment provided by SFOR and the security provided by local police showed the lack of attention paid to restructuring and ethnically mixing both Federation and RS police forces. Democratic institutions remained largely unbuilt, making what progress there was dependent solely on the personalities holding a particular office. Finally, economic growth, while evident especially in the Bosnian Federation, was far from self-sustaining, and donor fatigue was setting in by the international community as a new conflict brewed in Kosovo just to the south. In this context of vulnerable and limited progress, the Bosnian elections were held in 1998.

THE ELECTION CONTEST

The elections held in September 1998 were for essentially the same offices contested in the September 1996 elections. Viewing the first years following the Dayton Agreement as a period of transition, the drafters of the agreement intentionally provided for only 2-year terms.

Contested Seats

At the state level, there are three seats on the collective Presidency of Bosnia-Herzegovina. The two seats for the Bosnian Federation are reserved for one ethnic Bosniac and one ethnic Croat. The third seat is reserved for an ethnic Serb representing Republika Srpska. The requirements for these seats are among the most blatantly undemocratic provisions of the Dayton Agreement. They effectively prohibit a sizable percentage of Bosnian citizens from being eligible for election to the Presidency, while they do nothing to encourage a candidate to seek support from voters of another ethnicity. Those elected to the Presidency in 1998 have a four-year term of office.

Also at the state level is the House of Representatives of Bosnia-Herzegovina, and its delegates have a two-year term of office.⁶ There are a total of 42 seats in the House, 28 of which come from the Bosnian Federation and the remaining 14 seats representing Republika Srpska. The seats are contested in a proportional electoral system in which voters select parties from a list common to their entire entity rather than for specific candidates from a delineated district. Proportional-based representation eliminates problems associated with defining electoral districts and can provide smaller parties—assuming they are not regionally based—with their best chance of gaining representation in the parliament if there is a low threshold percentage of the vote for representation. On the other hand, proportional-based representation naturally stresses the importance of the political party and its leadership, and does little to tie an elected official to a particular constituency. As such, it too allows for ethnicity to dominate electoral politics.

⁶ The House of Representatives is one of two chambers of the Parliamentary Assembly of Bosnia-Herzegovina. The other chamber is the House of People, which is composed of 15 delegates selected by the House of Peoples of the Bosnian Federation parliament and from the National Assembly of Republika Srpska with a similar two-thirds and one-third split in representation between the two entities.

Below the state level, each of the two entities also held parliamentary elections similar to the format for the Bosnian House of Representatives. In the Bosnian Federation, there is a 140-seat House of Representatives.⁷ In Republika Srpska, there is a unicameral National Assembly consisting of 83 deputies. The President and Vice President of Republika Srpska, with candidates listed together as a “ticket,” are also contested in a direct vote. The Bosnian Federation has no direct election for its President, which is elected by the Federal Assembly. However, the Bosnian Federation does hold direct elections for the seats in the assemblies for each of the ten cantons of which it is comprised.

In addition to these races, the September 1998 elections included the voting for 11 municipal councils which could not hold their elections in 1997 due to complications in their establishment. The term of office for seats on these councils is for one year only, so that they can again be contested along with the remainder of the municipalities in 1999.

The Contenders

Competing for the contested seats at all levels were 83 registered political parties, some of which formed nine coalitions and 10 alliances.⁸ There were also some independent candidates. In total, almost 6,000 candidates were vying for seats or offices. About 400 candidates were found to be ineligible for various reasons, including being removed from office by the High Representative, and another 26 were removed from the lists as a punishment for breaking the strict elections rules established by the OSCE through the Provisional Elections Commission. In keeping with Bosnian politics since the creation of a multi-party system in 1990 and reinforced by the conflict, most of the political parties and coalitions in the 1998 elections were ethnically based. There were parties which strongly advocate multi-ethnic tolerance, but even they tended to have a membership and following disproportionately of one ethnicity (usually Bosniac) or another.

The leading contender for Bosniac votes, not only within the Federation but also among the displaced voting in Republika Srpska elections, was the Coalition for a United and Democratic Bosnia-Herzegovina (hereinafter, “the Coalition”), consisting of four political parties. The largest among them—and the largest in the country—is the Party for Democratic Action (SDA), which came to power in the first multi-party elections in Bosnia-Herzegovina in November 1990. While always strongly Bosniac and Islamic at the core, the party was originally fairly moderate in its nationalist leanings. Indeed, during the conflict, many of its members were, at least on the surface, the leading advocates of maintaining a multi-ethnic state. Following Dayton, however, its leadership became more cynical about the situation and stressed more strongly Islamic themes at the expense of tolerance. This had forced those advocating a multi-ethnic Bosnia-Herzegovina, especially Prime Minister Haris Silajdzic, to split from the SDA and form the Party for Bosnia-Herzegovina. Since the 1996 elections, however, there has been a rapprochement between the two factions, and Silajdzic formed government coalitions with the SDA and joined The Coalition for the 1998 elections. The other two political parties in The Coalition are the Liberal Party and the Citizens’ Democratic Party, both small political parties with urban intellectuals providing their base.

⁷ Parallel to the parliamentary structure at the state level, the Bosnian Federation has a bicameral Federal Assembly in which the House of Representatives is directly elected while the 75-member House of Peoples is selected by the next lower legislative level, specifically the councils of the 10 cantons which comprise the Bosnian Federation.

⁸ Alliances are less formal than coalitions and existed only for one or another race, not across the entire range of seats and offices contested in the 1998 elections.

The Coalition nominated incumbent Alija Izetbegovic for the Bosniac seat on the Presidency of Bosnia-Herzegovina. An imprisoned Muslim dissident during the late communist Yugoslav period, Izetbegovic shaped the character of the SDA. Deeply religious, originally respectful of those committed to their own faiths and beliefs, but now bitter over a sense of abandonment by Europe during the conflict, Izetbegovic has served as the country's President since 1990. His deteriorating health almost led him to opt for retirement, but a succession struggle between Haris Silajdzic, Bosnian Federation President Ejup Ganic and others compelled him to step in for one more term.

Only two other Bosniac-based political parties deserve mention. The first is the Democratic People's Union founded by Fikret Abdic. Also formerly with the SDA, Abdic was a local strongman in the Cazin region, also known as the Bihac pocket, since the communist Yugoslav period. His popularity, power and ambition drove him and his Bosniac supporters to align themselves with those Serbs and Croats who were viewed as aggressors to other Bosniacs during the conflict. When Bihac was relieved from an endless siege in 1994 and 1995, Abdic had to abandon Bosnia-Herzegovina for the safety of Croatia. He has since showed some resurgence in the Bihac area, especially in the town of Velika Kladusa, but his image as a traitor has led to some violent confrontations with local SDA supporters. The final Bosniac party is the Muslim Bosniac Organization (MBO), founded in 1990 by Adil Zulfikarpasic who broke with Izetbegovic's SDA for being too Muslim-oriented, although competing personalities likely also played a role. The MBO survived eight difficult years but has never gained a significant following.

Among Bosnia's Croat community, the Croatian Democratic Union (HDZ) has consistently been the most powerful political party. The HDZ in Bosnia-Herzegovina is, in fact, a branch of the ruling party in Croatia, led by Croatian President Franjo Tudjman and in power since 1990. Always nationalistic, during the conflict HDZ leadership changes moved the party further toward separatism, with western Herzegovinian Croats taking power from the more integration-oriented central Bosnian Croats. Indeed, the HDZ was responsible for much of the Bosniac-Croat fighting in 1993 and the attempt to establish a separate "Herzeg-Bosna" state ever since. The Washington Agreement of February 1994 ended this part of the conflict and established the Bosnian Federation, but the hardline separatist sentiment remained strong well into the Dayton period.

In May 1998, a split developed within the HDZ. The split was caused, in part, by a negative reaction to efforts by HDZ officials in Croatia to control the affairs of the Bosnian branch, as well as a related split developing within the parent HDZ itself. In a larger context, however, the split reflected the continued differences between those Croats, located mostly in central Bosnia, seeking full reintegration in the country and those, located in western Herzegovina, seeking to develop ties with Croatia at Bosnia's expense. The Bosnian HDZ chose as its new leader Ante Jelavic, who had been serving as the Defense Minister within the Bosnian Federation Government and is known for holding hardline points of view. As a result, the Croat member of the collective Bosnian Presidency, the HDZ's Kresimir Zubak, left the party to form his own New Croatian Initiative (NHI). Zubak, who rose to senior Bosnian positions after the Washington Agreement in 1994, offered Croats a moderate representation of their interests, which was more appealing in central Bosnia than in western Herzegovina. Both Jelavic and Zubak were nominated by their respective parties for the Croat seat on the Presidency which the latter already held. Like The Coalition, the HDZ also sought the support of those Croats displaced from what had become Republika Srpska who registered to vote in that entity.

Two other Croat-based political parties in Bosnia-Herzegovina participating in the elections were the Croatian Peasants' Party (HSS) and the Croatian Party of Rights (HSP). Both parties are, like the HDZ, branches of the same parties which exist in Croatia, and both parties have deep roots in Croatian political history. There, however, is where the similarities stop. The HSS, while having definite anti-communist traditions, is strongly pro-Bosnian and essentially democratic in its platform. Its leader, Ivo Komsic, is a respected moderate who played an important role in bringing Bosniac-Croat fighting to an end in early 1994. The HSP is highly nationalistic and advocates separatism. Neither party has been a real challenge to the HDZ in Bosnia-Herzegovina, but they have been able to garner sufficient votes to obtain some representation at all levels of government.

Serb politicians, unlike their Bosniac and Croat counterparts, had not sought to encourage Serb returns to Federation territory and had therefore been confined overwhelmingly to Republika Srpska. The ruling Serbian Democratic Party (SDS), like the SDA and HDZ in the Bosnian Federation, came to power in 1990, and it dominated Bosnian Serb politics throughout the period of conflict as well as immediately thereafter. By the 1996 elections, however, differences became apparent within the party which reflected broader social differences between the less Belgrade-oriented and nationalist Serbs of western Republika Srpska and the more Belgrade- or Montenegrin-oriented Serbs and highly nationalist Serbs of the eastern half of the entity. By 1997, these party and social differences led to an open split.

The cause of the split was Banja Luka-based RS President Biljana Plavsic's open criticism of those within the SDS engaged in corruption, who were mostly loyalists of Pale-based RS representative on the collective Bosnian Presidency, Momcilo Krajisnik.⁹ A catalyst of the split, however, was the apprehension in June 1997 by British SFOR units of two persons in Prijedor wanted by the international community for war crimes, and the death of a third who resisted arrest. This act prompted RS officials to take more seriously the international community's willingness to compel them to implement Dayton provisions. As the international community expressed similar resolve by backing Plavsic, the population in Banja Luka and western Republika Srpska genuinely seemed to support her efforts, and the second half of 1997 saw the steady reduction of Pale's influence in the west, particularly within the police forces and local administration. Plavsic founded a new party, the Serbian People's Alliance (SNS), although too late to participate formally in the municipal elections that September. She succeeded, however, in forcing new parliamentary elections within Republika Srpska, the results of which broke SDS control. Indeed, Plavsic—herself still holding nationalist positions—nevertheless sought an alliance with moderate Serb politician Milorad Dodik, who had formed his own small Party of Independent Social Democrats (SNSD). Meanwhile, SDS found the additional support it needed from the Serbian Radical Party (SRS), a branch of the Serbian-based political party of the same name and led by extreme nationalist Vojislav Seselj. The SRS has maintained, since the time of the conflict, an active following among nationalists in what became eastern Republika Srpska.

In January 1998, Dodik was selected as the new RS Prime Minister in a minority government dependent on the support of the SDA and HDZ, which were nevertheless not allowed to participate in the government for fear of losing what Serb support existed. The next nine months leading up to the elections were spent seeking to minimize SDS influence, especially by breaking that party's hold on the

⁹ While Krajisnik led this faction, he has been viewed as linked with its former leader, Radovan Karadzic, who has been indicted for genocide and is in hiding.

media in eastern Republika Srpska. For the 1998 elections, SNS's "Sloga"¹⁰ coalition with Dodik's SNSD also included the Socialist Party of Republika Srpska (SPRS), led by moderate Zivko Radisic and most closely linked with the Socialist Party of Yugoslav President Slobodan Milosevic in Serbia.

While ethnicity defined Bosnian politics, non-ethnic political parties survived the conflict and rely largely on nostalgia for the ethnically integrated society which had developed in Bosnia-Herzegovina. Others recognize that cross-ethnic cooperation ultimately would reintegrate the Bosnian state into Europe. Leading this struggle has been the Social Democratic Party (SDP), the successor to the League of Communists which ruled Bosnia-Herzegovina. Under the leadership of Zlatko Lagumdžija, the SDP genuinely reformed itself from the days of one-party communist rule, and it maintained the strongest pro-Bosnian stand of all the major parties. Its bases, predictably, have been more within the Bosnian Federation than Republika Srpska. While it served in electoral coalitions in the past, in 1998 the SDP stood alone except for a few races where alliances formed.

A second and similarly named political party, the Social Democrats of Bosnia-Herzegovina (SDBiH), also participated in the elections with a respectable following. Based in Tuzla and led by that city's mayor, Selim Beslagic, this party is the successor to the Alliance of Reformed Forces formed in 1990 by then Yugoslav Prime Minister Ante Markovic as an advocate of a reformed and unified Yugoslav federation. Beslagic is known for his leadership in Tuzla during the conflict, when efforts were undertaken to maintain the city's multi-ethnicity.

Less influential non-ethnic political parties included the Republican Party (RP) of former HDZ leader Stjepan Kljuic, which had strongest potential among Croats and was in a "Center Coalition" with the ethnically based but non-nationalist Liberal Bosniac Organization of intellectual Muhamed Filipovic. Other political parties focused on segments of the population such as youth or women, while another strongly promoted a communist revolutionary ideology. None of these political parties had any substantial following and were often based on the support which its particular leader had in a certain locality.

The Campaign

The electoral campaign, while still short of what is needed for a free and fair election to be held, was significantly better for the September 1998 elections than it had been for those held in 1996 and 1997. First, the political environment itself had become more competitive. While differences within Bosnian society existed throughout the post-Dayton period, the open SDS split in 1997 enabled Bosnian Serb society to consider issues other than nationalism and separatism. In 1998, political divisions within the HDZ demonstrated that cracks might also exist in that party's almost absolute control of Bosnian Croat society. In addition, at least within the Bosnian Federation, greater consideration seemed to be given to non-ethnic alternatives to the ruling parties.

To some extent, this diversity can be attributed simply to time. While the conflict is far from forgotten, the realities of day-to-day life which have put the trauma into the past have worked against those who have long held positions of power. Diversity, however, has also been enhanced by growing economic disparities between those areas where Dayton's provisions were better implemented—due to

¹⁰ Translation: "Concord"

additional international aid, less corruption or both—and those areas where resistance to Dayton was coupled with nearly complete economic stagnation. The only real exception to this may have been western Herzegovina, which was able to maintain close economic ties to Croatia.

Many international observers of developments in Bosnia-Herzegovina saw a campaign trend away from ethnic politics toward economic issues. Others, however, viewed the increased focus on economic issues as artificial, induced by an overbearing international community trying to shape the thinking of Bosnian voters. While a brighter economic future was undoubtedly a common hope, the safety of association with one's own ethnicity remained the dominant concern.

A more concrete yet marginal contributor to the improved campaign environment were new rules and regulations established by the Provisional Election Commission. For example, political parties were required to publish platforms and disclose financial resources, giving voters more information about the parties. This, along with a new requirement that three women be among the 10 top candidates on political party lists, did not significantly burden political parties, but it did present a notion of what Bosnians should be seeking as they recover from conflict and move toward the building of democratic institutions.

The international community also made some adjustments in the assistance provided directly to the political parties for the campaign. The OSCE, for example, provided assistance in-kind, as opposed to actual funds to political parties. This allowed greater control over how OSCE-financed campaign contributions were actually utilized. In addition, the non-governmental National Democratic Institute for International Affairs, based in the United States, provided assistance for party development to those parties which met specific criteria, such as being of a multi-ethnic character and supporting implementation of the Dayton Agreement.

Another contribution to the campaign was a freer media. While the seizure of broadcast facilities used by the extremist Serb nationalists of the SDS was criticized as itself undemocratic, assertive international action nevertheless led to a particular improvement of the media situation in Republika Srpska. Independent media there received outside assistance and grew considerably in 1998. The situation in the Bosnian Federation had not been as bad as the situation in Republika Srpska, and improvements there were less dramatic as a result. The international community maintained its assistance to independent media and its actual operation of some broadcast media, specifically the Open Broadcast Network.

There were few instances of violence during the campaign period. The principal exception occurred in the Orasje region as election weekend approached. As NHI conducted rallies in the area, local HDZ officials first issued intimidating statements and then deployed police associated with Bosnian Croat military forces. SFOR units were deployed to deter violence, and the Bosnian Croat military police were disarmed and dispersed. In reaction, the OSCE removed several HDZ candidates from the party's lists of candidates.

An added feature to the 1998 campaign were televised debates for the candidates for each of the three seats on the collective state Presidency as well as for President of Republika Srpska. The debate for the Bosniac seat on the Presidency was canceled, because incumbent Alija Izetbegovic—easily leading in the race—declined the invitation to participate. The debate for the Croat seat was held, but the absence of frontrunner HDZ candidate Ante Jelavic deflated expectations based on incumbent Kresimir Zubak's challenge under his new NHI banner. Both the debate for the Serb seat on the Presidency and for the

President of Republika Srpska were considered successes in terms of candidate participation and the nature of the debate itself. In both cases, the leading Sloga and SDS-SRS candidates were able to contrast themselves and their positions before the viewing audience in Republika Srpska.

VOTING AND COUNTING

Polling Stations

In September 1996, there was only one day of voting, but problems with the voter registration lists caused some polling stations to remain open very late. In September 1997, a decision was made to have voting take place over two days, not only to allow time to correct any new voter registration problems but also to limit the number of polling stations, which would allow complete international supervision. The 1998 elections were conducted over two days—September 12 and 13. One, in some cases two, international supervisors were in each of the 2,270 polling stations scattered throughout Bosnia-Herzegovina and in Croatia and Serbia and Montenegro, where significant numbers of Bosnian refugees still lived.¹¹ Some polling stations also catered to those voting absentee within the country, voting within the municipality where they are registered but do not yet reside, or a combination of regular and absentee voters.

In each polling station, there was, the international supervisor was joined by a polling committee consisting of four to six members (depending on the number of voters registered at that station) and a chairman. The committee was appointed by and responsible to seven-member local election commissions. These 183 local commissions, in turn, were appointed by and responsible to the Provisional Election Commission (PEC) in Sarajevo, chaired by OSCE Mission Head Robert Barry. The PEC included three other international members and six national members (two from each main ethnic group). In addition to the appointed members, at all levels political parties and coalitions participating in the elections were permitted to participate on the committees and commissions. One particular advance from the 1996 and 1997 elections was the opening of the PEC to the participation by opposition parties.

The polling stations opened at 07:00 a.m. on both days, closing at 07:00 p.m. the first day and 04:00 p.m. the second day. Polling stations generally opened on time and followed procedures well. Many of the polling committee members had, in fact, assisted in previous elections and were very familiar with standard practices, including the use of invisible ink to prevent individuals from being able to vote twice.

The elections were widely observed. Political parties competing in the elections were permitted to have observers present at the polling stations, and most of the main political parties had major observation efforts. In addition, Bosnian non-governmental organizations, such as the Bosnian and Republika Srpska Helsinki Committees, were permitted to observe the elections as domestic, civic observers. In many nearby countries, including Croatia and Serbia, such observers are prohibited or restricted, and strictly speaking there is no international commitment to allow civic observers. They nevertheless have been viewed positively, and countries are increasingly pressed to permit them to observe.

¹¹ In 1997 there were 2,139 polling stations, about half that of 1996. By adding an additional day of voting, those in distant rural areas had more time to reach a polling station, and, in some cases, polling stations in rural areas were in one location the first day and another location the second day to accommodate voters. In 1996, teams of two supervisors were responsible for an average of twelve polling stations, which they visited for brief periods during election day. For 1997, and again in 1998, one supervisor was assigned to each polling station for the full time the station was open. This emphasis on supervision came somewhat at the expense of a strong observation effort like that undertaken in 1996.

The international observation was organized by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), a body within the OSCE but distinct from the OSCE Mission to Bosnia-Herzegovina. Despite their separateness, there is a real question as to whether the OSCE should be observing itself. The ODIHR deployed an 18-person, long-term observation mission and over 200 short-term observers from 33 different states. The OSCE Parliamentary Assembly, the Council of Europe, the European Parliament, the International Police Task Force, the Office of the High Representative and many embassies located in Bosnia-Herzegovina also participated in the election observation effort.

Voters

Approximately 2.7 million persons registered to vote in the 1998 elections, an increase of almost 10 percent compared to one year before. This was partially caused by newly eligible voters, such as those who just turned 18, but it was mostly due to the number of refugees who had decided to return to Bosnia-Herzegovina and, as a result, to exercise their right to vote. Most of these individuals, however, had to register as absentee voters within the country, because they could not return to their original home.

Inaccuracies in pre-war voter registration lists due to deaths, displacement and the lack of updating, led not only to problems for voters in the 1997; it also invited political leaders, especially in Republika Srpska, to confirm the result of ethnic cleansing through fraud. To counter this, the OSCE required citizens to register anew in 1997, especially since residency in a particular locality was even more critical for the municipal elections. In 1998, a new registration period was established in June. At 450 registration centers, those not already registered could do so, and many who were on the lists were contacted with a request for updating the information previously provided. The process was closely supervised to deter fraud. In this regard, citizens were not permitted to register in a locality where they intended to live in the future, which had been the Dayton provision that invited major attempts to commit fraud and confirm RS control over strategic towns like Brcko. The date to register where one currently resided, on the other hand, made registration easier for the many refugees who had recently returned to Bosnia-Herzegovina but could not yet safely return to their original homes. Residence now had to be established by March 1998.

Despite the extraordinary effort to establish accurate voter registration lists, these lists were the root of the greatest election-day difficulties encountered. On opening day, 45 polling stations failed to open due to registration list problems. There were numerous mistakes on the lists, making it impossible at times to find a potential voter's name or to confirm that the person was the one on the list. Moreover, unlike the 1996 registration lists, each polling station had a separate list as opposed to a common list for the municipality. While this safeguarded against double voting, the mistakes led some people to search for their names at several locations, often to no avail. This caused major problems in rural areas, where inadequate transportation made a search for the correct polling station impossible. Many gave up trying to vote.

The cause of the problem apparently was related to the OSCE's computer system, and there was no evidence whatsoever that any particular group, ethnic or otherwise, was targeted. The OSCE, therefore, sought to downplay the problem, pointing out that the number of polling stations failing to open on time was less than 5 percent. Regardless, the problem was inexcusable.

First and foremost, many Bosnians who took the time to register were effectively denied their right to vote, challenging their faith in democracy and the good will of the international community. Given the continued distrust in the country, the disenfranchised wrongly suspected that their ethnic group alone was being targeted. Indeed, given the power of the High Representative to remove legitimately elected

persons from their office, an undemocratic if temporarily necessary power, many people in Republika Srpska believed that the international community had simply decided to take some people off the lists in order to produce a more acceptable electoral outcome. On top of all of this, the arrogant attitude of the international community coupled with the mistakes on the voter registration lists to deepen resentment among citizens.

The OSCE, however, did have an option for disenfranchised voters, the “tendered ballot.” Any Bosnian could vote during the election by using a tendered ballot which was placed in an envelope marked with the person’s name and other personal information and sent to Sarajevo where eligibility would be determined. If the person was found eligible, the ballot would be declared valid and added to the overall tabulations. This process is a unique and positive way to avoid disenfranchising voters, since in most countries these people would simply be turned away. Unfortunately, the OSCE failed to advertise the option in this positive light, and the process was viewed negatively instead. Again, given the deep suspicions in Bosnia-Herzegovina caused by the conflict, many saw tendered ballots as a way to target individuals, since the secrecy of the ballot could be easily compromised. In addition, voters in Republika Srpska did not trust determinations of eligibility being made in Sarajevo. In reality, counting of Bosnian Federation and Republika Srpska ballots were separated, ballots were not examined by those determining the eligibility of the voter whose name and information appeared on the envelope, and the whole process was subjected to international observation as well. None of that mattered to the Bosnian whose only choice was to use the tendered ballot, however, and it was unfortunate that the OSCE did not go to greater lengths to explain these ballots in a more positive light. A final problem with the tendered ballot, and one which should have been corrected since it was raised the year before, was that those casting tendered ballots could never find out if their ballot was ever determined to be valid, which they had a right to know.

To some extent, the tensions which arose from mistakes on the voter registration lists and the use of tendered ballots were exacerbated by polling committee members. In many cases, members complained to international observers about these issues but, when asked, had to admit that no voter had yet complained to them. In other cases, it seemed likely, if not evident, that frustrated polling committee members dealt with these problems in a way that led voters to be suspicious. On the second day of voting, the situation had calmed significantly, and many more people seemed willing to work around the problems with registration by using the tendered ballots.

Balloting Procedures

A second problem with the voting process which is also attributable to the OSCE were new ballots, which had all four contests printed in small text on one side of a single page. Due to the large number of contenders, the ballots were hard to read, especially in polling stations which had poor lighting. Many elderly voters had trouble deciphering the small print and the confusing layout, and they often requested assistance. This ballot caused similar problems later, during the counting of votes, as each of the four sections had to be properly separated and sorted according to the race.

There were few signs of intimidation during the voting, and violence did not manifest itself. Typical to elections in the region, there was considerable family voting, which international observers generally frown upon but realize there is little intent to manipulate the voter. Some polling stations, of course, were more organized than others, reflecting the personalities of the chairman, the polling committee and the supervisor combined. In some cases, the premises used for the polling stations were inadequate in terms of size or lighting.

Counting

The counting of ballots was a very time consuming process, given the number of races and the number of contenders in each. Nevertheless, the counting proceeded very smoothly, without any significant problems reported. Polling committee members generally worked well together, and party, civic and international observers alike were able to remain at the polling station to observe the proceedings.

THE RESULTS

Due to the complicated nature of the elections, including the out-of-country voting and the determinations that needed to be made regarding tendered ballots, the OSCE's promise of quickly reported results was overly optimistic, and the delays in announcing final results aroused further suspicions regarding international attempts to manipulate the results. The final, unofficial results were announced on September 25 by OSCE Head of Mission Robert Barry.

Voter turnout was 78 percent, indicating that the added competition generated interest which overcame possible Bosnian "voter fatigue" caused by the many elections held since 1996. Nine percent of those voting cast their ballots outside the country, mostly in Croatia and Serbia-Montenegro. This reflected a decrease from previous years due to refugee returns. There were reports, however, that many eligible voters abroad were discouraged by the burdens of registering and receiving ballots from OSCE offices based in Vienna, Austria, and did not bother to vote.

The results in the various races were as follows:

Bosnian Presidency

<u>Seat</u>	<u>Candidate</u>	<u>Party/Coalition</u>	<u>Votes</u>
Bosnian Federation (Bosniac)	Alija Izetbegovic	The Coalition Democratic	511,309
	Fikret Abdic-Babo	People's Union (DNZ)	36,446
Bosnian Federation (Croat)	Sefer Halilovic	Bosnian Patriotic Party (BPS)	33,680
	Hajrija Rahmanovic	Bosnian Party (BOSS)	7,694
Bosnian Federation (Serb)	Ante Jelavic	Croatian Democratic Union (HDZ)	189,408
	Gradimir Gojer	Social Democratic Party (SDP)	113,947
Republika Srpska (Serb)	Kresimir Zubak	New Croatian Initiative (NHI)	40,811
	Senka Nozica	Republican Party (RS)	11,088
	Sasa Nisandzic	Bosnian Party (BOSS)	2,636
	Zivko Radisic	Sloga Coalition	360,286
	Momcilo Krajisnik	SDS-SRS Coalition	315,480
	Zoran Tadic	Serb Coalition of RS	27,427

Alija Izetbegovic's easy victory was the most predictable result of the election. The race for the Bosniac seat would have been much closer had Izetbegovic decided to retire, pitting several strong candidates against each other to succeed him.

Ante Jelavic's victory was also widely predicted, although some had hoped incumbent Kresimir Zubak would have done better. In fact, there were predictions that Izetbegovic supporters within Bosniac ranks were so numerous that many were being encouraged to vote instead for Zubak in the Croat contest, but the results demonstrate that this did not occur. The surprise in the growing diversity of Croat voting was that more voters skipped the less nationalistic Zubak for the even more moderate, Gradimir Gojer. The HDZ candidate's victory was with 53 percent of the vote, in contrast to the almost 90 percent of the votes received in 1996. The biggest surprise in the Bosnian Presidency races, however, was for the Serb seat, where Socialist Party leader and Sloga candidate Zivko Radisic beat the hardline incumbent Momcilo Krajisnik. The race was known to be close, but unseating incumbents of the ruling party has been uncommon in Bosnian politics.

Bosnian House of Representatives

<u>Party/Coalition</u>	<u>Votes (Percent)</u>	<u>Seats</u>
The Coalition	40	17
Croatian Democratic Union (HDZ)	14	6
Serbian Democratic Party (SDS)	10	4
Sloga Coalition	10	4
Social Democratic Party (SDP)	10	4
Socialdemocrats of BiH	5	2
Serbian Radical Party (SRS)	5	2
Radical Party	2	1
New Croatian Initiative (NHI)	2	1
Democratic People's Union (DNZ)	2	1
TOTAL SEATS	42	

The results for the Bosnian House of Representatives showed a continued dominance by the ruling parties but also a slight weakening of the SDA-led Coalition as well as the HDZ. This reflected the modest trend toward less nationalistic or moderate and multiethnic political parties. The remaining question is whether this joint institution, once convened with new members, can function more effectively than in the past.

Bosnian Federation House of Representatives

<u>Party/Coalition</u>	<u>Votes (Percent)</u>	<u>Seats</u>
The Coalition	49	68
Croatian Democratic Union (HDZ)	20	28
Social Democratic Party (SDP)	14	19
Socialdemocrats of BiH	4	6
New Croatian Initiative (NHI)	3	4
Democratic People's Union (DNZ)	2	3
Croatian Party of Rights (HSP)	1	2
Bosnian Patriotic Party (BPS)	1	2
Socialist Party of RS	1	2
Democratic Party of Pensioners	1	2
Bosnian Party of Rights (BSP)	1	1
Center Coalition	1	1
Croatian Peasants Party (HSS)	1	1
Bosnian Party (BOSS)	1	1
TOTAL SEATS	140	

The results for the Bosnian Federation House showed the greatest amount of diversification compared to previous years, indicating in particular that larger number of Bosnians and Croats opted for the moderate Social Democratic Party (SDP). While the ruling parties may still rule, the improved showing of the SDP may encourage moderates still supporting The Coalition—mostly in support of the Party for Bosnia-Herzegovina—to change their vote in the future, and this prospect as well as the eventual retirement of Alija Izetbegovic could lead to a fracturing of The Coalition at both the entity and state levels of government.

President of Republika Srpska

<u>Candidate</u>	<u>Party/Coalition</u>	<u>Votes</u>
Nikola Poplasen	SDS-SRS Coalition	324,033
Biljana Plavsic	Sloga Coalition	286,914
Zulfo Nisic	Bosnian Party (BOSS)	107,037
Mihailo Crnadak	Serb Coalition of RS	16,095

Although it was predicted to be close, few actually expected incumbent Biljana Plavsic to be defeated. Indeed, with the great efforts undertaken by the international community to minimize the Pale hardliners, most expected them to show little strength outside their eastern RS strongholds. The results indicated to some that Plavsic suffered from too close an association with the international community, even though voters apparently did not question her nationalist leanings. A more obvious reason for her defeat, however, is that for the RS President non-Serbs can run, and the presence of a non-Serb name

from a relatively inconsequential party obviously drew the votes among the displaced population, many of whom probably could not see Biljana Plavsic as really any lesser an evil than her Serbian Radical Party rival. It is not clear whether Plavsic could have effectively ruled Republika Srpska¹² if she had relied on Bosniac and Croat as opposed to just Serb votes to win, but her defeat was nevertheless viewed as the greatest potential setback for Dayton implementation in the election outcome. Indeed, until it became clear that Krajisnik was similarly ousted from the Bosnian Presidency, some had been predicting the election results to bring disaster.

National Assembly of Republika Srpska

<u>Party/Coalition</u>	<u>Votes</u>	<u>Seats</u>
Serbian Democratic Party	24	19
The Coalition	19	15
Serbian People's Alliance (SNS)	14	12
Serbian Radical Party (SRS)	13	11
Socialist Party	12	10
Serbian Independent Social Democrats (SNSD)	7	6
Radical Party	4	3
Serbian Coalition for RS	2	2
Social Democratic Party (SDP)	2	2
Croatian Democratic Union (HDZ)	1	1
New Croatian Initiative (NHI)	1	1
Coalition for King and Motherland	1	1
TOTAL SEATS		83

The results for the National Assembly of Republika Srpska show little change in the rankings of the contenders—the five leading parties remain in the same order—but the addition of four seats to Prime Minister Milorad Dodik's SNSD and the arrival of some additional lesser parties deprived the SDS and SRS from achieving a majority on which they could claim the right to form a government. Poplasen has stated that any new government formed must include his SDS-SRS coalition, which has proposed an “all-Serb” coalition government. The moderate Serb leaders will have to decide whether to accept such a partnership or to reach out to Bosniac and Croat seat-holders for support.

CONCLUSION

The Bosnian elections of September 1998 were administered fairly well by the OSCE, except for the debacle concerning the voter registration lists. OSCE observers expressed regret that such a flaw tarnished what was otherwise a good effort. On a larger scale, the elections represented a slight but

¹² The power of the RS President is relatively strong, mostly because the RS Constitution was drafted with the belief that wartime Bosnian Serb leader Radovan Karadzic would have become President. His indictment for genocide by the International Tribunal in The Hague, of course, prevented him from running or even voting in Bosnian elections at any level.

welcome improvement in the diversity of Bosnian politics, but also a deep disappointment that this improvement was so modest. There were high hopes that the increased efforts of the international community in 1997 and 1998 to marginalize hardliners, especially in Republika Srpska, could lead to a real transformation in Bosnian politics. Many had even hoped that there would be major electoral reforms which would break the strength of the ruling parties. Those reforms did not materialize, but the continued resilience of hardline elements in the elections brings into question whether things would have been much different had it been otherwise.

The results must be sobering for an international community which had placed too much emphasis on the persons in power, especially in the support shown for Plavsic, and not enough on democratic structures and goals ultimately being sought. In fact, many measures taken by the international community were far from democratic themselves, and may have generated some backlash among those elements of Bosnian Serb society that resist change.

Otherwise, the elections demonstrated some maturation in Bosnian politics. The generally increased civility and the diversity of views supported by the population indicate that change is occurring. Moreover, people are traveling around the country—with some obvious exceptions – with increasing degrees of freedom, even though actual returns of the displaced remain low. Time may bring Bosnia-Herzegovina back together again. At issue is whether or not time is helping convince Bosnians that their country's division is a permanent reality.

The international community can and should continue to play an active role in addressing the continued division in Bosnia-Herzegovina in the years ahead. First, attention should focus less on election administration and more on democratization. The OSCE Mission has already indicated a desire to move in this direction. It also must maintain linkages between economic assistance to municipalities and the willingness to accept returnees. Finally, the OSCE Mission should find areas where Bosnians can begin to take responsibility for their country's future, and this requires empowering various segments of society and not just government officials.

In particular, the international community should do more to enhance the status of those non-governmental organizations in Bosnia-Herzegovina which are dedicated to human rights advocacy and democratization. The election results may make this possible. To date, joint institutions like the Bosnian Presidency and the Bosnian Government have not worked very well, while government officials from the two entities have been able to work together on some issues. Now may be the time for the joint institutions to catch up to the entities in their exercise of authority, to the benefit of Bosnia's unity.

The September 1998 elections were the last in Bosnia-Herzegovina which the OSCE, through the PEC, is responsible for organizing. The OSCE's election mandate may be extended, but the time is right for beginning the transition to a permanent election law and a Bosnian election commission. International involvement at the highest levels will still be essential to ensure proper coordination between the two entities. International supervision of voter registration should also be maintained, because those who attempted fraud before may see the transition as an opportunity to do so again. Otherwise, as long as there is strong international observation, Bosnia-Herzegovina should be able to administer its own elections in the future without the aid of international supervisors in each station. At least it should be given a chance to try.

Before election laws and commissions are formally defined, however, further political and electoral reform is needed. The constitution must be changed to allow some officials, especially those of the Presidency, to be elected from the country as a whole and not on the basis of their ethnicity. The current configuration of ethnic designations within entities is undemocratic and entirely unacceptable. Replacement of the proportional system of electoral representation with a majoritarian system could help turn the focus of Bosnian politics from ethnic to regional interests and make Bosnian officials more responsive to public needs and desires. Only with such changes can the gravitational social forces which created Bosnia-Herzegovina definitively overcome the centrifugal forces of nationalism. The September 1998 elections represented incremental progress, but the peace in Bosnia-Herzegovina may be too fragile to afford progress in such small increments.

