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

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.

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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 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.

PARLIAMENTARY AND PRESIDENTIAL ELECTIONS
IN AN INDEPENDENT CROATIA
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PREFACE

This report is based on the findings of a staff member of the Commission on Security and Cooperation in Europe (the Helsinki Commission) who visited Croatia from July 30 -- August 4, 1992, to observe the August 2 elections for president and for parliamentary seats in that country. These were the first elections in Croatia since this former constituent republic of the now defunct Socialist Federal Republic of Yugoslavia achieved international recognition as an independent state, and became a member of the United Nations and a participant in the Conference on Security and Cooperation in Europe (CSCE).

During the course of the visit, the Commission staff met with members of the Election Commission of Croatia, other Croatian Government officials, representatives of several political parties fielding candidates, and journalists. On election day, the staff observed the voting and the counting of ballots while visiting many polling stations in and around Zagreb, the Croatian capital, as well as in the much-damaged town of Karlovac. After the elections, the Commission staff remained in Croatia to attend several post-election press conferences and to examine immediate post-election developments.

Other sources used for this report include the Croatian press, translations of that press provided by the Foreign Broadcast Information Service and private contacts, U.S. and European press articles, Radio Free Europe reports, previous Commission reports, and materials provided by the Election Commission of Croatia and by the Department of State.

The Commission staff who observed the elections would like to thank the American Consulate in Zagreb, which has recently been elevated to an Embassy, and the U.S. Department of State for their assistance in organizing the visit and providing background information on the political and economic situation in Croatia leading up to the elections.

SUMMARY

- On August 2, 1992, Croatia held elections for the position of President of the Republic as well as for seats in the House of Representatives, one of two chambers in Croatia's "Sabor," or Assembly. These were the second multi-party elections in Croatia since 1990, when alternative political parties first competed for power. They were, however, the first since Croatia proclaimed itself an independent state in 1991, and achieved international recognition as such in 1992, following the violent disintegration of Yugoslavia.
- Incumbent Franjo Tudjman easily won a first-round victory among a field of eight presidential candidates. His party, the ruling Croatian Democratic Union (HDZ), also won just over half of the parliamentary seats allocated in proportion to votes for the lists of 17 parties, and a very large number of the seats designated for particular electoral districts. This result allows the HDZ to form a new government alone rather than in coalition with other parties. A shift to the far right, which many feared, did not materialize.

- Despite a number of open questions, the election results likely reflect the legitimate choice of Croatia's voting population. At the same time, the elections demonstrated disappointingly little democratic progress in Croatia since 1990. Detracting most from the elections was the lack of serious effort by the authorities to instill confidence in the electoral system, followed by the perceived political motivation in scheduling them in August. The elections also revealed some shortcomings on the part of the opposition, including a lack of coordinated effort to ensure that they were conducted freely and fairly.
- Croatia has a western-oriented, well educated and sophisticated society which provide a basis for democratic government. Decades of communist rule and a fierce nationalism linked to Croatia's search for independence have, at the same time, unleashed societal trends contrary to democratic development.
- The context in which these elections took place was also complicated by the conflict in Croatia that began in earnest in July 1991 as militants among the alienated ethnic-Serb population of Croatia, with the encouragement of the Serbian leadership in Belgrade and the help of the Yugoslav military, demonstrated violently their opposition to the republic's independence. After severe human casualties, population displacement and destruction, the conflict generally ended in January 1992 with a U.N. negotiated ceasefire that included the deployment of U.N. protection forces on much of Croatia's territory.
- A new constitution and growing stability argued for holding new elections. Despite opposition complaints that August was not an appropriate time for elections, President Tudjman scheduled them with the likely calculation that his party stood its best chances in a quick election before growing economic hardship and pressure for genuine democratization replaced the joys of independence and renewed peace.
- During the campaign period, 29 political parties fielded candidates. They faced no major difficulties in organizing rallies and distributing their literature to the public. At the same time, the Croatian media was only moderately free, with television and radio broadcasts much less so than newspapers and journals. Only toward the end of the campaign did the media seem to open up fully.
- The stated objective in organizing the elections was to be fair and impartial to all contending parties. At the same time, the electoral procedures were not as fully satisfactory as they easily could have been, raising suspicions of an intent to manipulate the results. However, opposition political parties considered the process sufficiently fair for them to compete. They also had the opportunity to have observers present at polling stations and election commissions on election day.
- According to a constitutional law on the matter, Croatia's national minorities enjoy certain rights regarding their representation in governmental bodies. Ethnic Serbs, the only large minority with some 12 percent of the population, were guaranteed a greater number of seats in the new Sabor than all other minorities combined, but, unlike the smaller minorities, no elections were held in which ethnic Serbs alone could chose their representatives. This was viewed as discriminatory treatment of the Serbian minority, despite apparently small Serbian participation in the elections.
- Balloting on election day was orderly, despite the enormous complications caused by the conflict and questions of citizenship and voter eligibility in a newly independent country. There were few complaints in regard to the way in which the voting and counting were carried out, although several isolated problems were reported and the security of ballots cast by voters abroad was a constant concern.

- Despite these faults, holding elections might well have been a watershed for Croatia. Problems in that country's democratic development were given closer scrutiny, and public concerns can now shift from the recent past to future prospects. The winners could view their easy win as a mandate for continuing current policies, largely viewed as nationalistic and insufficiently democratic. However, the far right's poor performance could lessen pressure on the HDZ to show its nationalist colors and permit greater democratic development. The behavior of HDZ leaders to date favors the status quo in the short run, but domestic and international pressure could both encourage more significant democratic reform than has been seen thus far.

BACKGROUND

Geography, Demography and History of Croatia. Croatia is located in south-central Europe, with an Adriatic coastline of more than 1,000 miles and borders with Slovenia, Hungary, Serbia, Bosnia-Hercegovina and Montenegro. While it now exists as an independent state, the basis for its existence within its current borders derives from the 1974 Constitution of the now-defunct Socialist Federal Republic of Yugoslavia, which listed Croatia as one of six constituent republics (the others being Serbia,[1] Bosnia-Hercegovina, Slovenia, Macedonia and Montenegro). The capital of Croatia is Zagreb, a city of some 950,000 inhabitants. Split, Rijeka and Osijek follow Zagreb in size, with 150-200,000 inhabitants each.

While it is smaller in area than the state of West Virginia, Croatia's boomerang-shape stretches across three principal geographic and climatic regions. First, there is the relatively flat region of Slavonia occupying the northern and eastern parts of the country, which has a largely continental climate. Stretching from the Istrian Peninsula in the north to Dalmatia in the south is a coastal region, which has a Mediterranean climate. In between these two regions is the mountainous region of central Croatia.

Croatia's current population of 4.76 million is fairly diverse, with 78 percent ethnically Croat and 12 percent ethnically Serb. There are also sizable populations of Muslim Slavs, Hungarians, Italians, Albanians, Czechs, Slovaks and Ukrainians. Two percent of the population consists of people considering themselves to be ethnic Yugoslavs, many the likely result of mixed marriages.

The South Slavs moved into the Balkan regions from the north during the second half of the first millennium A.D., where geography and foreign occupations over time caused their subdivision into the Croats, Serbs, Slovenes and other nationalities. Of particular importance to the differentiation among them was the dividing line established before their arrival between the Eastern and Western Roman Empires, which geographically split modern Yugoslavia in half. The Slavs to the west, the Croats and Slovenes, eventually adopted the Roman Catholic faith, the Latin script and the influences of Frankish rule as a result. Those to the east, including the Serbs and Macedonians, adopted the Eastern Orthodox faith, the Cyrillic script and the influences of Byzantium.

These differing cultural outlooks were further accentuated by the later division of the Balkans between the Ottoman and the Austro-Hungarian Empires. It was during this period that the present-day Muslim Slavs of Bosnia-Hercegovina, under Ottoman control, converted to Islam. It was also during this period that ethnic

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1. Two autonomous provinces, Kosovo and Vojvodina, are within the Serbian republic and had, according to the 1974 Constitution, a federal status as well as considerable autonomy. In 1990, the Serbian Government revoked the autonomy of these two provinces, and the large Albanian population of Kosovo has since sought to break completely from Serbia.

Serbs, fleeing Ottoman encroachments, settled on Croatian territory within the Austro-Hungarian Empire. Most of these Serbs settled along the frontier, where they were treated well by the Habsburgs in return for their defending the border from Turkish advances.

With the collapse of both empires following their defeat in World War I, Croatia and other regions inhabited by South Slavic peoples joined an already independent Serbia to form the Kingdom of Serbs, Croats and Slovenes, later renamed Yugoslavia. Increasing centralization by Belgrade, however, encouraged anti-Serbian sentiment in Croatia, which gained some autonomy in 1939. Yugoslavia, however, was completely dismembered during World War II. Croatia achieved nominal independence as a fascist state that severely persecuted its Serbian, Gypsy and Jewish populations, including through mass killings, deportations, forced conversions, and internment in camps. Such atrocities caused Serbs to swell the ranks of the resistance, especially that of communist Partisans under Josip Broz Tito. Tito liberated and reunified Yugoslavia, and Serbs took a disproportionate share of important positions in Croatia once it was again under Belgrade's control.

Tito was able to maintain the country's unity, and independence from Soviet control, through a combination of genuine popularity, reformed communism and economic progress on the one hand, and centralized power and repressive measures, especially against nationalist dissent, on the other. The purge of Croatian nationalists and liberals during the failed Croatian Spring of 1971 led to the virtual disappearance of a visible Croatian nationalism until well after Tito's death. Similarly, checks were placed on Serbia to prevent it from again dominating the Yugoslav state. At the same time, the opening of Yugoslavia to the West benefitted Croatia economically, especially in the development of tourism along the Adriatic coast. It also allowed increased opportunities for residents of Croatia, as for all Yugoslavs, to establish and maintain contacts with foreigners.

After Tito's death in early 1980, political power in Yugoslavia was spread among the six constituent republics and provinces in such a way that none, in theory, could come to dominate the others within the federation. Historical mistrust, however, ultimately led to disputes among them over the future political course of the country, with a parallel resurgence in nationalism, ethnic strife and separatist sentiment. This was exacerbated by growing economic difficulties, including unemployment, austerity measures brought on by a large foreign debt, and hyperinflation. Slovenia and Croatia were already significantly better off economically than the others and became increasingly so, adding to disagreement over the generation and distribution of the country's wealth. Meanwhile, Slobodan Milosevic, riding an increasing tide of Serbian nationalism focusing on Albanian-inhabited Kosovo, elevated in the ranks of Serbia's political system promising to restore all that Tito had allegedly taken away from the largest of Yugoslavia's republics.

1990-1992: Years of Transformation, Conflict and Independence. While Yugoslavia -- considered at the time the best that could be expected of a communist country -- was grappling with these difficulties, the East-Central European countries of the Warsaw Pact were the scene of revolutionary political developments in 1988 and 1989. Pressures for democratization were felt in Yugoslavia as well, and were, in fact, viewed as a possible answer to the political crisis developing in the country. However, the reformist and independent character of Yugoslav communists made them less vulnerable than their counterparts in neighboring countries who depended on Soviet support. Moreover, growing nationalism made democratic development possible only at the republic, not the federal, level, especially after the all-Yugoslav League of Communists collapsed in December 1989. As a result, the economically advanced northern republics moved in front of the wave of sweeping political reform in the region, while others in the federation fell increasingly behind it.

The bold initiatives toward greater openness and political pluralism taken by Slovenia during this period did much to stimulate a liberalization movement in Croatia, still tempered by Tito's crackdown in 1971. Neither considered themselves as located squarely in nor historically looking toward the Balkans, but rather Central Europe, and democracy increasingly became synonymous with sovereignty, independence and integration in Europe. Soon after Slovenia held, in April 1990, the first multi-party elections in post-War Yugoslavia, Croatia did the same. The League of Communists of Croatia, renamed the Party of Democratic Changes, was ousted by a nationalist bloc led by the Croatian Democratic Union ("HDZ" in Croatian) in elections that were conducted generally in a fair and open manner, albeit with problems on election day due largely to inexperience with competitive elections. The new HDZ parliament selected its leader, Franjo Tudjman, as the republic's president.

In the aftermath of the elections, the relationship between the Croatian majority and the ethnic Serb minority of the republic's population polarized significantly.[2] The new Croatian Government embarked on a nationalist program calling for Croatian sovereignty in what would be, at most, a loose confederal arrangement in Yugoslavia. In doing so, it ignored the concerns and sensitivities within certain segments of the republic's large ethnic-Serb population, which retained the strong memories of what the independent fascist state of Croatia had done during World War II. Symbols reminiscent of wartime Croatia's fascist state were restored, and the history of that period began to be reinterpreted in many quarters. Ethnic-Serb authorities, especially within the police forces, were quickly replaced. This produced an anti-Serbian image for the new government despite its claim that it was merely addressing the problem alleged by Tudjman during the campaign that ethnic Serbs, comprising 12 percent of the population, accounted for 45 percent of the people "running things" in Croatia.

Serbia's still communist regime, led by President Slobodan Milosevic, took full advantage of this situation by instigating leaders of the Serbian community in Croatia to increased militancy for the purposes of establishing a "Greater Serbia" under the banner of seeking to preserve the federated Yugoslav state. Indeed, it is likely that Milosevic would have sought to agitate the sensitivities of ethnic Serbs in Croatia regardless of the measures taken by the Croatian Government; the ones that were taken only made it easier. Militancy was especially evident in the heavily Serb region known as Krajina surrounding the city of Knin, which proclaimed its own autonomy and sought to separate from Croatia to remain in a unified Yugoslav state with Serbia. Serbian roadblocks were formed, and violence erupted in several localities between resident Serbs and Croatian forces during the remainder of 1990 and into 1991. In the meantime, Croatia proceeded with its moves toward independence, adopting in December 1990 a new constitution and holding a referendum on independence in May 1991.

Following an ill fated attempt to determine the Yugoslav federation's future through negotiations taking place in parallel with these developments, a civil war began in earnest after the June 25, 1991, declarations of independence by Slovenia and Croatia. The Yugoslav military, with its own, separate agenda but under increasing Serbian control in Belgrade, attempted but failed to take control of Slovenia by force. It later joined Serbian militants fighting in Croatia. European Community (EC) mediation was largely in vain. Over one dozen ceasefire agreements were negotiated by EC envoy and former British Foreign Secretary Lord Carrington, or by the Dutch Presidency of the EC; these efforts may have kept fighting from spreading even more quickly but were largely ignored by local combatants, despite deployment of a European Monitoring Mission to observe compli-

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2. For details on the Serbian community in Croatia in the year following Croatia's multi-party elections, see: Commission on Security and Cooperation in Europe, "Serbs in Croatia," *Minority Rights: Problems Parameters and Patterns in the CSCE Context*, June 1991, pp. 129-138.

ance.[3] The fighting finally subsided in January 1992 in what could best be called a fragile and occasionally broken peace under a ceasefire agreement mediated by United Nations envoy Cyrus Vance, which included the deployment of U.N. Protection Forces (UNPROFOR) in several regions of Croatia. By the time of this agreement, an estimated 10,000 were dead, 700,000 people were displaced from their homes, reports of atrocities abounded, and many towns and cities throughout Croatia, especially in the Slavonian and Dalmatian regions of Croatia, were severely damaged or destroyed.

The continuation of the fighting over such a long period of time eliminated any hope for maintaining a Yugoslav federation, and, after much international squabbling, Croatian independence was recognized, along with that of Slovenia, by most of the world during the first months of 1992. Unlike Slovenia, however, to obtain recognition by the European Community -- which generally has taken the lead in recognizing or not recognizing former Yugoslav republics -- Croatia had to provide assurances on the protection of human rights and fundamental freedoms, especially those of national minorities, which it inevitably did through the adoption of a constitutional law on the matter.[4] Both Croatia and Slovenia were able to join the United Nations and the Conference on Security and Cooperation in Europe (CSCE) later in the year.

At the same time, the ceasefire agreement left significant portions of Croatian territory effectively out of Zagreb's control. Moreover, the fighting uprooted a large portion of the republic's civilian population, forcing them to move to safer parts of Croatia or abroad. Meanwhile, as the fighting intensified in neighboring Bosnia-Hercegovina, hundreds of thousands of refugees from that republic strained Croatian resources to the point that by July the authorities announced that they could take no more and would therefore transit them to other countries. Combined with a lack of genuine economic reform (made virtually impossible during the course of a war), the difficulties in de-linking the Croatian economy from that of the other Yugoslav republics, and the heavy physical destruction, the conflict caused a serious deterioration in economic well-being.

These factors, in turn, deeply affected Croatia's political development. Many Croatian citizens were critical of the overly nationalistic tendencies of the HDZ from the beginning, and more liberal parties, trounced in the 1990 elections, nevertheless maintained their support. More important, however, was the fact that many others, supposedly those in the war zones in particular, felt Zagreb had abandoned them and therefore supported more militant and right-wing political forces. It was difficult, prior to the elections, to determine where more Croatian citizens stood, but it was clear that the polarization of political views normal to a democratic system was constrained by the preservation of unity during the war and, afterwards, supporting independence as the cause for which it had to be fought. To proclaim views deemed "Yugoslav" was politically dangerous if not suicidal, for example, especially as "Yugoslav" became increasingly synonymous with "Serbian." On net, the effects of the war on Croatian politics seemed favorable to the far-right and, not unexpectedly, hampered the short-term prospects for increased pluralism.

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3. For a description of the European Community attempts to halt the fighting in Croatia, see the testimony of Ambassador Dirk Jan van Houten in: Commission on Security and Cooperation in Europe, *Hearing on the Yugoslav Republics: Prospects for Peace and Human Rights*, February 5, 1992, pp. 8-13.

4. In December 1991, the European Community established four points to be used as criteria for deciding which Yugoslav republics should be recognized as independent states, two of which had strong human rights elements. Of the four republics considered in January 1992 -- Slovenia, Croatia, Bosnia-hercegovina and Macedonia -- only the first and the last were viewed as meeting those conditions. Recognition of Macedonia was nevertheless blocked by Greece, while Germany successfully lobbied for recognition of Croatia with new assurances by President tudjman that minority rights would be respected.

Mutually reenforcing the effects of the war were democratically suspect factions of the ruling HDZ, anti-communist in their rhetoric but with a political outlook shaped by decades of communist rule. Indeed, many were former communists, and some, including President Franjo Tudjman and Justice Minister Vladimir Seks, had earlier run afoul of the communist leadership and personally suffered under it, adding a vengeance factor to HDZ policies. With their nationalist outlook, they acted in many ways like communists as they purged mid- and high-level officials who were not loyal to the HDZ in the republic's government and in many local governments, as well as in much of the media. As one foreign visitor noted at the time of the elections, Croatia seemed still to be run by a party and not by a government. At the time of the elections, it was hard to discern the degree to which democratic development in Croatia was understandably stunted by the war and the degree to which the HDZ would have kept it in check anyway.

In any event, Croatian society was sufficiently open and pluralistic to create pressure for new elections in Croatia. As a new state with a new constitution, such elections were desired much earlier, but they clearly were impossible during the course of the conflict. As the U.N. ceasefire agreement was viewed as increasingly stable, this pressure was renewed, especially as opposition parties to both the left and right of the ruling HDZ grew more critical of current policies. For apparently political reasons, the HDZ resisted these pressures at first, but then, on June 24, 1992, elections for President and for seats in the House of Representatives of a new Croatian Sabor were announced. The decision for elections at this time seemed to be, in part, a response to the pressures of the opposition as well as by foreign actors wanting to quicken the pace of democratic developments in Croatia. In part, however, the decision seemed to be highly political. By setting elections for August, an almost unprecedented act in Europe, the HDZ government hoped to catch Croatian voters, to the extent they were not focused on the summer holiday season, in a transitory state, from crediting the current HDZ government for the long-awaited and newly gained independence, to blaming it for their growing economic woes.

THE ELECTIONS

The Election Infrastructure. The basis for the August 2 elections were two election laws adopted by the Sabor on April 9, 1992, and brought into effect by President Tudjman six days later. The first law regards the election of the President of the Republic, and the second, the election of representatives to the Sabor. In terms of polling, the two elections were treated separately. Also relevant to the elections were laws regarding such matters as national minority rights, citizenship, the registration of political parties and the creation of electoral districts.

Contested Seats. The most visible seat being contested in the Croatian elections was obviously that of the republic's President, whose term of office is set at five years. Any Croatian citizen 18 years of age or older was eligible to run for President and was placed on the ballot if nominated by one of the main political parties or a petition was submitted which indicated the support of at least 10,000 voters. Eight candidates were listed on the ballot, and there were no reports of problems with the registration process. If none of the candidates were to achieve a majority of the votes cast, a run-off race between the two top candidates would be held two weeks later.

Also being contested were 124 or more seats for the Sabor's House of Representatives, to be held for a four-year term. Elections were not scheduled for the other, smaller chamber of the Sabor, the House of Provinces, due to the war leaving many provinces out of Zagreb's control. Opposition parties complained about this, asking why the August 2 elections could not have been postponed until all seats could be contested. In their view, the answer lied in the belief that, by the end of the year, the HDZ would have lost a sufficient amount of its popular support and, therefore, also the elections. Government officials maintained, on the other hand, that it was best to

proceed with elections under the new constitution now that it was possible, albeit only in part, and that as a practical matter the House of Representatives is the more important of the two chambers and can function as the full Sabor until such time that additional elections could be held.

The House of Representatives seats were contested using both the proportional and the majority electoral systems. Sixty were elected from the proportional system, in which the 17 political parties obtaining the requisite 5,000 or more signatures for their 60-candidate party lists participated. Seats would be assigned to individuals as indicated on the lists in proportion to the votes received by each party that obtained at least three percent of the total number of votes. Another 64 seats were elected by the majority system, with about 624 eligible candidates -- those from one of 26 parties or the 31 independent candidates that obtained at least 400 signatures on petitions -- running in one of the 60 electoral districts established,[5] or for one of the four seats established for the smaller national minorities in Croatia. The candidate with the largest number of votes would be the winner regardless of whether he or she obtained a majority of the total votes cast. In other words, there were no run-offs planned for the House election except in a rare instance when there would be a tie for the most votes or where there were irregularities that would invalidate the results.

As a result of this system, each voter would be given two ballots that were the same throughout the republic, one listing the eight presidential candidates and the other the 17 parties, in each case being asked to vote only for one. They would also be given one ballot listing the candidates for their respective electoral district or, if applicable, minority, which therefore varied throughout the republic. The number of candidates on these ballots ranged between six and 16 individuals for the electoral districts, and three candidates each for the four minority ballots.

Minority Representation. The representation of the national and ethnic minorities was the most confusing aspect of this procedure. The four seats for the smaller national minorities were divided as follows: one seat each for the Italian and the Hungarian minorities, one seat representing both the Czech and the Slovak minorities, and one seat for Ruthenian, Ukrainian, German and Austrian minorities. Special electoral districts were established in minority-inhabited regions for this purpose, with ballots in the language of the respective minorities.

According to the constitutional law on minorities, however, minority groups constituting less than eight percent of the total population of Croatia are collectively entitled to five members in the House of Representatives, meaning that one additional person listed as a member of one of these minorities had to be elected or selected from a party list, increasing the overall number of seats in the House. Article 71 of the Croatian Constitution permitted this, stipulating that the total number of representatives in the House could range between 100 and 160 seats. The assigned seats would be distributed in order of the total proportional vote each party received.

For minorities constituting more than eight percent of Croatia's population -- in practice, meaning only the Serbian minority -- the constitutional law provides for representation in the House proportional to that for the population as a whole. With Serbs constituting 11-12 percent of the republic's population, this means that, based on 120 seats as stipulated in the election law, at least 13 seats should be held by ethnic Serbs. Unlike the smaller minorities, however, there were no elections for one or more seats designated for ethnic Serbs using the majority system.

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5. The electoral districts or unit -- "*izborna jedinica*" in Croatian -- should not be confused with the 102 administrative districts -- "*opcine*" -- into which Croatia is also divided.

This complex formulation raises a number of questions regarding fair treatment of the various national and ethnic minorities. The Serbian People's Party (SNS), for example, argued that it was unfair -- and in violation of the constitutional law -- for selected seats assigned to the smaller minorities to have their own elections, while no elections were held specifically for the Serbian minority. This meant that, while the smaller minorities would elect their own representatives, the Serbian minority would have no candidates chosen by ethnic Serbs alone. While giving the smaller minorities this privilege could be justified as a way to ensure that the five-seat minimum was fairly divided between them, ethnic Serbs were nevertheless denied the same privilege of being the sole voters for one or more representatives, even if, in the end, a much larger number of ethnic Serbs were guaranteed seats in the House.

This later accommodation, moreover, was not satisfactory to SNS leaders, because it meant that, having to compete with all other groups, including the majority Croats, they would likely not reach the three percent hurdle for proportional representation (they did not run in the majority-seat races). Especially when the potential for a low ethnic Serbian voter turnout is taken into account,[6] this meant that most and possibly all ethnic Serbian members of the House would be from parties other than their own. Such a result, SNS leaders argued, violated the constitutional law on minorities in that ethnic Serbs representing other political parties by definition were not representing their minority; they claimed that only an ethnically based party such as their own could do that. This argument is much less convincing in that it calls for a special privilege to be provided to a party, not a minority, and it assumes that ethnic Serbs do not have the right to integrate themselves into Croatian society but must remain a segregated group. Moreover, as a practical matter the candidates for the four smaller minority seats were not members of ethnically based but the mainstream Croatian parties. Had it been otherwise, however, political parties representing the exclusive interests of ethnic Hungarians, Italians or the other smaller minorities would have had a better chance for a seat because of the special elections held for them.

To an extent, it could be argued that the Serbian minority was limited mostly by the refusal of so many of its members to accept the notion of an independent Croatia, and the decision of some of them to resort to violence as a result. This is probably true, but it could be equally argued that those Serbs willing to participate in the political system of an independent Croatia were discriminated against because of their militant brethren by denying them special elections as was done for the other, smaller minorities. The small percentage of Serbs in Croatia who were expected to vote would have made making all Serbian seats subject to such elections impractical, but it could have still been done for some. A smaller but still important question is why, assuming it was alright to accord some representation to some minorities, ethnic Roma, Muslims, Albanians, Slovenes and Jews were not accorded this privilege as well, especially since some of these groups were specifically cited in the Croatian Constitution.

Ultimately, the answers to these questions and the validity of the SNS complaints are based on whether the constitutional law on minorities is fair in the first place. For example, while it says that the representatives of the smaller minorities are obliged to protect the interests of their constituencies, this provision does not apply to the larger, i.e., Serbian, minority. More broadly, even the basic approach the Croatian Government has taken -- and was, in fact, encouraged to take by the European Community with the specific aim of protecting minority rights

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6. According to Milorad Pupovac of the Serbian Democratic Forum in Croatia, 400,000 Serbs either joined the separatist rebellion, remained in occupied areas or left Croatia, leaving only about 200,000 able to vote. As quoted in: Andrej Gustinic, "Croatia Readies for Election but Dodges Tough Questions," Reuters Information Service Newswire, August 1, 1992.

-- may not actually be the most appropriate one. Regardless, the inability of Serbs to choose Serbian representatives in the Sabor by themselves, while the smaller minorities could, seems to raise questions of fairness, even if the larger number of Serbian seats relative to these smaller groups is taken into account.

Election Commissions and Polling Stations. To carry out the elections, a three-tiered apparatus was established by the election law. At the top is the five-person Election Commission of Croatia, responsible for carrying out the elections generally, including direct responsibility for organizing the elections abroad, the publication of instructions for the lower-level bodies and the announcement of the results. Directly below the republic's Election Commission are the three-person election committees for each of the 60 electoral districts throughout Croatia, responsible for the elections within their respective districts.

Finally, there are committees at the approximately 6,316 polling stations for the presidential elections, and the 6,545 for the Sabor elections. The committees consist of three persons and their deputies, who oversee the actual balloting on election day and then count the ballots after the polls close, each serving an average of 300 but never more than 1,500 voters.[7] Of these polling stations, close to 500 were for the several hundred thousand displaced persons from areas now under UNPROFOR control and, therefore, outside their respective districts. These stations, divided between the presidential and Sabor races, were usually staffed by committees drawn from the displaced themselves, or those who had some tie to the district for which the polling station was established. The need for such extraordinary measures again raised questions as to why elections should be held at this time in the first place, although waiting until even a large number of these individuals could return to their home would have postponed the elections for the foreseeable future and, in all likelihood, to the detriment of democratic progress.

Another 111 polling stations were established in 12 other countries for presidential and Sabor voting by Croatian citizens living abroad. While these stations were by law limited to official premises of the Croatian Government, in practice churches, Croatian cultural centers and other locations were temporarily "contracted" by the Government for this purpose, much to the concern of opposition parties suspicious of the great effort that was exerted by the authorities to get the votes from abroad.

For the republic's Election Commission and for each of the district election committees, members were required to be judges or lawyers. Zlatko Crnic, chief judge of Croatia's Supreme Court, headed the republic commission. Polling committee members did not have to have a legal background and, in most cases, were nominated locally and approved by the district committee. Some had previous experience in handling the balloting, but most seemed to be new to the task.

At all three levels, political party membership was prohibited. Rather than allowing the political parties to have their in-house representatives on the commissions and committees, which was the case for many other elections in East-Central Europe (including the 1990 elections in Croatia), election officials at all levels were supposed to be neutral. The argument made for this approach was that the large number of political parties in Croatia, which, even if limited only to those participating, could not be adequately accommodated. They there-

7. For the polling stations observed by the Helsinki Commission team, an average of just over 700 voters were registered at each station, ranging from 250 to 1350 voters. Visits to several polling stations for displaced persons, however, could have skewed the average upward as they tended to have the larger numbers of registered voters.

fore were limited to observers. Opposition parties expressed suspicions regarding this arrangement. While officials had to relinquish ties to political parties -- as was already the case for judges -- there was concern that some informal ties would continue and bias the allegedly neutral participants. In fairness, this bias can exist in any country, but in an emerging democracy, the absence of a system with proven impartiality greatly magnifies the problem and, hence, the burden on the authorities to compensate for it. In the case of Croatia, the authorities were viewed as falling short in this regard.

The greatest difficulty for the election apparatus was the short period of time between the announcement of the elections and election day itself, which was less than six weeks. This was within the bounds of the law, but it placed an enormous burden on the organizers and the contenders alike.

THE PLAYERS

A total of 58 political parties were registered in Croatia at the time of the elections. Similar to other countries where the sudden appearance of a basis for democratic development has led to a plethora of political parties, the large number of competing opposition players in Croatia was viewed as working to the general advantage of the ruling party. In the case of Croatia, in fact, some of the existing parties were reported to have been offshoots of the HDZ which generate support for HDZ positions from an opposition viewpoint. The Croatian Party was singled out as particularly blatant in this regard. Combined with the commonality of the names of the parties and the over-use of initials, the political scene was highly confusing until at least the few major parties were separated from the many minor ones.

Of the 58 parties, half participated in the elections in one way or another. Eight fielded candidates for president, in most cases the head of the party. The same eight parties, as well as eleven others (three of which were in coalition), submitted a total of 17 lists for the seats of the House to be decided by proportional voting. Ten additional parties fielded at least one candidate in the district races, although three of those submitting party lists for the proportional seats did not field candidates for majority seats.

Most of the 29 parties participating in the elections had general platforms reflecting the thinking of one segment of Croatia's political spectrum on a broad range of issues. Of these, their names were usually quite similar and therefore confusing; more than half began with the word "Croatian" and ended with "Party" or "Union", with "People's," "Peasant's," "Democratic" or "Republican" in between. Reflecting Croatia's diversity, however, some parties were narrower, claiming to represent specific regional or ethnic interests. Three parties hailed from the Istrian Peninsula, for example, one was from Dalmatia and another from the city of Rijeka. Two Muslim parties, and one Serbian and one Roma party, also participated. Less than ten of the 29 parties were significant players.

Croatian Democratic Union (HDZ). From the time of its formation in late 1989, the ruling HDZ had a clear nationalist orientation, although, as the best organized and financed of the opposition parties formed in the closing months of the communist era, it attracted a wide variety of individuals with different ideological outlooks. Holding them together was Franjo Tudjman, 70, a HDZ founder who was chosen by the Sabor to serve as President of the republic. A Partisan during World War II, a Yugoslav Army general under Tito, and twice a political prisoner for his "anti-Yugoslav" activities, Tudjman has an educational background in history, and he has written extensively on Croatian history, stirring controversy at times for his sometimes revisionist views of Croatia during the second world war. Tudjman has often been criticized during Croatia's independence drive, including for alienating ethnic Serbs and others in the republic, tactical misjudgment in dealing with Serbia and responding

to the conflict, questionable democratic instincts, and an inclination to lead an opulent lifestyle even as hundreds of thousands of Croatian citizens were displaced from their homes. At the same time, no other political figure in Croatia, from the left or the right, could seriously challenge the nationalist appeal and leadership image of Franjo Tudjman. Moreover, by August 1992, he could point to the achievement of independence and a gradual recovery from the months of violent conflict. In this sense, Tudjman became a unifying figure in Croatian politics as he sought election, this time in a direct, popular presidential vote.

The more than two years of HDZ rule, moreover, had enabled the party to take the fullest advantage of the powers of incumbency. The HDZ took a considerable share of power in local government in Croatia. As HDZ loyalists dominated the media, especially the state publishing house *Vjesnik* and television and radio stations, reporting increasingly conformed with the ruling party's positions. In many respects, the HDZ grew from a popular party to a political machine.

In addition to running Tudjman for reelection, the HDZ submitted a party list for the proportional seats as well as 63 candidates for the 64 majority seat races, more than any other party. The HDZ used for the elections a somewhat ingenuous slogan with a questionable claim: "Without the HDZ, you wouldn't have the freedom to vote."

The Principal Challengers: the Croatian Social Liberal Party (HSLS), the Croatian People's Party (HNS) and the Croatian Party of Rights (HSP). The chief challenger to the HDZ at the time of the elections was the Croatian Social Liberal Party (HSLS), the first alternative party registered once the ruling communists permitted a legal opposition in 1990. During the elections that year, the HSLS was part of the moderate Coalition for National Understanding that sought to provide an alternative both to communism and nationalism but drew little support on election day. The HSLS leader, Drazen Budisa, 44, was imprisoned for four years and denied the right to travel abroad for 19 years for his political activities as the leader of the student movement during the "Croatian Spring" of 1971. His background, relative youth, politically liberal tone and professional associates in the party leadership helped greatly in the HSLS's fortunes during the campaign, outpacing other opposition parties in the polls and presenting the only serious challenge to Tudjman in the presidential race as election day approached. These same qualities were responsible for giving the campaign at least some focus on Croatia's future, as opposed to the overwhelming attention given to the conflict of the last year. The HSLS, in addition to running Budisa for president, submitted a party list for the proportional seats and 60 candidates for the majority seats. Given his clean record, the party ran Budisa with the slogan, "a man to trust."

The chief rival of the HDZ at the outset of the election period was the Croatian People's Party (HNS). Indeed, in challenging the HDZ, it responded to the HDZ jingle *"zna se"* (we know how) with its own *"zna bolje"* (we know better). The party was organized after the 1990 elections by Savka Dabcevic-Kucar, 69, a well-known opposition representative during the communist era. She had been Croatia's Premier in the late 1960s but was removed from the political scene for her participation in the failed 1971 liberalization effort. Indicative of her popularity, as well as the length of her name, was the degree to which she was referred to as "Savka" and the HNS as "Savka's party" during the campaign. She participated in the Coalition for National Understanding as a non-party figure before founding the HNS, which has a political outlook somewhat similar to that of the HSLS. As a result, HNS and HSLS seemed to be rivals in their opposition to the HDZ, and perhaps divided the non-HDZ portion of Croatia's polity to their mutual disadvantage. The HSLS, in fact, alleged that it offered HNS a plan to remove competing candidates from races to avoid splitting non-HDZ votes. Over time, the HSLS overtook the HNS is popularity. In addition to Dabcevic-Kucar, running as the HNS candidate for president, the party ran in the proportional races and fielded 60 candidates for the majority-race seats.

While having less support than the HSLS and the HNS, the extreme right-wing Croatian Party of Rights (HSP) became a major player in that its strength was viewed as indicative of how much further to the right the Croatian political spectrum had moved since 1990 as a result of the conflict. The HSP takes its name from the far-right party founded in the mid-19th century from which emanated the Ustase organization that, with the backing of Hitler and Mussolini, established the fascist independent Croatian state in 1941. Its head, Dobroslav Paraga, 31, first became known as a political prisoner and human rights activist.

While often cloaking itself with democratic positions, the HSP has called for a Croatia with expanded borders that would include large parts of Bosnia-Hercegovina and, in fact, extend almost to Belgrade, in sharp contrast to the HSLS and the HNS, both of which opposed Tudjman's policies toward Bosnia-Hercegovina to the extent to which these policies sought to grab territory from that republic. A number of its members have adopted the black garb of a neo-fascist group and formed its own paramilitary units -- the Croatian Defense Forces -- separate from and, in some cases, challenging the government's own military organization during the course of the conflict. Their determination in battle won them support in the war zones as well as the wrath of the Croatian Government, which first arrested Paraga for inciting a rebellion and for illegally obtaining weapons but then released him while continuing to charge him with "spreading false rumors," i.e., for criticizing the government for losing the besieged Slavonian town of Vukovar. Paraga has also won considerable support from young people, with some of his campaign rallies characterized as rock concerts. He has travelled abroad in recent years and generated support there as well. The HSP ran Paraga for president, participated in the proportional races and fielded 54 candidates for the 64 majority seats. A frequent chant of the HSP has been "*za dom spremni,*" (ready for the homeland), an old fascist slogan.

Other Major Participants. While they presented a less serious challenge to the HDZ, several other political parties were also very active in the elections. The Croatian Democratic Party (HDS) presented its head, former political prisoner Marko Veselica, as its presidential nominee, submitted a list for proportional seats and 52 candidates for the majority seats. This party is considered to be to the right of the HDZ, with some support abroad but not a large following at home. The Croatian Christian Democratic Party (HKDS), one of several Christian Democratic parties in Croatia, similarly put forward its head, Ivan Cesar, for president, submitted a party list for proportional seats and fielded 51 candidates. The Croatian Peasant's Party (HSS), whose pre-World War II predecessor was a dominating force in Croatian politics, submitted a party list and fielded 49 candidates for majority seats but did not present a presidential candidate.

Similar to the HSS, the former League of Communists of Croatia, today known as the Social Democratic Party of Croatia--Party of Democratic Changes (SDP), did not field a presidential candidate but did run for proportional seats and 56 majority seats in the House of Representatives. The party, while having all the appearances of being genuinely reformed as far back as the 1990 elections, still carried into the elections the burden of being the successor to the ruling communist party of the past. Nevertheless, pointing to its former members who now lead several of the other political parties, the SDP could argue the integrity of its members, led by Ivica Racan, who did not hide their affiliation. Moreover, the SDP could be viewed as an attractive opportunity for ethnic Serbs willing to work within the Croatian political system in that many were already members and the party had neither advocated the break-up of Yugoslavia or taken on nationalist overtones. For these same reasons, however, the SDP was not a dominant force, although it was able to rely on its past organizational strengths to field a good number of candidates.

A party worth noting despite the small prospects for its success was the Serbian People's Party (SNS), led by Milan Djukic. The SNS fielded a party list for proportional seats but did not field a presidential candidate nor candidates for majority House seats. The SNS was the only party claiming to represent the interests of Serbs in Croatia. The Serbian Democratic Party of Croatia, which won five Sabor seats in 1990, withdrew its participation from Croatian politics Serb-Croat tensions grew. There were rumors that the SNS was actually subservient to the Croatian Government. Given the civil conflict in Croatia and its root causes, of course, any collaboration by Serbs with the Croatian political system could easily lend credence to such rumors, but SNS officials did not express satisfaction with official Croatian positions on the elections or generally as far as they affected ethnic Serbs. It based its positions on the ground that Serbs were given guarantees of autonomy in Croatia through the constitutional law, and that ethnic Serb interests could therefore only be represented in Croatia with their own party, not through integration in other Croatian parties. The complaints made by this party, and the lack of hope for a significant Serbian turnout for the elections, revealed the open wounds that remain in Croatia's society as a result of the recent and, in some places, ongoing war.

Boycotts. With the exception of segments of the Serbian population who oppose remaining a part of Croatia, there were no known boycotts of the Croatian elections. There was, however, considerable skepticism on the part of many opposition parties regarding the degree to which the elections would be free and fair. When the elections were first announced, there apparently was some debate among the leading opposition parties as to whether they would participate. Indeed, it was alleged that Dabcevic-Kucar and the HNS, perhaps overconfident of their strength, blocked a united opposition effort to boycott the elections until a fairer election process was developed by the HDZ government. Personality and other differences between opposition leaders may also have precluded a unified position. Regardless, without a united stand all seemed to believe it better to participate than to boycott. Those parties that did not participate in the elections at all failed to do so primarily because they were unable to field candidates.

ELECTION OBSERVERS

Several foreign diplomats and visitors in addition to the Helsinki Commission were on hand to observe the Croatian elections, although, relative to the 1990 elections, they were much fewer in number. Officials from diplomatic representations in Croatia, including the U.S. Consulate in Zagreb, and representatives of the International Republican Institute (IRI) and of the Council of Europe were among the foreign observers, meeting with party leaders, the media and election officials as well as viewing the voting and counting of ballots on election day. None reported any troubles in doing so.

Political parties in Croatia had the same rights to observe the proceedings, with a few exceptions. First, only parties participating in the elections could observe them, and those providing candidates for the majority races alone could observe only in the districts in which their candidates were running. Second, no more than five at one time could observe the work of the republic's Election Commission, and no more than three could observe the work of a particular district commission or polling committee. If more wanted to observe, the parties were to negotiate the arrangements among themselves, or else the head of the respective commission or committee would select them by lot. The reason given for this limitation on domestic observers was that it would be impossible to accommodate a larger number at many locations, with some polling stations, for example, confined to fairly small rooms.

Some opposition parties complained that, while they were entitled to observe the elections, in practice the authorities were not very cooperative. They spoke of inadequate and sometimes no access to lists of registered voters, and of being denied admission to some polling stations on election day in several locations, such as HNS

observers in Osijek and Crnomerec. While these likely were isolated incidents that did not indicate a desire to manipulate the election results -- and they seemed too few in number to have been able to do that -- they nevertheless did not instill confidence in the electoral system, especially since the absence of members on election commissions and polling committees made political parties more reliant on placing observers in the field to monitor the proceedings. The inability to observe election activity abroad adequately also gave rise to concerns about the security of the ballots.

At the same time, not many observers from political parties were encountered at polling stations on election day. Those that were met by the Helsinki Commission were usually from the HNS. The scarcity of observers from the political parties at the polling stations indicated that perhaps they did not take sufficient effort themselves to have as many observers as possible, not only to police the actual balloting on election day but to tally their own results to see how they compared to those officially announced.

The Campaign Period. Since the August 2 elections were only announced on June 24, the campaign period was a relatively brief five weeks. This likely benefitted the ruling HDZ, especially since this period was essentially the month of July when potential voters are more concerned about vacations than elections. Still, announcing the elections only 39 days in advance was in full accordance with the law, which stipulated only a 30-day notification, and opposition parties complained more about the timing of the elections itself than about the length of time in which they actually had to prepare for them.

The campaign period was relatively open. Opposition parties, for example, had no apparent difficulties in holding rallies, or in having posters printed and plastered wherever there was room, especially in Zagreb itself. Candidates moved about freely as they met with potential voters. The only practical restrictions were the war zones presently under UNPROFOR control, where active campaigning could easily have turned local sensitivities into actual conflict. Campaigning on Croatian military installations was also prohibited.

Opposition parties did complain about media coverage, which they felt was generally biased toward the HDZ. This was especially true of the television and of the radio, which are reported to be fairly well controlled. The principal complaint about Croatian Television (HTV) was that it gave short shrift to opposition activities compared to those of the HDZ, even taking into account the official activities of Franjo Tudjman as President and of the Croatian Government which would naturally give HDZ candidates additional coverage. Croatian Youth Television, OTV, was reportedly more open to opposition coverage. Affiliates of Croatian Radio throughout the country were allegedly under the close control of the main office in Zagreb during the course of the campaign.

Over time, the opposition parties believed that television coverage had, however, improved. Commercials of parties that could afford to produce them were indeed broadcast, and all parties participating in the elections were given 90 minutes each to describe their program. In addition, during the evening of the Thursday just before the elections, a three-hour program was aired in which the parties could make a brief statement and comment on those of the others. The main limitation here was not objectivity but the fact that the equal distribution of time among all the parties, including those fielding only a small number of candidates, took time away from the major contenders. This worked somewhat to the advantage of the HDZ, since the less time available for each, the better it was for the incumbents. Also, the smaller parties that were offshoots of the HDZ used their time to support HDZ positions.

A much greater diversity and degree of openness existed in the print media. *Novi Vjesnik* and some other papers were considered to be under HDZ influence, but others, *Slobodna Dalmacija* and *Globus* in particular, were viewed as free from government controls, although there were early efforts to bring some of them under control as well. While some of their journalists were earlier charged for printing personal criticisms of President Tudjman and HDZ officials, this seemed only to embolden the newspaper's editors, and helped the newspaper's circulation grow considerably in the past year. The weekly magazine *Novi Danas* was also somewhat victimized by wrathful government authorities, forcing its operation, which may have been in some financial difficulties, to vacate their Zagreb offices. The magazine is now printed in Graz, Austria, but *Vjesnik*, which owns most of the newsstands, refuses to distribute it.

In a larger sense, limits on the media were problematic for the elections to the extent that they have been a problem for Croatia's democratic development in general. Not just during the campaign period, but well before then, the diversity of views evident in a free media has been absent, especially during the period of the conflict when government law and regulations limited the content of coverage of the fighting. Other laws and regulations make the establishment of an independent television station in Croatia effectively impossible. Several journalists expressed fears that, as the economy worsens, the public will not purchase as much print media and will therefore become more reliant on the broadcast media, narrowing further the range of opinions reaching them. Finally, some have complained that the periodic intimidation of journalists and media organizations critical of government policies or officials -- through statements by public officials, legal actions, dismissal from employment, harassing phone calls and, on a few occasions, physical abuse -- are detrimental to press freedoms and freedom of expression generally in Croatia.[8]

Related to limits on the media were limits on financing. In 1990, the HDZ drew considerable financial strength from its ability to obtain funds from abroad, primarily from the Croatian diaspora. Funding from abroad was more restricted for this election, making the political parties dependent on the resources of their members. Parties besides the HDZ allegedly did receive at least some support from abroad, however, such as the HSLS from Germany and the HSP from supportive segments of the Croatian diaspora. The election law provided for proportional reimbursement of some campaign expenditures by the Croatian Government, provided the parties achieved sufficient support in the elections.

The focus of the election was predominantly on the feeling of relief among Croatian citizens that the conflict was effectively behind them and of patriotism now that Croatia had finally gained its world recognized independence. This benefitted the party in power, and the opposition parties were obliged to play along, focusing their campaigns on similar themes. While the worsening economy was a common complaint during the campaign period, the development of a sound economic program did not seem to catch on as a serious election issue, even though a few political parties made attempts to do so. With their war experience still looming large, nor was there much focus on how to reconcile Serb-Croat differences in the country. Even moderate Croats, critical of Tudjman's nationalism and the extremist views of Paraga, felt that those Serbs responsible for the death and destruction had yet to be brought to justice, and that Croats were under no obligation to make the first moves toward the Serbian community.

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8. For examples of restrictions on press freedoms and freedom of expression in Croatia in recent years, see Helsinki Watch report charging Croatian Government with human rights violations, February 13, 1992, pp. 23-30.

With the focus on the recent past and not the future, some of the opposition sought to make an issue of the luxuriant lifestyle of President Tudjman, which included the purchase of a presidential jet and moving the presidential offices to Villa Zagora, Tito's estate in Zagreb.[9] While this did seem to irritate some segments of the voting public, many believed that the average Croatian citizen had come to expect this of politicians and was not terribly appalled.

Others sought to criticize the highly nationalist tone of Tudjman and the HDZ, and to criticize their policy toward the conflict in Bosnia-Hercegovina, which was viewed as duplicitous in light of reports of Croatian-Serbian talks on dividing the beleaguered neighboring republic between them, despite official Croatian statements which supported the independence and territorial integrity of the neighboring republic. This criticism had its limits as well, however, with Croats believing that some action needed to be taken to protect Croats in Bosnia-Hercegovina. Moreover, the far-right in Croatia were critical of the Croatian Government for being too timid during the conflict in Croatia and now in response to Serbian aggression in Bosnia-Hercegovina, making the HDZ appear to be more moderate in the context of Croatia's political spectrum.

In accordance with the election law, there was no overt campaigning on the day before the election, nor on election day itself, although there were allegations of HDZ supporters putting up new posters on the eve of the elections.

VOTING

In accordance with the election law, the polling stations were open to voters from 7 a.m. to 7 p.m. on Sunday, August 2. To be eligible to vote, Croatian citizens had to be at least 18 years of age by election day. According to the Election Commission, this amounted to approximately 3.56 million voters, about 20,000 more than the estimated number of eligible voters in 1990.

The ability to vote was closely tied to the issue of citizenship in the newly independent republic. This raised serious questions about the poor performance of the authorities in providing a "*domovnica*" -- the basic document attesting to residency and citizenship -- to a large portion of the population seeking Croatian citizenship. While bureaucratic problems seemed a primary cause for delays in the provision of this document, those most frequently experiencing difficulties were those who were not ethnic Croats and/or were born outside of the republic before 1947. Occasionally even relatives of such individuals would experience these difficulties.

In response to these problems, election officials broadened the documentation that could be shown by persons to prove their eligibility to vote. Indeed, those on the voter registration lists were to have received a slip of paper indicating that they were registered and therefore could vote. For those who found that they were not registered on election day, municipal authorities were open so that they could obtain official proof of their residency and then return to their respective polling stations to vote. While many had to do this, there were few instances observed in which the individuals concerned did not come back with proof and exercise their right to vote. At issue, therefore, was not the denial of the right to vote but the accuracy of the voters' lists, and the ability of opposition party observers to ensure that eligible voters were the only ones actually voting and were only voting once.

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9. The office was moved to Villa Zagora after its center-city location was heavily damaged by the Yugoslav military in an attack last October. Officials allege that these facilities remain too damaged to be used at present, while the opposition claims that the added luxury of the Villa is the explanation.

Approximately 220,000 eligible voters were living abroad at the time of the elections, and extra effort was undertaken to ensure that they, too, had the opportunity to vote on election day. Polling stations were opened in 12 countries for this purpose, and those eligible to vote were given ballots for the presidential race and for the proportional allotment of seats to the 17 qualifying parties. Opposition parties were concerned about this vote, which could theoretically make a difference if either of these two were close races. It was felt that the HDZ, as the ruling party, was probably the most popular abroad, especially since the opposition parties were not in a position to campaign in other countries. The expansion of sites for polling stations from diplomatic offices to leased space in churches and cultural centers was viewed by some opposition parties as a gross over-stretching of the law. Furthermore, there was little possibility for political parties to observe the election process as carried out abroad. Instances such as the public boast by an official transporting 60,000 ballots for use in Australia that 50,000 or more would come back with HDZ votes did not instill confidence in the security of the ballots used abroad.

The ballots themselves were a marked improvement over those used in 1990, which were a source for considerable confusion. The three ballots used for the 1992 elections were of three distinct colors -- red (party lists), white (district candidates) and blue (presidential candidates) -- with separate ballot boxes for each. Candidates were listed in alphabetical order, as were the political parties on the ballots for proportional seating.

The voting process itself went smoothly, although there some confusion resulted from the separation of presidential and Sabor polling stations at some larger sites. Polling committee members, some of whom had participated in the previous electoral process, seemed to be well informed of the rules governing their activities, and they generally were diligent in giving instructions on how to mark the ballot properly, by circling the number and/or name of the candidate of choice. Many indicated that seminars were offered to committee members to educate them on how to carry out the balloting. Only in a few locations, usually where more than one polling station existed in a particular building, were there long lines of people waiting to vote. When individuals seeking to vote were not on the registration lists, few complained as they left to obtain certification of their eligibility.

During the afternoon of election day, two or three polling committee members were permitted to take ballots to those who could not come to the polling station due to illness or old age. When individuals attempted to vote for relatives or friends who could not come themselves, polling committees generally followed procedures by denying them permission to do so but taking the name of the individual concerned so that they could take a ballot to them. Soldiers were able to vote at military installations.

A few isolated problems were nevertheless observed by the Commission observer during the course of the voting. In one Zagreb polling station for displaced persons, the HDZ candidate for the electoral district was reported to have visited the station and spoken to the voters present. The voting was reportedly suspended until the candidate left. In another polling station for displaced persons on the second floor of a building in Zagreb, a gigantic picture of Franjo Tudjman was placed at the bottom of the stairs. Polling committee officials maintained that, while the poster had to be passed to get to the polling station, it was sufficiently distant from the station. In several polling stations in Zagreb and Karlovac, there was little in the way of voting booths to facilitate the secrecy of the vote, although this did not seem to be used as a means to manipulate the vote. Groups of individuals, usually appearing to be families, were seen voting together.

At various stations, observers from various political parties were encountered, and none indicated any improper occurrences. Immediately after election day, however, some parties, and the HNS in particular, reported that its observers were denied access to some polling stations, prevented from viewing the voters' lists at

others, and witnessed various officials, ostensibly representing the HDZ, putting up posters or talking to prospective voters, sometimes while the polling committee looked on. They also reported other incidents where the secrecy of the voting was not adequately protected by voting booths.

Counting. Polling stations closed promptly at 7 p.m. Since most people had voted early in the day, few were waiting in line as closing time came. If they were, the polling committees were allowed to remain open until those who were already at the station by 7 p.m. voted. Immediately after closing, the polling committees began to tabulate the results. For the most part, polling committee members did not seem to have firm instructions on how to do this, but all indicated that, regardless of their tabulation procedures, all ballots had to be accounted for -- used and unused, valid and invalid -- and matched against the number of voters according to the registration lists. No difficulties were evident at the polling station where the Commission observed the counting. As is usually the case, the only controversy surrounded the question of invalid ballots. In the particular polling station observed, three ballots had only part of a candidate's name circled. After considerable discussion, the polling committee agreed to include the ballots, especially since there was one for each of the three leading presidential candidates and, as a result, did not alter the outcome one way or another.

RESULTS

For the presidential race, approximately 2.68 million voters cast ballots, about 74.9 percent of the estimated voting population. For the Sabor races, 2.69 million voters, 75.6 percent of the voting population, cast ballots. This was less than the 84.5 percent of the eligible population that voted in 1990, a result of the difficulty some people, particularly the displaced, had in voting; the non-participation of ethnic Serbs supporting separation from Croatia; the summer holiday; the discouragement of voters due to problems with the electoral system; and the absence of the same degree of enthusiasm that exist during the first multi-party elections held in one-party states. Given these factors, the turnout could be considered fairly good. A greater concern was voting by those from war zones, which, according to official statistics, was so amazingly low for some districts that it raises questions as to the degree to which those elected truly represent their constituency.

In the presidential race, incumbent Franjo Tudjman won an easy first round victory. His party, the HDZ, also won over half of the majority-race seats in the Sabor, and a plurality of the proportional-based seats. Coming in second, but still well behind, was Drazen Budisa and his party, the HSLS, although Dobroslav Paraga's HSP won one more seat than did the HSLS among the majority-based seats. While Savka Dabcevic-Kucar beat Paraga in the presidential race, the HSP outdid her HNS in the Sabor races. The outcome was worse for both of these two very different parties than was predicted. The HNS felt itself closer in popularity to the HSLS. Pre-election polls indicated a stronger showing for the HSP than turned out to be the case, causing some relief among those concerned about too strong a showing by the far right.

The outcome of the various races was as follows:

Presidential Race

Candidate	*Party*	*Percentage of Votes*
Drazen Budisa	Croatian Social Liberal Party (HSLS)	21.87
Ivan Cesar	Croatian Christian Democratic Party (HKDS)	1.61
Savka Dabcevic-Kucar	Croatian People's Party (HNS)	6.02
Silvije Degen	Socialist Party of Croatia (SSH)	4.07
Dobroslav Paraga	Croatian Party of Rights (HSP)	5.40
Franjo Tudjman	Croatian Democratic Union (HDZ)	56.73
Marko Veselica	Croatian Democratic Party (HDS)	1.70
Antun Vujic	Social Democratic Party of Croatia (SDH)	0.70
Invalid Ballots		1.89
Total		99.99

House of Representatives: Proportional Seating

Political Parties	*Percentage of Vote*	*Proportional Seats*
Dalmatian Action, Istrian Democratic Parliament, and Rijeka Democratic Union (in coalition)	3.11	2
Croatian Democratic Party (HDS)	2.69	0
Croatian Democratic Union (HDZ)	43.72	31
Croatian Christian Democratic Party (HKDS)	2.63	0
Croatian People's Party (HNS)	6.55	4
Croatian Republican Party	0.29	0
Croatian Peasant's Party (HSS)	4.16	3
Croatian Social Liberal Party (HSLS)	17.33	12
Croatian Party of Natural Law	0.28	0
Croatian Party of Rights (HSP)	6.91	5
Croatian Statehood Movement	0.26	0
Christian People's Party (KNS)	0.44	0
Social Democratic Party of Croatia --Party of Democratic Changes (SDP)	5.40	3
Social Democratic Party of Croatia (SDH)	0.59	0
Socialist Party of Croatia (SSH)	1.17	0
Social Democratic Union of Croatia (SDU)	1.21	0
Serbian People's Party (SNS)	1.06	0
Invalid Ballots	2.21	--
Total	100.01	60

House of Representatives: Majority Seating

Political Party	*Candidates Fielded*	*Majority Seats*
Dalmatian Action	4	0
Fatherland Citizen's Party	4	0
Croatian Democratic Party (HDS)	52	0
Croatian Democratic Union (HDZ)	60	50
Croatian Christian Democratic Party (HKDS)	51	0
Croatian Muslim Democratic Party	2	0
Croatian People's Party (HNS)	60	0
Croatian Republican Union (HRZ)	11	0
Croatian Peasant's Party (HSS)	49	0
Croatian Social Liberal Party (HSLS)	60	2
Croatian Party	4	0
Croatian Party of Natural Law	12	0
Croatian Party of Rights (HSP) 54 3		
Croatian Party of Rights -- Dr. Ante Starcevic	1	0
Croatian Statehood Movement	11	0
Istrian Democratic Parliament	4	3
Istrian Liberal Party	1	0
Istrian People's Party-HDS	1	0
Christian People's Party (KNS)	28	0
Rijeka Democratic Union	3	1
Social Democratic Party of Croatia -- Party of Democratic Changes (SDP)	56	0
Social Democratic Party of Croatia (SDH)	33	0
Socialist Party of Croatia (SSH)	21	0
Party of Democratic Action -- Croatian Branch	3	0
Party of Independent Democracy	2	0
Party of Roma in Croatia	3	0
Independent Candidates	31	1
Total	624	60

Minority Representation. For the five seats guaranteed minorities representing under eight percent of Croatia's population, four independent candidates were elected in majority-based races, and the fifth seat was assigned to a Jewish member of the Croatian Social Liberal Party.

With an estimated 11.5 percent of the population of Croatia, Serbs were by law entitled to 13 seats in the House of Representatives. With no ethnic Serbs winning in their own right, these seats had to be assigned to individuals from the party lists. Two came from the Croatian People's Party, eight from the Social Democratic Party of Croatia--Party of Democratic Changes, and three from the Serbian People's Party. The latter three were able to obtain seats, because the Constitutional Court of Croatia declared that the "three-percent" rule of the election law applicable for proportional seating did not apply to the selection of ethnic Serbs for their guaranteed seats.

Seating in the House of Representatives of the Croatian Sabor

To sum up the results, in addition to the election of Franjo Tudjman as President the House of Representatives will have members from the following parties:

Political Party	Total Seats
Croatian Democratic Union (HDZ)	81
Croatian People's Party (HNS)	6
Croatian Peasant's Party (HSS)	3
Croatian Social Liberal Party (HSLS)	15
Croatian Party of Rights (HSP)	8
Istrian Democratic Parliament	3
Rijeka Democratic Union	1
Social Democratic Party of Croatia -- Party of Democratic Changes (SDP)	11
Serbian People's Party (SNS)	3
Dalmatian Action, Istrian Democratic Parliament, and Rijeka Democratic Union (in coalition)	2
Independent Candidates	5
Total	138

POST-ELECTION DEVELOPMENTS

In the immediate aftermath of the elections, there were complaints by several opposition parties, particularly the Croatian People's Party and the Croatian Party of Rights, regarding the way in which the elections were conducted. While these complaints varied from reports of actual incidents at specific polling stations on election day to comments on the general political environment in Croatia, the Election Commission rejected them and confirmed the legitimacy of the result. This view was supported by the Council of Europe observer delegation, which stated the day after the elections stating that "so far as the elections within the part of Croatia we visited are concerned, from all the evidence at our disposal, we conclude that they can be regarded as free and fair and we shall report accordingly. . . ."[(10)] The SNS, however, reiterated its complaints about the way in which ethnic Serbian representation in the House was selected and announced that it would soon disband as a result of what it saw as an unfavorable election outcome. While loosing their presidential bids, the leaders of the main opposition parties won proportional seats in the House by being at the top of the respective party lists. This means that, while the HDZ holds 58.7 percent of the seats in the House, the opposition will have some capable leaders among their ranks.

Within two weeks of the elections, a new Croatian Government was formed in which Hrvoje Sarinic was appointed prime minister, and Vladimir Seks, Mate Granic and Darko Cargonja deputy prime ministers. Only 15 ministers were appointed, and the government announced its intention to amend current law to lower the number of existing ministries from the twenty which existed prior to the elections. The ministers appointed are:

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10. "Free and Fair Elections in Croatia," a press statement of August 3, 1992, by Lord Finsberg, the Council of Europe delegation leader.

Defense: Gojko Susak
Internal Affairs: Ivan Jarnjak
Foreign Affairs: Zdenko Skrabalo
Energy and Industry: Franjo Kajfez
Finance: Zoran Jasic
Justice and Administration: Ivica Crnic
Transport and Communications: Ivica Mudrinic
Agriculture, Forestry, and Water Industry: Ivan Majdak
Education, Culture and Sport: Vesna Girardi-Jurkic
Labor, Social Welfare and Family: Josip Juras
Trade: Branko Miksa
Ecology, Urban Planning, Housing and Public Services: Zdenko Karakas
Health: Juraj Njavro
Science, Technology and Computer Science: Ivo Sanader
Without Portfolio: Cedomir Pavlovic.

At present, the degree to which the composition of the new government complies with the constitutional law regarding national minorities, which entitles those over eight percent of the population to proportional representation in government and judicial bodies, has yet to be determined or challenged.

CONCLUSION

The Croatian elections of August 2, 1992, took place in a newly independent country, recovering from the impact of a major conflict and emerging from its communist shell. There is a definite democratic base in Croatia's political system, allowing the elections to reflect the will of the people. The manner in which the elections were held, however, confirmed the belief that democratic institutions holding public confidence remain to be built in Croatia, and that democratic principles have yet to be ingrained in the thinking of the country's current political leadership. No one problem with the election process revealed a genuine attempt to ensure that the ruling party maintained control of government, yet the many smaller problems raised, taken as a whole, demonstrate a need for a more serious commitment to democratic development than has existed to date.

The greatest problem with the elections was the lack of a real openness in explaining decisions, providing information and seeking opposition input. This could have been done with little difficulty and made the results all the more legitimate. Instead, the authorities encouraged suspicions of their actions and rumors regarding their motivations. The timing of the elections was also a serious problem; while legal, holding August elections seemed blatantly political and soured the political environment. While normal conditions are so far off in Croatia that postponing elections until then is unrealistic, delaying the elections, even until September, would have added greatly to their legitimacy. The elections in Croatia, therefore, fell short of expectations for a country often viewed as having a western-oriented, educated and relatively sophisticated society. Indeed, little progress was to be found in the democratization of this country from the time the ruling Croatian Democratic Union (HDZ) took power in mid-1990.

To a large extent, this disappointing conclusion cannot be separated from the situation in which Croatia found itself at the time of the elections. The war and its impact cannot be underestimated. It uprooted hundreds of thousands of people, creating a chaotic upheaval in society that only now is beginning to settle. It imposed on the majority of Croats, through its tremendous death and destruction, an unhealthy uniformity of political views

that drifted to the right, with serious expressions of alternative views often labelled treasonous. It created a serious crevasse between the Croatian majority and the sizable Serbian minority. With the war in Croatia seemingly over, prospects for improvement are better, but improvement will take time. Moreover, the war in neighboring Bosnia-Hercegovina, which is even more horrible in its toll, serves to perpetuate the impact of the earlier war in Croatia, both in the physical burdens of refugees and in the threat of renewed fighting.

The war, however, does not alone explain the shortcomings of the elections or of democracy in Croatia, and it should not be used as an excuse, as it easily can be, for other problems that exist. Croatia's current political leaders developed in the communist era and perpetuate some of the undemocratic tendencies of that era. Some did well under communist auspices but were able to survive the transition unrepentant with a quick change of political hats. Others, including Franjo Tudjman himself, suffered under the old system, but this did not establish democracy as their priority either. And the one element binding them together -- nationalism -- has so far proven itself to be, on net, undemocratic in Croatia, as it has elsewhere in East-Central Europe and the former Soviet Union. In particular, it has encouraged the division of society into ethnically intolerant parts.

That the 1992 elections in Croatia cannot be held as a model for what free and fair elections should be is not to fault the ruling HDZ alone. The opposition failed to press government officials to hold the elections on more equitable terms and to police the election process through joint observation. While politically manipulative, the government largely kept within legal means, and the lack of a full observation effort did not produce sufficient complaints to call the results into question. As the weekly*Novi Danas* commented in the aftermath of the elections: "In contrast to the opposition, the ruling party's self-love did not get in the way of its shrewdness. . . . The opposition worked toward its own defeat when it agreed to elections in the situation in which Croatia finds itself. . . . [I]t was not sensible enough to ward off the election law imposed on it. . . . The opposition did everything it could to be defeated, and, compared to this factor, all previous objections to the way the election was carried out are of marginal significance."[(11)] Some opposition parties, however, deserve greater blame for this than others, and their collective lack of development as a political force with which the HDZ had to reckon can be more easily attributed to the effects of the war.

In this sense, the elections may be a catalyst in Croatian political development just as they were an indicator of its shortcomings. Problems thought to exist were made undeniably evident, and should be more easily tackled as a result. The large number of opposition parties, which worked to the advantage of the HDZ, will likely decline as those which did not succeed in gaining any representation fall to the side. Those that remain, meanwhile, can be expected to mature politically and organizationally. Representatives of the opposition in the House of Representatives will include capable veterans such as Savka Dabcevic-Kucar and politicians with promising futures, such as Drazen Budisa. And the HDZ itself may be affected. As the first opposition party during the communist period to garner mass support, it attracted a wide range of individuals with differing interests and ideas. Now confirmed in its position as the ruling party, the HDZ may divide into its differing factions, or it may take a different direction itself as new leaders emerge from it.

For the most part, this will depend on President Tudjman himself. The elections could be viewed by him as a mandate to continue present policies, and to consolidate political power through nationalism at the expense of Croatian democracy. As one post-election commentator suggested, "if the HDZ have both the presidency and

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11. Jelena Lovric, "A Croatian Made to Tudjman's Measure," *Novi Danas*, August 7, 1992, pp. 7-10.

parliament, they will understand such a result as legitimization of their authoritarian rule."[12] Especially with the surprisingly lackluster performance of the far right, however, the elections could be viewed as a sign that democratic goals can now be emphasized with less risk and at the expense of nationalist goals at home but also in the Bosnia conflict. Indeed, Croatia is already sufficiently democratic that economic problems at home could create popular pressure on him to do so, as could continuing international criticism from abroad. Indicating the possibility of moving in this direction, Prime Minister-designate Sarinic told Croatian television on August 9 that "the former government worked under war conditions and that the new government is now facing new conditions."[13]

An even more difficult challenge to Croatian democracy will be a reconciliation of Croats and Serbs living in Croatia. Neither side is yet willing to attempt this, as indicated by the manner in which Serbian representatives were chosen in the elections and by the low Serbian turnout. Inevitably, however, reconciliation must take place if Croatian authority is to be reestablished throughout its territory without additional violence or repression. Bringing about this reconciliation, and respecting the rights of minorities so that they find contentment within existing borders, will be the test for a truly democratic Croatia.

The true value of the 1992 elections, therefore, has yet to be determined. While they raised many questions about democracy in Croatia, they may also have given indications of where answers can be found. Whether or not they are found depends on the HDZ and the opposition alike. The international community, with the political, diplomatic and economic incentives at its disposal, could play a useful role in guiding Croatia in the right direction, not only for the sake of building democracy in that country, but also for building greater stability in the entire region.

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12. Zarko Puhovski, as quoted in: Andrej Gustinic, "Tudjman Victory Shows Up Weak Opposition," Reuters Information Service Newswire, August 4, 1992.

13. Zagreb HTV, August 9, 1992, as translated in: Foreign Broadcast Information Service, "Croatia," *Daily Report: East Europe*, August 11, 1992, p. 28.