

Report on Bosnia and Herzegovina Observation Mission



Submitted to IFES

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**December, 2006
Kabul, Afghanistan**

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Acknowledgment:

On behalf of IEC/IECS and the observation group of IEC to B&H we would like to thank IFES specially Mr. Peter William, Mr. Eric Bartz, Mrs. Catherine Kannam and all others, who provide the opportunity for IEC to attend the first formal election observation mission of its type ever. We would like to thank the AECO for the facilities they provide for IEC delegation during their stay in B&H and their warm hospitalities.

Background:

Conducting the 2004 Presidential Election and 2005 Parliamentary Elections were major achievements towards development of democratic Afghanistan by JEMB (Joint Electoral Management Body) played a main roll achieving them.

The JEMB resulted from the temporary merger of the Independent Election Commission (IEC) and the UNAMA Electoral Component (UEC) during the presidential election and was established by Presidential Decree (No 40, 26 July 2003) with a mandate to administer all elections during the transitional period as defined by the Bonn Agreement.

When the elections for the Wolesi Jirga and the Provincial Councils completed, the JEMB has been dissolved 30 days after the inaugural session of the National Assembly, and as of 2006, the IEC has been in sole charge of all election activities in the country. The IEC acquired the status of the state institution with its own financial resources supported through the Afghan National Budget, including salaries of staff, as well as the operational costs of the IEC and its field offices.

Based on Afghanistan Compact (2006) the Afghanistan Independent Electoral Commission should have the high integrity, capacity and resources to undertake elections in an increasingly fiscally sustainable manner by end-2008, with the Government of Afghanistan contributing to the extent possible to the cost of future elections from its own resources. A permanent civil and voter registry with a single national identity document will be established by end-2009. To enable IEC to achieve the goals defined by Afghanistan's compact; IEC needs to have the capacity and resource.

IFES has been one of the main institutions, assisting IEC in different aspects, especially providing capacity building programs. The observation mission funded and facilitated by IFES have been a major step toward capacity building of IEC.

Executive Summary:

After IEC establishment in 2005 the main objectives have been the capacity building of IEC staff. IEC is actively taking major steps toward this objective with cooperation of different international organizations (UNDP, IFES, TAF).

Afghanistan's Observation Mission to B&H was the first Afghan observation mission ever. The IEC observation mission consists of one IEC commissioner (Commissioner Mastoora Stanekzai head of mission) and two IECS staff, Mr. Zekria Barakzai (Deputy Chief Electoral Officer) and Mr. Mohammad Hashim (Head of Legal Department)).

The observation mission was the first mission of its type in the history of Afghanistan. The mission was a major step toward, introducing newly established election institution of Afghanistan to Central Election Commission of BiH as well as to people of BiH and the observers attended the BiH General Elections, from different part of the world. The structure of the BiH Central Election Commission and the success they had while conducting elections after many years of war as a post conflict country were good lessons for IEC.

Introduction:

Based on Afghanistan's constitution, IEC as a governmental Institution is responsible to conduct any type of election and referendums in Afghanistan. IFES (International Foundation for Election Systems) as an International non-profit organization supporting the build of democratic societies, supporting IEC in different ways. The observation mission to BiH funded and facilitated by IFES. The mission arrived in Sarajevo on 27th September 2006 and left Sarajevo on 3rd October 2006. The report covers the information regarding BiH over view, administrative structure of Bih, main activities of mission during their stay in BiH and finally findings and recommendations.

The Observation Mission:

A. Country Overview

- **Full name:** Bosnia and Herzegovina
- **Population:** 4.2 Million
- **Capital:** Sarajevo
- **Languages:** Bosnian, Croatian and Serbian
- **Major Religions:** Islam and Christianity
- **Main Exports:** Wood and paper, metal products

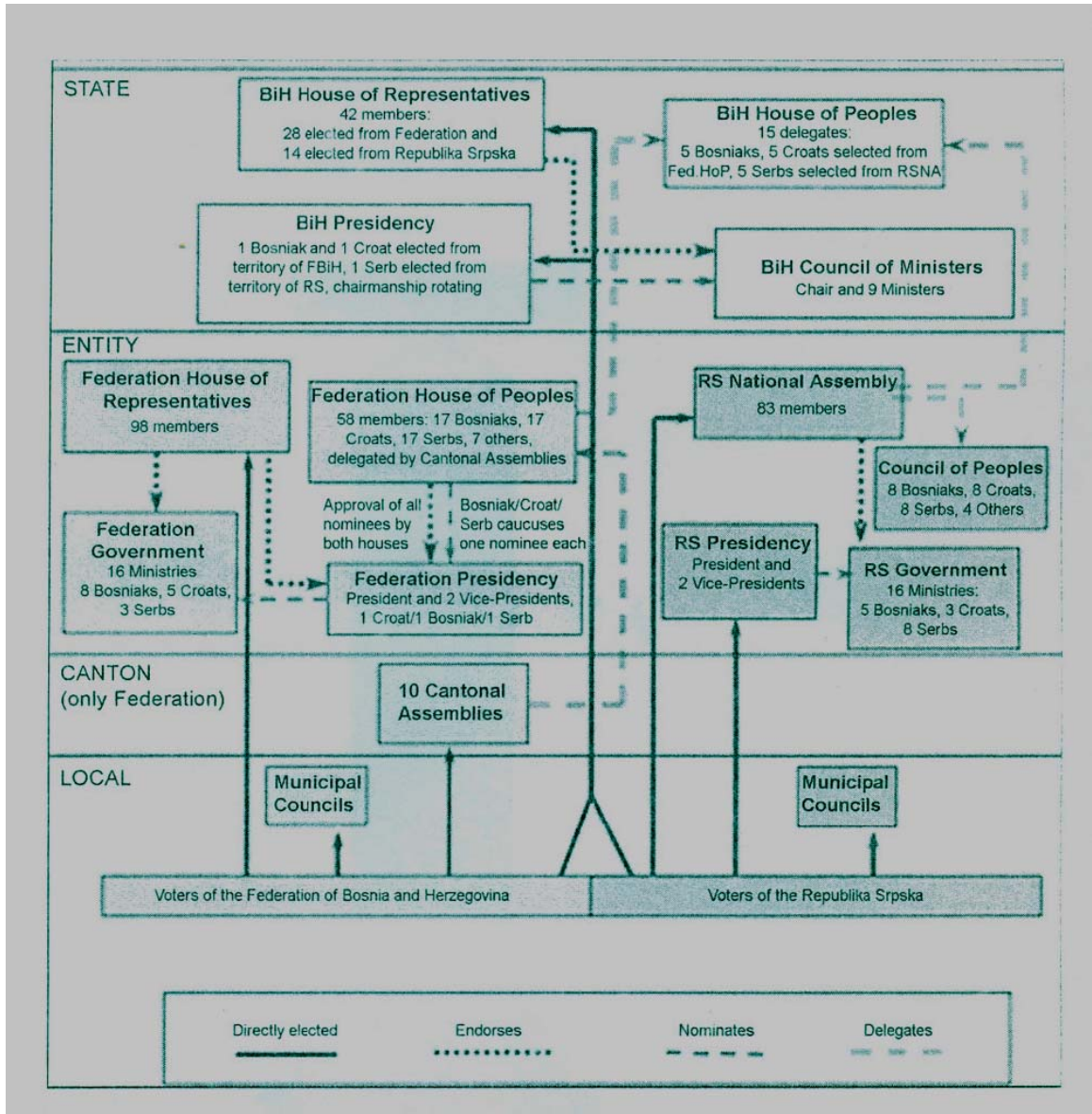
B. Political and administrative Structure of BiH:

The state of BiH divided into two entities

- Republic of Srpska (49% of territory).
- The Federation (52% of territory)

Each entity has its own political structure and administration, with an overarching central government. The central (BiH State) government consists of a Parliamentary Assembly, which is divided into a House of Representatives and House of People. A rotating tripartite presidency, (with one member from each of the constituent peoples – Bosniac, Croat and Serb), and a council of ministers with nine ministries.

1. Political Structure of State



a. Political Structure of Federation

- The political structure of the Federation is divided into three levels:
 - The entity level, with two houses. Parliament (house of Representative and House of Peoples), a president, tow voice president and a government under a prime minister.
 - The Cantonal level, with each of the ten cantons having its own assembly with the power to adopt cantonal law and cantonal government.
 - The municipality level, with each municipality having its own municipality council and administration structures.

b. Political Structure of Republic of Srpska

- At the RS level a National Assembly, a council of Peoples, a President, two voice Presidents, and a government under a Prime Minister.
- The municipality level, all have their own assemblies and administrative structures.

C. Election Administration

1. Provisional election Commission of BiH:

Based on article 3(3) the PECBiH were consisting of:

The Commission shall consist of the Head of the OSCE Mission, the High Representative or his or her designee, representatives of the Parties, and such other persons as the Head of the OSCE Mission, in consultation with the Parties, may decide. The Head of the OSCE Mission shall act as Chairman of the Commission. In the event of disputes within the Commission, the decision of the Chairman shall be final. .

Elections held by Provision Election Commission of BiH:

- General Elections 1996
- Municipality Elections 1997
- General Elections 1998
- Municipality Elections 2000

2. Central Election Commission of BiH:

Based on election law adopted in 2001:

The Central Election commission (CEC) is composed of 7 members – 2 representatives from each of the Bosnian, Croat and Serb ethnic groups, and one representative of “others”, all nominated by the House of Representatives of the BiH Parliamentary Assembly.

Elections held by CEC:

- General Elections 2002
- Municipality Elections 2004

a. Basic Characteristics of the BiH Elections Legislation

- Majority and Proportional System
- Open Lists’ system
- Mandatory representation of women on the candidacy lists (30%)
- Election threshold (3%)
- Multi-member constituencies
- Compensation mandates
- Limitation to passive voting right
- Non-Compliance the Convention on protection of human rights and fundamental freedoms (BiH Presidency and House of Peoples of the BiH Parliamentary Assembly)
- Special rights of displaced persons and refugees (the right to vote for the municipality of the residence from 1991)

b. Election Administration

- 142 Municipality Election Commissions with 504 members
- 4299 Polling Station Committees with 18.668 members
- 4299 Polling Stations with 18.668 members

D. BiH Elections 2006

1. BiH Presidency
2. President and Voice President of the RS
3. House of Representative of the BiH Parliamentary Assembly
4. House of Representative of Federation of BiH Parliament
5. National Assembly of the RS
6. Cantonal Assemblies in the Federation of BiH

- **Electorate**

➤	BiH Federation	1.698.346
➤	Republic of Srpska	981.462
➤	Brčko District BiH	75.399
	Total Voters:	2.755.207

- **Gender Structure**

➤	Female	1.369.547		49.7%
➤	Male	1.385.660		50.3%

- **Voting Options**

➤	Regular Voters	2.678.318		98%
➤	Absentee	26.251		0.95%
➤	By mail	32.317		1.2%

- **Voting Options**

➤	Candidates	7.245		
➤	Female	2.624		36.2%
➤	Male	4.621		63.8%

- **Total Number of Candidates:**

➤	Female	2.624		36.2%
➤	Male	4.621		63.8%

1. BiH Presidency (Majority System)

BiH Presidency is composed of three members:

- One Bosniak and one Croat, who are directly elected from the territory of the Federation and one Serb, who is directly elected from the territory of the Republika Srpska)
- Voters registered in the CVR on the territory of the BiH Federation shall elect a Croat and a Bosniak member of the Presidency, and voters registered in the CVR on the territory of the Republika Srpska shall elect a Serb member)

2. President and Vice President of Reublika Srpska (Majority System)

- Elected by voters from the Republika Srpska.
- Candidates of three constituent people (Bosniak, Croat and Serbs)
- Candidates with the highest number of votes President of RS.
- Candidates of other two people with the highest number of votes- Voice President of RS.

3. Parliamentary Assembly, House of Representatives (42) members (Proportional System)

- | | |
|-------------------------------------|----|
| ▪ BiH Federation | 28 |
| ▪ Five Multi-member Constituencies | 21 |
| ▪ Compensation mandates | 7 |
| ▪ Republica Srpska | 14 |
| ▪ Three multi-member constituencies | 9 |
| ▪ Compensation mandates | 5 |

4. BiH Federation Parliament House of Representatives (98 members, Proportional System)

- | | |
|---------------|--------------------------------|
| ▪ 73 mandates | 12 multi-member constituencies |
| ▪ 25 mandates | compensation mandates |
| | ○ 27 Political Subjects |
| | ○ 1277 Candidates |

5. RS National Assembly (83 members, Proportional System)

- | | |
|--------------|--------------------------------|
| ▪ 62 members | 6 multi-members constituencies |
| ▪ 21 members | Compensation mandates |
| | ○ 30 Political Subjects |
| | ○ 1168 Candidates |

Main Activities of the IEC Observation Mission:

Wednesday 27, September

- Arrival in Sarajevo

Thursday 28, September

- Meeting with General Secretary of Social Democrat Party (SDP)
- Introduction of political system of BiH (Association of Election Officials)
- introduction of Election Law of BiH (Association of Election Officials)
- Introduction of Association of Election Officials (Association of Election Officials)

Friday 29, September

- Meeting with Municipality Election Commission of Stari grad, Sarajevo (MEC Stari grad Sarajevo)
- Meeting with Central Election Commission of BiH (CEC office, Sarajevo)
- Meeting with OSCE/ODIHR and OHR Representatives (Association of Election Officials)
- Observation of campaign activities, Social Democrat Party (Sarajevo)

Saturday 30, September,

- Introduction of Voting and Counting Procedures (Association of Election Officials)
- Visit to Political Party Head Quarter, SDA (Sarajevo)
- Attending a general briefing in BiH Parliament by CEC and a cocktail party (BiH Parliament)
- Informal meeting with election observers from other countries (BiH Parliament)

Sunday 1st October,

- Election Day
 - Observation of polling station (093 A016) Stari grad at 6:45am
 - Observation of following polling stations in Zenica
 1. 093 A062
 2. 093 A 0501
 3. 137 A030
 4. 137 A041
 - Meeting with Municipality Election Commission of Zenica
 - Observation of Counting process in polling station (136 A031)

Monday, 2nd October,

- Debriefing (Association of Election Officials)

Tuesday, 3rd October

- Sightseeing Tour
- Farewell dinner

Wednesday, 4th October

- Departure

Recommendations:

Election observation is an important part of activities of any election management body(EMB). It helps the EMBs to focus on all aspects of conduct of elections, study political and social environment of the visiting countries and helps them to learn about good practices and use it in future elections.

IEC observation mission to Bosnia and Herzegovina was the first observation mission for the IEC and it helped a lot to learn about the election processes in post conflict situations. Central Election Commission of BiH have been successfully passed the transition from UN supported institution to integral part of the state and it was the first independently managed national elections and we learned that the preparation for next election in Afghanistan should start right now with institution and capacity building.

We recommend that the IEC should allocate special budget for observation mission abroad which is a perfect tool to learn and share the information and use best practices of elections in other countries in Afghanistan.

As an excellent experience from BiH we recommend that an Association of Electoral Officials should be established in Afghanistan. There were around 164000 people engaged in the past elections and some core staff of the IEC left the institution. This association will help to keep these people engaged in some election related activities and re-engage them to the process in future elections in the country.

Once again we want to thank IFES for its restless efforts to help the IEC and hope that it will provide more opportunities for the IEC staff to go on study tours abroad and observe election in other countries.

We specially thank Association of Electoral Officials of Bosnia and Herzegovina in particular Irena Hadžiabdić, Žarko Ardjelan, Nada Hadjimehic, Zvezdana Dragović and Ernes Jusović for the hospitality and great contribution during our visit.