

**ELECTIONS IN THE
REPUBLIC OF CROATIA**

2 AUGUST 1992

*Report of
The International Republican Institute*

IRI CROATIAN REPORT

THE ELECTIONS 2 August 1992

On 2 August 1992, voters living on the territory of the Republic of Croatia and Croatians living abroad elected the President of the Republic and 124 deputies for the House of Representatives of the Croatian Sabor or parliament. The second chamber of parliament, the House of Parishes, will be elected at an undetermined future date. For the elections, there were three ballots: the presidential ballot with eight candidates, the party list ballot with 17 parties fielding complete lists for proportional distribution of half of the seats in the House of Representatives, and ballots for individual deputies from the 60 single-member districts in the country and the four minority districts.

Executive Summary

As part of the International Republican Institute political assessment in the Republic of Croatia, four IRI representatives divided into two teams to consider and report on the election process and assess the political situation. Two representatives, who also observed the 1990 Croatian elections, remained in Zagreb to conduct discussions with the political parties, the federal election commission, the United Nations, and other relevant officials. Two IRI representatives travelled to the Split region to assess the political situation throughout the region including in the United Nations protected areas and "pink zones."

Assessment team members gave special attention to the development of a democratic system since the 1990 general elections, including the substance of the election laws and the application of election procedures, the ability of eligible voters to participate in the process, and the relative strength of the ruling party and the various opposition political parties.

The opposition political parties were especially concerned with the timing of the elections, and the IRI team shared their concern. Additional concerns voiced during the assessment include:

IRI CROATIAN REPORT
PAGE TWO

- [1] Technically, the 2 August 1992 elections were not an improvement over the 1990 general elections. In the opinion of the IRI team, these elections were not administered as fairly as the previous elections, fell short of the guidelines used to measure free and fair elections in Eastern Europe, and prevented significant progress toward the establishment of a democratic electoral system in the country.
- [2] However, the opposition political parties are larger and better organized than during the 1990 elections, which is evidence of the building of a pluralistic political party system. Nevertheless, the ruling Croatian Democratic Union (HDZ) is still a national mass movement rather than a Western-type political party. Furthermore, IRI representatives were particularly concerned that Croatia seems to be governed more by a political party, the HDZ, rather than a representative government.
- [3] Some parties complained of a great disparity in the availability and accessibility to funding between the ruling party and the opposition. This disparity was particularly obvious in the ability of the opposition to purchase time for television and radio spots. Furthermore, the opposition had numerous complaints about the distribution of the state-owned media for election purposes, the distribution of election funds, and told of difficulties with raising private monies. IRI observations seemed to give credence to these opposition concerns.
- [4] The opposition claimed that the electoral law obviously favored the ruling party, and the law left open the opportunity to dramatically affect the outcome in favor of the ruling party if the results were close. The greatest areas of concern were in emigree voting and in the voting procedures for persons displaced from the occupied areas of Croatia.

For these elections, the federal election commission and the subservient commissions were composed entirely of "independent" representatives, and the opposition questioned the way these "independents" were chosen. The federal election commissioners and the majority of commission members on the district level were judges, who according to law must be independent, but, in fact, owe their positions to the state. Other election commissioners were teachers and intellectuals. Therefore, many opposition sources claimed these "independent" representatives were only straw-men for the HDZ, if only because their jobs are controlled by the state.

IRI CROATIAN REPORT

PAGE THREE

Some of the decisions of the federal commission on application of the election law and implementation of electoral procedures called into question the legitimacy of the election process. The IRI notes that these concerns include application of the citizenship laws to the voters, participation of displaced persons in the voting, composition of the voter registries, the media, civic education, and some instances of intimidation.

IRI Findings

One of the most controversial aspects of the 1992 Croatian elections was the date chosen by the government. According to the office of President Tudjman, the president was obliged by the new Constitution to call elections at this time, however Article 141 of the Constitution says:

... Elections for the Croatian Sabor and the President of the Republic shall be called in accordance with the electoral laws, which shall be passed not later than one year after the promulgation of this Constitution.

The opposition argued that Article 141 does not mention the scheduling of the elections. The Constitution only requires the electoral laws be promulgated before 22 December 1991. These laws were not promulgated until 15 April 1992, which was in violation of the Constitution. According to the opposition, the Croatian government did not meet the constitutional requirement for passing the election laws. Yet, when politically opportune, the government did not hesitate to schedule elections under the pretense of following the new Constitution.

These elections seemed to be designed to launch the HDZ as the viable "democratic" leadership of Croatia, rather than to assure a open, fair, and representative election process. After these elections, there exists questions over the institutionalization of democratic elections in Croatia. Some important election concerns include:

- [a]** The elections were scheduled during the annual August holiday period.
- [b]** The country remains in war conditions.
- [c]** There was an unusually short period of time between the announcement of the elections and election day itself. This made it difficult for the opposition parties as well as election administrators to prepare for the elections.

**IRI CROATIAN REPORT
PAGE FOUR**

- [d]** Because the distribution of districts for the second chamber of the Sabor (the House of Parishes) is not complete, only the House of Representatives could be elected.
- [e]** One-quarter of the territory of the country is under Serbian occupation, and approximately 400,000 Croats are displaced from their homes. Furthermore, Serbs living in the occupied territories were unable to vote, while complex procedures were implemented to allow those of Croatian nationality from the same areas to vote.
- [f]** The government has not issued identity cards to all Croatian citizens.

The August Election Date: The opposition complained that the timing of these elections, during the annual August holiday period, was not conducive to holding a representative elections, because many potential voters were on vacation and would not be in their home town to vote. Furthermore, the opposition noted that there is no precedent for holding August general elections in Europe, and the last August elections in Europe were held in Sweden in the 1920s. According to some, the lack of interest and faith in the legitimacy of the election process also would keep many potential voters away from the polls. This is especially evident as preliminary results indicate that, of about four million voters eligible to participate in the elections, only 2.5 million voters cast ballots for the President of the Republic and 2.3 million cast ballots for the House of Representatives.

The IRI believes that the short period of time between the announcement of the elections and elections day was detrimental to conducting genuinely representative elections in the present Croatian political environment. If the Croatian government wanted to make the transition to a democratic parliament as outlined in the new constitution, the transition should have been made in both parliamentary chambers simultaneously. In the five month period between the election of the House of Representatives and the projected December 1992 elections for the House of Parishes, the legitimacy of any legislative action could easily be called into question.

Displaced Persons: The IRI believes that the Croatian government should not have attempted to hold such important presidential and parliamentary elections when one-quarter of the territory of the country is under occupation, and approximately 400,000 Croats are displaced from their homes because of the occupation. Exacerbating the problem was the short period of time to organize the voting and the complexity of arranging voting procedures for the displaced populations. The opposition parties reiterated IRI concerns on the subject and gave tangible examples of their concerns on the voting for refugees.

IRI CROATIAN REPORT PAGE FIVE

For the elections, the approximately 400,000 displaced persons voted at special polling stations established according to the voters' town of origin in the occupied territories. Adding to the confusion, the displaced persons not only voted for the president and party lists (at separate polling stations), but also for individual representatives from their home towns. As an example, those displaced persons from Vukovar living in a refugee center on the outskirts of Zagreb cast their ballots at a polling station in the center of Zagreb. The voter registry for those from Vukovar was composed by the local agency to administer aid for the displaced persons, although there were no guarantees of the aid distribution lists. These refugees would then cast three ballots, one for president, one for the proportional distribution of seats in the House of Representatives, and one for the elected representative of Vukovar. There were hundreds of displaced voting centers throughout the country and in neighboring countries where refugees were living. In each area, the refugees voted for their representative, as well as for the president and a party list.

On election day, the IRI made special note of the low voter turnout at the displaced persons' polling stations, some confusion and some intimidation of election commissioners at the polling stations, the absence of voting booths, and incomplete voter registries.

Upon analyzing preliminary election results, the IRI is especially concerned that in some cities in the occupied territories as few as five voters elected a representative to the House of Representatives. Voter turnout was extremely low for all of the displaced voting populations. The average number of voters participating in district elections throughout the country was 34,014, while the number of participating voters varied from five to 80,388. The IRI is especially concerned that the disparity in number of electors participating in the 2 August 1992 elections may call into question the principle of *one person, one vote*, because, while one district representative may have been elected by 30,000 voters, another was elected by only five voters. Adding to the concern, no district maps were available from the federal election authorities, and, upon further research of the district size and composition, these facts may lend credence to opposition claims of gerrymandering.

Identity Cards and Voter Registries: Croatian identity cards or "domovnicas" have not been issued to all citizens, and, although no requests for citizenship cards have been rejected by the Croatian government, over 200,000 applications have not been accepted. The IRI also heard accusations that in some areas domovnicas have not been issued to any citizens.

IRI CROATIAN REPORT

PAGE SIX

IRI team members were particularly concerned that the voter registries were not posted for public inspection prior to the elections. Compounding the concern, opposition political parties reported that these registration lists were not available to them before the elections. If a voter was unsure of their inclusion on voting lists, then the individual was required to check with the local municipal authorities prior to election day.

The IRI was unable to gauge the overall accuracy of the voter registries. According to opposition sources, the public was not well informed of the process, and many potential voters did not check their registration with the local authorities. According to IRI observations, however, it is apparent that some voters, especially displaced persons, were disenfranchised. In some cases, the potential voters were confused over the process of being included in the voter registries. Others did not take the time prior to the elections to assure their official documentation was in order. Some were not aware that they would be included in voter registries. In any case, a comprehensive civic education campaign would have alleviated many of these problems.

A week before the elections, the federal election commission issued a clarification concerning the use of voter identity cards for voting. At the same time, the election commission announced that the voter registries would be composed of those who voted in the 1990 general election and in the 1991 referendum. According to the clarification, a potential voter was required to show either a Croatian passport, a former Yugoslav passport with proof of Croatian nationality, a domovnica, or an old identity card to receive ballots. On election day, the IRI teams noted that identification was not required to receive ballots at all polling stations.

In order to resolve individual omissions on the voter registries, some polling stations had an official of the local municipal government available on-site to issue papers allowing individuals to vote. At other polling sites, a voter not appearing on the voter registry would be required to receive official documentation from the local municipal building, then return to their polling station to vote. Some municipal buildings seemed to be particularly overcrowded on election day; however, the IRI was not able to ascertain whether the crowds discouraged potential voters from waiting in order to receive the necessary documentation.

Election Administration: The IRI team was particularly concerned over the administration of the Croatian elections, and some of the more important concerns were:

**IRI CROATIAN REPORT
PAGE SEVEN**

- [a]** Election officials were not trained.
- [b]** Polling station locations and election commissioners were not announced until three days before the elections.
- [c]** The election commissions were composed entirely of so-called "independent" representatives.
- [d]** Each voter had to cast ballots at two separate polling stations, one station for the presidential election (1 ballot), and one station for the House of Representatives (2 ballots, one for the proportional distribution of seats and one for the district representative).
- [e]** Reports indicated ballots were not produced under controlled circumstances. There were no control stamps to assure authenticity of the ballots.
- [f]** Outside of the territory of Croatia, elections were administered under questionable conditions and in unofficially monitored locations.

The Croatian government and the federal election commission seemed unable to plan and administer the viable elections in the short period of time between the announcement of elections and election day. According to the federal election commission, the commission barely had time to issue written procedural instructions for the subservient election commissions and did not have the time to train election administrators on the local levels. On election day, the untrained polling station election commissioners showed a lack of familiarity with election administration, and the problem was especially evident during the vote counting process.

According to Article 34 of the election law, the polling station locations and their election commissioners should have been announced five days prior to the elections. In fact, these announcements were not made until three days before the elections. The mandate of five days for preparing the polling stations is short; however, the late announcement of polling stations, according to the opposition, was detrimental to planning and implementing effective poll watcher and civic education campaigns.

For the 1992 Croatian elections, all election commissioners, from the federal body to the individual polling stations, had declared themselves to be "politically independent." Although the political party poll watchers were able to observe the

IRI CROATIAN REPORT PAGE EIGHT

voting and counting in Croatia, their effectiveness was diminished because there was no liaison between election authorities and the political parties, and announcements on polling stations were made late. Therefore, the political parties were unable to adequately instruct their poll watchers regarding the stipulations for scrutinizing and commenting on the activities at polling stations. In fact, the political parties still have many unanswered questions about the rights of their poll watchers.

According to the political parties, they did not have direct access to information on the elections, and, according to the federal election authorities, the political parties were required to seek any information in the official newspapers and through the state-controlled media. The day before the elections, the IRI noted confusion on the part of the national leadership of the opposition political parties concerning the polling stations, the poll watchers, and the voter registries. These problems could have been alleviated if representatives of the political parties had been represented on the federal commission and all subservient commissions.

The IRI noted HDZ party representatives or poll watchers observed voting at almost all polling stations on election day, and believes that the organization of the ruling party coupled with their ability to obtain information on the polling stations was responsible for the large participation of HDZ poll watchers. The Croatian Social Liberal Party (Budisa) and the Croatian People's Party (Kucar) party representatives also observed voting in a large number of polling stations, however, both parties indicated concern over the lack of information on the elections from the federal election commission.

On the day before the elections, there were persistent rumors in Zagreb that the ballots would not be counted at individual polling stations but, rather, counted at the district or regional election commissions. The opposition parties were especially concerned with the possibility, because the ballot boxes would be transported without opposition party supervision and before any preliminary results were known.

In the opinion of the IRI, such rumors were indicative of a larger problem with the Croatian election process. The election law did not allow a fair opportunity for all of the political parties to equally participate in the electoral process. In other former communist countries, especially in the Balkans, the majority of election commissioners at all levels have been representatives of the major political parties. Such representation indicates the government's willingness to achieve a balance between major political forces. The official responsibilities of these election commissioners are not only to oversee the application of election procedures but also to disseminate information on the election process to their party leadership. Even in the 1990 Croatian elections, the political parties had representatives on all election commissions.

**IRI CROATIAN REPORT
PAGE NINE**

Two Polling Stations: On election day, each voter was required to cast ballots at two different polling stations. In most instances, the two stations were in the same building; however, there were approximately 6,000 polling stations for the presidential elections and approximately 6,400 for the House of Representatives. Excluding the number of "independent" election officials required at the regional level, there were approximately 74,400 election officials necessary to administer the elections.

The IRI remains unsure of the rationale for holding two separate elections simultaneously. Members of the federal election commission claim that the election laws required voting at separate stations. According to the preliminary election results, over 200,000 more voters participated in the presidential election than in the elections for the House of Representatives, and the IRI believes that the requirement to vote at two separate stations only added to the already confusing electoral process.

Ballot Security: The IRI was particularly concerned over ballot control and security. Precedent dictates ballots are produced under controlled conditions and either ballot control stamps with separate numbers for each polling station are applied to the individual ballots, individual district stamps are applied at a central location to the ballots, or voters use a special "vote" stamp to indicate their choice of candidates.

In Croatia, the federal election commission told the IRI that the ballots for the whole country and for international voting were produced in Zagreb. [Opposition reports indicated that the printing house was owned by a major HDZ contributor.] No individual control stamps of any sort were applied to the ballots. In contrast to the federal election commissions report, the opposition complained, after the elections, that the ballots were produced in the districts under uncontrolled conditions. In either case, the IRI determined that the production and control of ballots could not ensure ballot integrity.

On election day, the IRI observed, at both the polling location and district election commissions, there were no stipulations for determining when a ballot would be declared invalid, and rulings on the validity of ballots were not evenly applied within individual commissions.

Emigree Voting: Croatians living abroad could vote in the August elections, providing they could held Croatian passports, a former-Yugoslav passport showing Croatian nationality, or "official documentation from the government of Croatia." This official documentation was not limited to sealed notices of the ownership of property, but, according to the federal election commission, "the documents had to be official."

IRI CROATIAN REPORT PAGE TEN

According to Article 5 of the election law:

Exercising of voting rights shall be ensured, in the elections for representatives, in diplomatic and consular representative office and offices abroad of the Republic of Croatia for those voters who find themselves outside of the frontiers of the Republic of Croatia at the time of elections...

For the elections, 111 polling stations abroad were established, and voters could cast ballots for president, proportional state lists, and district representatives when documentation of their home in Croatia was available. Over 200,000 ballots were sent abroad for the elections.

Although the election law stipulated that balloting would be conducted at diplomatic and consular offices abroad, the majority of polling stations in fact were set up in churches, Croatian cultural centers, schools, and some private homes. No background on the election officials seemed to be known, but the opposition was particularly concerned that the approved Croatian diplomatic officials abroad are all loyal HDZ supporters.

Numerous rumors circulated among the opposition concerning the emigree vote. In the opinion of the IRI, the procedures for abroad voting were not clearly outlined. The federal election commission only provided copies of the election law for the election administrators. With the emigree vote, the IRI was particularly concerned over issues of election administration and ballot security. Questions still exist over whether those of Croatian nationality, but citizens of Bosnia-Herzegovina, were allowed to vote.

Military Voting: The IRI visited polling stations on army and naval bases in the country, and, unlike practices in other countries in the region, these military elections were conducted by uniformed officers, not civilians. There did not appear to be open intimidation at the military polling stations, and a small number of political party poll watchers did observe the voting. However, there were no individual voting booths in the military polling stations, and there did exist some confusion in the procedures for voting. The opposition complained that some high ranking military officers were candidates for the parliament. Finally, no campaign activities were allowed on the military bases. Although soldiers interviewed by the IRI indicated they knew about the candidates would be able to cast ballots in an educated manner, the IRI was concerned about the general framework for military voting, particularly the lack of civic education for the conscripts and the military administration of the elections.

**IRI CROATIAN REPORT
PAGE ELEVEN**

The Minorities

Article 10 of the Croatian election laws provides for representation of all minorities in the Parliament. According to the law, any minority population with over eight percent of the total population in the 1981 census should receive representation proportional to the population in the parliament. The Serbian minority is the only minority group eligible for proportional representation, and 11 percent of the Croatian population in 1981 was Serbian. Therefore, 13 parliamentary representatives should be of the Serbian nationality.

Because the majority of Serbs live in the occupied territories and have formed their own governmental organizations, the largest minority did not participate in these elections. Nevertheless, according to the federal election commission, 13 parliamentary seats will be distributed to representatives of the Serbian nationality. These representatives will be chosen from the state party lists by the election commission.

The ruling Croatian Democratic Union and the Croatian Party of Rights were the only parties who did not have any ethnic Serbs on their party list. Following the elections, federal election authorities will assure that the requisite number of Serbs are included in the Parliament from the Croatian parties which fielded Serbian candidates. The IRI is particularly concerned about the process of including members of the Serbian minority in parliament, because the representation is merely token and is not reflective of the will of the Serbian community in Croatia.

IRI CROATIAN REPORT PAGE TWELVE

Conclusions

The IRI observed numerous inconsistencies in the Croatian election process and deviations from standard practices of "free and fair" elections. Although the IRI found conclusive evidence about many inconsistencies in the election process, IRI representatives did not receive satisfactory answers to a number of questions. In forming conclusions on the elections, some serious open questions remain:

- Why did the government insist on holding elections at such an inopportune time? When the opposition complained over the date, why was a compromise not sought?
- Why was the decision made for displaced persons to vote for direct representatives as well as the president and the state list, especially considering: the election procedures for displaced persons were complex; there were large numbers of ballots for constituencies in the occupied territories loosely floating around the country; and the Serbian minority was completely excluded from voting in the elections?
- Why were all members of all election commissions "independents," especially considering that in 1990 political parties had representatives on all election commissions? Under what rules were "independent" individuals designated? Who selected the "independent" election commissioners?
- Why did the federal election commission not set as a priority the training of regional election officials and officials for the polling stations?
- Where were the ballots produced? How was their production controlled? Who distributed the ballots? How many ballots were produced and who was responsible for accountability?
- Why did the government, through the state-owned media, not provide more civic education on the election procedures, especially considering the complexity of the process?
- Why were polling station locations and personnel for those stations not announced in a timely fashion and according to the provisions of the electoral laws?
- Why were the voter registries not produced at an early date and made available to all political parties?
- What assistance did the government receive from United Nations protection forces (UNPROFOR) in the administering the elections?