

PRESIDENTIAL ELECTIONS, CROATIA

February 7, 2000, 2nd round

Citizens of Republic of Croatia were electing on February 7, in the second round of the Presidential Elections their president on around 7000 polling stations in Croatia and abroad. The whole of Croatia was one electoral unit, and in the second round two candidates who won the majority of votes in the first round fought for the presidency: Stipe Mesić(CPP) and Dražen Budiša(CSLP-SDP).

About 3.8 million voters were registered in the electoral rolls in Republic of Croatia, and about 350 000 in the electoral rolls abroad.

About 400 international and more than 4000 NGO monitors, among which 4000 were registered by GONG, monitored the elections.

INTRODUCTION

About 4000 GONG monitors organized in 13 regional offices monitored the Presidential Elections in Croatia. **About a hundred mobile teams** visited 1 170 polling stations not covered by GONG monitors or polling stations where some problems or misunderstanding appeared. GONG monitors also monitored the Elections abroad in: Bosnia and Herzegovina, Germany, Italy, The Netherlands, Austria, Slovenia, South African Republic and France.

On 5% statistically chosen polling stations in Republic of Croatia, GONG also had so called "PVT monitors", who had to report the results by phone in the agreed way after votes were counted and minutes done. The results were processed by computer experts, statisticians and consultants in "PVT Center" and reported at the press conference at midnight on February 7, 2000.

The importance of the Presidential Elections in Croatia, and the great interest in the results of the second round shown by the citizens, NGOs, media, and International Community, contributed to the high turnout rate of the citizens of Croatia. The citizens and the majority of polling committees were well informed on the election process and showed maturity which was seen in the respect of the election procedure, political culture and tolerance on the Election Day. The State Electoral Commission and other electoral committees also contributed by their organization and work, which was both transparent and open not only towards the candidates but also towards NGOs and media.

GONG Central Office maintained good relations with the State Electoral Commission, Town and Municipality Electoral Commissions and with the majority of polling committees. The electoral commissions and majority of polling committees helped us in solving minor problems on some polling stations.

From the beginning, GONG was very well organized, and carried out monitoring and reporting in a planned way without any major mistakes or problems, so that the most of the monitors' and mobile teams' reports arrived to our regional offices in the night from February 7, to February 8. On February 7, at 20:30 GONG PVT Center had the election results based on the results from 5% of all polling stations in Croatia. The deviation from the official results was 0.9%.

This preliminary report is based on the reports that arrived from the regions during the night of February 7, and also on the phone reports on crisis situations from our monitors and other unanonymous citizens. This preliminary report was written before the final overview of each report

and the final report cannot be established until report from each polling station is checked, and official results publicized and confirmed.

SUMMARY

GONG's global overview is that the elections were conducted correctly, and the Election Day passed without any problems. We have to stress that the noted irregularities did not appear as often as in the first round of the Presidential Elections, and had no influence on Election Day.

Majority of the election process' elements showed a positive step forward in their work in comparison with the first round. Their work ranged from correct to very satisfying. Political campaign was carried out in a tolerant way concerning both persons and programs. Unfortunately, some media deliberately disobeyed the election silence, which can be viewed as unprofessional and against the rules of the election process.

From the Day of Election Calling, through the Obligatory Instructions to Election Day, election procedure was carried out very correctly and the work of electoral commissions was transparent and independent. The Obligatory Instructions explained some parts of the election procedure in a much better way than the Election Law due to some outdated instructions from the Election Law.

The citizens were much better informed on the election procedure, and the majority of polling committees did their work in a very professional and impartial way. Small number of crisis situations, and very tolerant and democratic atmosphere on the Election Day has shown that Croatia made a big step forward in fulfilling its international obligations, as also in approaching closer to the countries of west democracies. General atmosphere and all the elements of the election procedure can be viewed as very positive, with the hope that tolerance, rule of law, freedom of media coverage, and the citizens' political culture will become an integrative part of all future elections.

GONG

GONG is a non-party, independent and nongovernmental citizen organization founded in 1997 with the aim of independent and non-partisan election monitoring in Croatia. GONG not only educates citizens on their election rights but also promotes the importance of election monitoring with the aim to ensure just election procedure, discovering of possible irregularities and manipulations, and strengthening of citizens' trust in the election institutions and raising the political culture of the citizens of Croatia.

By now GONG has monitored eight local and state elections in Croatia, and five elections in other countries through which it gained the valuable experience in the preparation and education of the large number of monitors for the past parliamentary and presidential elections.

In 1997 GONG was not issued the permission from the State Electoral Commission to monitor elections inside the polling stations on the elections for The House of Counties, for Local Government and Presidential Elections. Only in October, 1998 after the court appeal to the Constitutional Court of Republic of Croatia, due to the rejection of the permission for the monitoring of the Elections for County Assembly of Dubrovačko-neretvanska County, was GONG given the permission for legal election monitoring. Following the Constitutional Court recommendation, the State Electoral Commission allowed non-party monitoring of all local elections in its Obligatory Instructions.

New Election Law made GONG aware of the possibility for the non-party monitors to become the legal subject on the elections. After the campaign that lasted several months GONG succeeded in the acceptance of Article 107 in the Act for the Parliamentary Election, which regulates the rights and duties of the non-party monitors and which in fact makes 1 of the article by which GONG wanted to ensure election monitoring by non-party monitors in all relevant political

subjects. The State Electoral Commission issued permission for the election monitoring to all interested NGOs, although The Act for Presidential Elections of Republic of Croatia knows only party election monitoring.

As a part of GONG's campaign "We citizens monitor" for the Parliamentary Elections which began in June 1999, GONG opened 13 regional offices, which made him the only NGO in Croatia with the network that has covered the whole of Croatia, and even those regions without NGO presence. GONG participated in the Parliamentary Elections with 5000 monitors, majority of whom also monitor both round of the Presidential Elections, and in the meantime 1000 new monitors were registered.

During its work GONG has maintained good relations and has been supported by many international organizations, and the majority of NGOs in Croatia. GONG has been financed by 15 different institutions (USAID-OTI, EU, OSI, Westminster, Freedom House, NED, Embassies of Canada, Japan, Great Britain, The Netherlands, Norway, USA and Greece) and by the Office for NGOs of The Government of Republic of Croatia. GONG has been also supported by many institutions and organizations from Croatia: private companies, numerous local independent newspapers, radio and TV stations, rent-a-cars, computer companies, hotels, unions and shops. We emphasize the big help that we received from Microsoft, HTV and Intercontinental Hotel.

LEGAL FRAMEWORK AND ELECTION PROCEDURE

Parallel to the preparations for the Parliamentary Elections the process of the Election Calling took place, which showed flaws in some instructions of the Constitution of Republic of Croatia, which did not precisely define the condition of the President's disability.

Election Law

The Law for the Election of the President of Republic of Croatia from 1992 has shown its flaws and a necessity for the new law which would give very detailed description of the election procedure, and not only the outlines. The Law does not state where, how and who can collect the signatures for the presidential candidacy, which caused the inequality among candidates and had influence on the voters, especially on those employed by public institutions where some candidates collected signatures.

The Law states that election and polling committees' members cannot be party members, but since there are no public registers of the party members, and even the State Electoral Commission has no right to check the memberships, it is almost impossible to check whether somebody is a party member. The Law on the MP Elections to Croatian Parliament created the multiparty election bodies, which enabled just participation of political parties in the elections' organization, and lowered the possibility for manipulation.

The Law enables the presence of party monitors, while the presence of non-party domestic monitors is not regulated. The Law on the MP Elections does not give a detailed description of rights and duties of non-party monitors, but it could be used as a good basis for the rule regulation, although I consider it still has many flaws that have to be regulated by the State Electoral Commission.

The Law does not ensure result reporting for each polling station, which lowers the election procedure transparency. Therefore all citizens and interested parties do not have the equal access to information. But, the State Electoral Commission has promised to report elections results for each polling station, which is very positive step in the updating of the instructions of the outdated Election Law.

Election procedure

According to the Election Law, the State Electoral Commission has been constituted as the highest body in the election procedure, in the same constitution as on the Parliamentary Elections, but without the extended part, which was made of the representatives of political parties.

The State Electoral Commission proved in its work during the election procedure effort for the conducting of transparent and in that way free and just elections, despite the difficulties as the imprecise Election Law and short deadlines. Especially we have to mention the Coordination for Monitors that did all the possible to ensure the access to the polling station to all its monitors on time. We are very satisfied that the State Electoral Commission has acknowledged GONG's suggestions related to changes of the members of polling committees who were uneducated or unprofessional, and also those concerning the changes on some polling stations.

Foreseeing the importance of nonparty monitoring the State Electoral Commission gave the right to NGOs to monitor elections in its Obligatory Instructions. Constitutional Court of Republic of Croatia disabled the State Electoral Commission to restrict the number of monitors due to the size of some polling stations, which surely contributed to higher transparency and public trust in the election procedure, since every political party that had a candidate on the elections had the right on having at least one monitor on each polling station.

The State Electoral Commission accepted GONG objection on several questions. The most important was the issuing of the copy of the minute to all the monitors on each polling station, which was one of the basic GONG goals for the future election procedure.

In the election procedure, the legal uncertainty of the citizens was caused by the inability to vote. This was caused primarily by imprecise and inadequate law regulations, which was especially characteristic for the first round.

After the decision that the electoral rolls used in the first round should be also used for the second round, GONG propose to the State Administrative Office for the State Administration and Local Self-government longer deadlines for signing in and out of the electoral rolls, which has been done. The citizens were issued certificates for voting outside the place of their permanent residence almost three day before elections, which a great progress since in the first round such certificates were issued until only ten days before elections.

According to the information received from some citizens, *some polling committees did not visit the old, ill or handicapped*, but in a much lower number that in the first round. We believe this was due to good weather conditions, but also to the decision of the Constitutional Court of Republic of Croatia, by which « the informing on time » of the polling committees is any time from 7 a.m. to 7 p.m. on the Election Day, and not allowing somebody to vote is punishable by law.

The State Electoral Commission published the Obligatory Instructions for voting outside Croatia, by which it stated documentation needed for voting. Since those obligatory instructions give additional elements to some instructions of the Law on the Electoral Rolls, their intention was to prevent double voting, which is positive, but again shows the need for more precise laws. The institutions responsible for the electoral rolls were opened all day long during Election Day, but again the special attention was not given to the tome differences between Croatia and other countries where voting was held.

POLITICAL CAMPAIGN

The overall view of the presidential campaign is positive. The center of the campaign moved to the personality of a candidate, and not to the party membership and ideology as on the previous elections.

The candidates agreed on the most important questions concerning democratic development of Croatia. Economic issues, civil freedom and civil societies were positively presented.

Media presented in mostly satisfying way both candidates. The most interesting parts were their confrontations. But again, the appearance of some articles, which were in contrast with journalist ethics and professionalism in some media, directly caused the harm to one of the candidates, by which he was brought into an unequal position. We do not question their truthfulness but such articles should not have been published in the time prior to the election silence.

Since the breach of the election silence is not regulated by law, some media, but also the Presidential Candidates Election Headquarters, deliberately breached the election silence. The State Electoral Commission reacted by issuing warnings on the breach of the Obligatory Instructions.

VOTING AND COUNTING OF VOTING PAPERS

This report is based on the reports of regional offices, mobile teams and nonanonymous citizens. Polling stations were opened on time, and the majority of polling committees received all the necessary materials. A small number of polling stations received smaller number of voting papers than the number of citizens registered in the electoral rolls, which had no influence on the voting process, since the turnout was not 100%.

In the second round of the Presidential Elections we received only seven crisis reports, and all irregularities appeared in much lower extent than in the previous elections. Only serious reports came from the officers of the Ministry of Interior Affairs, who were not able to vote due to their working hours, but by contacting the Ministry and the Minister Lučina the problem was solved.

The citizens were much better informed, and the majority of polling committees did their job very professionally and impartially. The atmosphere on the polling stations, according to the information received from our monitors, was positive and tolerant.

Some irregularities:

- breach of the election silence from media
- voting without identification documents
- out-of-date electoral rolls (death, emigrated...)
- presidential candidates posters near the polling stations
- incorrect behavior of some polling committees to GONG monitors
- inappropriate look of polling stations (inadequate place, lack of screens, pictures on the walls...)
- not visiting old and ill people after being notified
- more voting papers in ballot boxes than the number of people who voted
- group voting
- in the refugee camp Blace (1460) the voting was again not organized, as also the transport to the closest polling station

On these elections the majority of polling committees showed good understanding of the election procedure, law and rules, and the majority of our regional offices, except the offices in Zagreb and Daruvar, consider the polling committees better organized and prepared for cooperation than on the previous elections. Croatian citizens living in the rural areas were not that well informed on the election procedure and rules, which is very important information for the future work of governmental institutions and NGOs.

We informed the State and Town Electoral Commissions on the all crisis situations and reported irregularities. We also contacted the Ministry of Interior Affairs and OESS and all the other parties involved and we emphasize the excellent cooperation with all the institutions stated above. We have been very happy that citizens again called, reported and made comments. Furthermore we have been very happy because we were also consulted for help by the employees of public institutions and ministries.

SUGGESTIONS

Changes in the Law for the Presidential Elections in Croatia are necessary for the future democratic achievements.

Since we were not able to prove party memberships and since party members were able to freeze its memberships, the nonparty polling committees come in question. Since the State Electoral Commission considers these nominations legal, it is necessary to ensure in the every future Election Law the equal presence of all political parties and independent candidates through multiparty bodies in the organization of elections.

As some election law regulations are very closely related to the electoral rolls, by this we want once more to emphasize the necessity for the development of the records of the central electoral rolls. The electoral rolls should be base on the recent census and the nationality of voters should not be the part of the electoral rolls, because they threaten the right on privacy. The Law on the Electoral Rolls from 1992 requires urgent changes, and the electoral rolls should be public property available to all political parties, candidates and NGOs registered for election monitoring. The majority of polling stations have not changed from the previous elections, and therefore GONG thinks that polling stations should be permanent so that voters could know where they are going to vote. If some changes should occur voters should be informed on time. Furthermore, some polling stations were inadequately prepared for the elections, which is mostly caused by the inadequate location, and therefore the polling stations should not be located in private houses, veterinarianian stations, religious objects, catering objects and similar.

The financing of the political campaigns and independent candidates should be publicized and legally regulated in order to avoid manipulations concerning private donations and conflicts of different interest groups. Foreign donations should be especially regulate by law and publicized. Since both presidential candidates made the same promise, we hope that this data will soon be published.

These elections show that holding of three elections within a month had an important influence on the professionalism and resourcefulness of polling committees and citizens. As impartial, domestic monitors, we are very proud of the second round of the Presidential Elections, which was carried out even better than the first round, although the first round was better than the Parliamentary Elections.

Organization and carrying out of the elections can be viewed as a very positive, and the turnout of the citizens who went to the polls for the third time in the last month and showed their awareness of the importance of tolerant and democratic elections, can be viewed as the best sign of the citizens' desire for participation in political processes, development of society and change will lead Croatia towards a modern and democratic country.

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