

# GONG

**Parliamentary Elections , Croatia  
January 2 and 3, 2000**

**PRELIMINARY REPORT**

**Zagreb, January 4, 2000**

## **INTRODUCTION**

Citizens of Republic of Croatia elected for the fourth time new members of Croatian Parliament on the election held on January 2<sup>nd</sup> and 3<sup>rd</sup> on almost 7000 pooling stations in and outside Croatia. 140 MP were elected for The Houses of Representatives by proportional sampling, in 10 electoral units from which 14 MP were elected. Croatian citizens living outside Croatia elected their representatives in the 11<sup>th</sup> electoral unit in which the number of representatives is established by so called *non fixed quota* after the results in Croatia are known. Minorities elected 5 representatives from the whole of Croatia. More than 3.8 million voters were registered in voting lists, and about 3500 000 were registered in voting lists for citizens of Croatia living outside Croatia.

4006 candidates were running for 150 seats in Parliament and 55 parties, from which 18 coalitions and 20 independent candidates participated in the elections.

The elections were monitored by around 1000 international monitors and around 6000 NGO monitors, from which more than 5600 were registered by GONG which also had 26 monitors outside Croatia (BIH, Slovenia, Germany, Austria, Australia, Canada, France, Great Britain, The Netherlands)

GONG covered more than 65% (around 4500) pooling stations in Republic of Croatia, and others were visited by our mobile teams. On statistically chosen 15% of all pooling stations GONG had so called PVT monitors that reported their results to PVT Center after the votes were counted and minutes done. PVT results were processed by computer experts, statisticians and consultants.

High interest for these elections shown by NGOs, media, International Community, partly contributed to the high turnout rate, but citizens themselves became aware of the importance of political participation and proved to be very mature not only concerning the high turnout rate but also in the political culture and tolerance which is non comparable to the 1995 and 1996 elections. State Electoral Commission also contributed by its organization, which was both transparent and open not only toward political parties and candidates but also toward media and NGOs.

From the beginning, GONG was very well organized, and carried out its planned work without some big problems and mistake, so that the most of monitors' reports arrived to 13 regional offices by the morning of January 4<sup>th</sup>, and at 7 a.m. on

January 4<sup>th</sup>, GONG PVT Center had election results based on the results from 15% of pooling stations in Croatia.

This preliminary report is based on the reports that arrived to our office until 7 a.m. and also on the phone reports from our monitors and anonymous citizens. This preliminary report was written before the final overview of each report and the final report cannot be established until report from each pooling station is checked, and official results publicized and confirmed. The final report will be announced within two weeks, and it will contain detailed analysis of all data from all monitors.

### **SUMMARY**

The whole election procedure can be viewed as satisfying and the election day as positive. Although confronted by many problems all elements of election procedure were on much higher level if compared with previous elections. Political campaign was conducted in a tolerant way. From the Day of Election Calling, through the Obligatory Instructions to Election Day, election procedure was conducted very correctly and the work of electoral committees was transparent and independent. The Obligatory Instructions explained some parts of the election procedure in much better way than the Election Law, and by participation of NGOs in the election procedure Croatia has made a big step forward if compared with other countries in transition. High number of candidates, parties, international and domestic monitors, good media coverage and high turnout rate show high level of consciousness among citizens and public for the importance of electing those who would represent the citizens of Croatia.

On the other side, voters were not well informed about the election procedure which was the responsibility of the election institutions and the political parties which were confronted by a very short campaign did not have enough time to deal with that important issue. Therefore pooling committees were also not well educated. Changing and publishing of many instructions and rules just few days before elections, which in some parts did not follow the Law on Voting Lists, resulted in confusion and legal uncertainty among citizens. In that sense, NGOs such as GONG and Glas '99 managed to inform and attract many citizens to participate in all elements of election procedure.

General atmosphere and all elections' subjects can be viewed as positive with the hope that tolerance, rule of law, freedom of media and 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 seven 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 elections.

In 1997 GONG was not issued the permission from the State Electoral Commission to monitor elections inside the pooling 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 the 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 3/4 of the article by which GONG wanted to ensure election monitoring by non-party monitors in all relevant political subjects.

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.

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: HRT, Microsoft, Pliva, CRONET, VIPNET, numerous local independent newspapers, radio and TV stations, rent-a-cars, computer companies, unions and shops.

## **LEGAL FRAMEWORK**

All parliamentary parties were given the opportunity to actively participate in the organization and realization of the elections, which enabled better election control. Multiparty electoral and pooling committees and non-party NGO monitors surely contribute to the higher election transparency.

Application of proportional sampling and D'Hondt method for vote counting should ensure just number of each party representatives in the Parliament.

Introduction of "non fixed quota system" for the MP election in the 11<sup>th</sup> electoral unit in which are the voters who do not have residency in Croatia, enables more rightful parliamentary seats redistribution since one parliamentary seat is of equal value for each electoral unit, except the electoral unit for minorities where representatives are elected by the relative majority system.

Negotiations on the new Election Law that have lasted for six months caused the lack of interest and confidence among citizens, into election process. Often changes in the Election Law bills, some of which happened on the very day

when the Election Law was declared, caused confusion and legal uncertainty among the citizens. The Law was declared without the votes of opposition parties, which amendments aiming at the improvement of the Election Law, were generally not accepted by the ruling party, so that the principal goal of the six months long talks – parties' consensus over the new Election Law, was not established.

The major flaw of the new Election Law is the technical non-preciseness since many important details were left to the regulation of the State Electoral Commission, which is not a legislature body for regulation. Therefore, for example, it is impossible to determine how political parties' representatives in polling committees are elected, which was later regulated by the State Electoral Commission's Obligatory Instructions. Furthermore, the election method of some groups of citizens as for example, refugees, misplaced persons, persons without permanent residence in Republic of Croatia and others was not explained until only a few days before elections.

The major reason for turning Republic of Croatia into ten electoral units was a regionalisation of politics, with the aim of electing more locally known politicians who would represent interests of their region. This aim came in question since the electoral units have not been organized according to the regions and since some political parties in some electoral units had candidates who were not known to the voters of that unit. Although the electoral units have the equal number of voters (- + 5%), some electoral units cover the parts of Croatia which are by no way connected, and the Law on Electoral Units has not stated the headquarters of the electoral units. In that way it is not possible to determine where election material

will be transported, in what way computer analysis of data will be done etc.

Minority voters elected their MPs in the 12<sup>th</sup> electoral unit, and had the right to choose whether they wanted to vote for minority representatives or those on the lists of the electoral unit they belonged to. All together they elected five MPs, which is less if compared to 1995 elections, when eight minority MPs were elected. Serbian minority elect only one MP which is not proportional to their number in Croatia. That number is even higher if we add Serbian minority living Federal Republic of Yugoslavia and other countries and this puts into question the righteousness of this election system.

### **ELECTION PROCEDURE**

According to the Election Law, the State Electoral Commission was nominated as the highest body for the election organization. It consists of permanent and extended members, and lower electoral commissions.

The Constitutional Court of Republic of Croatia nominated the permanent members of the State Electoral Commission, and the extended members were elected by throwing a dice. Although the permanent members did not have the right to choose, they have expressed strong readiness for cooperation with all subjects of elections. The State Electoral Commission had a difficult task in organizing elections in a very short time, since the Election Law was very imprecise. The date for which the elections were called caused additional problems.



Despite the hard work of all members of the State Electoral Commission, some important questions concerning the election procedure have been left unsolved, which caused the legal insecurity and confusion among citizens. The imprecise Election Law requires coordination of different governmental departments and ministries. This coordination was especially required for the establishment of the election bodies and the number of voters for each polling station. The fact that there was no central electoral register, caused that some deadlines set by the Law on the Electoral Rolls and the Obligatory Instructions had to be extended due to problems in some electoral units.

Except that, the State Electoral Commission on several occasions came up with the instructions that were not in the accordance with the Law on the Electoral Rolls, so the instruction were changed on the intervention of the Constitutional Court of Republic of Croatia. This caused major problems to the voters who wanted to vote outside their electoral units, and to the voters who were abroad on the Election Day. Some voters temporarily signed out from the electoral roll in the place of permanent residence and signed in the place of temporary residence, but later the State Electoral Commission came up with the decision that such voters could only vote in the centers of the electoral units, on the mixed polling stations. That decision prevented some voters to vote since some of them had to travel for a couple of hundred of kilometers in order to vote. Furthermore, high number of voters in Republic of Croatia did not know on which polling station they were to vote, and also for which electoral unit, since the Law on the Electoral Units has been very imprecise, and especially in the city of Zagreb, which was divided in four electoral units.

This was also influenced by the change in the addresses of the polling stations just before the Elections. Just few days before the Elections 300 of polling stations for refugees were founded, and imprecise instructions concerning the voting of refugees and misplaced persons cause additional confusions among citizens.

In the preparation of the Elections, the handing over of the election material from electoral commissions to voting committees, was completely nontransparent to monitors since it was not regulated by any legislative act. The voting committees took the materials without checking it, in fact they checked it just before the opening of the polling stations. Therefore, some polling stations received voting papers belonging to other electoral unit, and some received incomplete election materials, and therefore some polling stations were not opened on time, and some received additional materials during Election Day.

Non-party monitors were mostly allowed to monitor the whole election procedure and also the computer analysis of data. But, since the minutes were not issued to non-party monitors on the polling stations, they could not follow the whole election procedure, since they all could not participated in the transport of the election material from the polling stations to the electoral commissions. Although this decision can be justified to some extent, it does not follow the accepted international standards and caused problems to some non-party monitors, who had to wait for the copies of the minutes in some electoral commissions for more than six hours.

## **POLITICAL CAMPAIGN**

The political parties campaign informally started several months prior to the Elections, and formally lasted 21 days, but since it was interrupted by the death of the President of Republic of Croatia Franjo Tuđman and the religious celebrations, that time was not enough for the communication among parties and the electoral body and for the proper presentation of programs.

In the political campaign, political parties were more tolerant in their confrontations than on the previous elections, and there was no physical violence. We also have to emphasize a positive fact that social subject were put in front of nationalistic ones, and civil freedom in front of nationalistic elements, which prevailed in the previous campaigns.

Croatian television (HRT) dedicated more time to he ruling party than to the other parties. Although in the formal part of the campaign all parties were almost equal presented, at the beginning of the campaign Croatian Democratic Union (HDZ) was more presented by indirect and direct presentation of the work of government officers. On the other side, the opposition was more present in media than on the previous elections, but additional confusion among the voters was caused by the fact that big opposition parties and new parties had equal time for media presentation. Other media dedicated a lot of time to the campaigns, and with smaller differences based on the editing politics and media owners structure.

Political parties and governmental bodies did not give much attention to the education of citizens. The elections were held according to the new Election Law, in the new electoral units, and minorities and Croatian citizens living outside

Croatia voted in a different way than before, and therefore a number of voters was very confused and uninformed on Election Day. The State and electoral bodies are responsible for the education of citizens on the election procedure, and it is to the interest of big political parties that voters are informed on the way of voting and for whom they are voting.

Despite all flaws, this political campaign has been a good basis for future political campaigns in which higher tolerance and concrete resolutions to the smallest interests of Croatian citizens should be found.

## **VOTING AND COUNTING OF VOTING PAPERS**

Due to the very large number of reports received from our monitors, we have not had enough time to make detailed analysis of them. Our monitors had an overall positive impressions about the election procedure, vote counting and the atmosphere on the pooling stations.

Most common irregularities:

- voting without identification documents (rural areas)
- incomplete election materials
- failing to inform minorities voters about their right to choose between the lists for minorities or “majority” lists, or wrongly informing them that they had only the right to vote on the lists for minorities
- earlier closing of pooling stations

During the election day we have received reports on isolated crisis incidents as violence on the polling stations, voters’ bribing, threats to GONG’s monitors, double voting, more voting papers in the ballot boxes that the number of voters circled on the voting lists and disturbing of voters. We

are still working on these reports, and in our final report we will go through each pooling station from which we have received information on irregularities.

## **SUGGESTIONS**

Often changes in the Election Law are the major cause of voters' ignorance and problems that electoral bodies face. Therefore better laws for the election procedure should be made, so that legislative regulation should be better, complete and there would be less legislative flaws, doubts and insecurities among citizens. Good legislative regulation has a strong influence on the political culture and the legal security of citizens and other elections' elements.

The establishment of a permanent body for the electoral procedure, of the State Electoral Commission as a permanent institution, would surely contribute to technically better and simpler election procedure. The coordination of electoral bodies and governmental bodies would become much easier and permanent.

Changes in the present laws, and especially in the Law on the Electoral Rolls, is necessary so that electoral rolls would be updated in the time between elections. The existence of the central electoral roll is necessary to avoid multiple registration of citizens, and to lower the time necessary to determine the electoral body necessary to governmental institutions.

Furthermore, the detailed description of rights and duties of NGO monitors is necessary in order to avoid some flaws, and especially on the part explaining techniques and ways of election monitoring. The election material and the time limits in which monitors can check them should be especially defined and the members of polling committees and other

governmental institutions should be informed on this.

Although it is evident that political parties have been more equally presented than before, the rules for parties' presentations should recognize the interest of voters for programs of relevant political parties. In that way citizens would be better informed on the work of these political parties, and smaller political parties would get the right on media coverage.

Professionalism of some media, no matter media owners' structure and the interest of political parties, would be better when media would on equal, impartial way inform on the work of all political parties and NGO participating in the election procedure.

In order to raise political culture electoral bodies should dedicate more attention to education and distribution of information to all voters, polling committees, and finally to all citizens of Croatia.

## **CONCLUSION**

GONG would like to thank to the citizens of Croatia on a high turnout rate. The high turnout rate and the number of citizens interested in election monitoring is a good sign of will of Croatian citizens to become a member of the union of democratically developed countries.

GONG would also like to thank to all electoral bodies on their work and help.

Furthermore, GONG would like to thank to all donors, who made this campaign possible. Especially we would like to thank to those domestic companies, media, shops and

institutions which helped GONG realizing its importance and role.

The most important is our thanks all volunteers on their trust and active participation in conducting of free and fair elections.

But, by this elections the interest of Croatian citizens for political issues does not stop. Croatian citizens and GONG have to continue their work on the development of modern and democratic Republic of Croatia.