

**REPUBLIC OF CROATIA:
PARLIAMENTARY ELECTIONS
2003**

Report
by
Nils Gunnar Songstad

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Series editor: Gry Kval

Series consultants: Ingrid Kvammen Ekker, Hege Mørk, Christian Boe Astrup

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Preface

In connection with the parliamentary election in the Republic of Croatia on 23 November 2003, the Ministry of Foreign Affairs in Croatia invited the Organisation for Security and Co-operation in Europe (OSCE) to observe the conduct of the election. The OSCE through its Office for Democratic Institutions and Human Rights (ODIHR) welcomed the invitation and an OSCE/ODIHR Election Observation Mission (EOM) was set up in Zagreb on 23 October 2003. Head of Mission was Ian Mitchell from Canada.

A team of 7 core staff members and 12 long-term observers (LTOs) followed the pre-election campaign and the holding of the election. One long-term observer, Nils Gunnar Songstad, was recruited to the election observation mission by the Norwegian Centre for Human Rights and the Norwegian Refugee Council, through the NORDEM Stand-by Force, at the request by the Norwegian Ministry of Foreign Affairs.

This report is based on the observations made by the Norwegian observer. All opinions expressed in the report are the author's responsibility and do not necessarily reflect the views of the Norwegian Centre for Human Rights.

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Contents

1. INTRODUCTION.....	1
2. POLITICAL BACKGROUND.....	1
MAIN POLITICAL PARTIES	2
THE 2000 ELECTIONS.....	5
3. THE LEGISLATIVE FRAMEWORK	7
4. THE ELECTORAL ADMINISTRATION	10
5. VOTER AND CIVIC EDUCATION	11
6. VOTER REGISTRATION	12
7. CANDIDATE REGISTRATION	13
8. THE ELECTION CAMPAIGN	14
9. THE MEDIA.....	15
10. OBSERVATION ON POLLING DAY	16
11. THE REVIEW OF COMPLAINTS PROCESS.....	18
12. COMMENTS ON THE OUTCOME OF THE ELECTION.....	19
13. CONCLUSIONS AND RECOMMENDATIONS.....	21
14. EVALUATION OF THE OBSERVATION CO-ORDINATION	21
15. APPENDICES	23
1. OSCE/ODIHR STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS	23
2. OBSERVERS' REPORTING FORM	23
3. LAW ON THE CONSTITUENCIES FOR THE ELECTION OF REPRESENTATIVES TO THE HOUSE OF REPRESENTATIVES OF THE CROATIAN STATE PARLIAMENT (UNOFFICIAL TRANSLATION)	23

1. INTRODUCTION

On 20 October 2003 the President of the Republic of Croatia announced that the next parliamentary elections would take place on 23 November 2003. The OSCE/ODIHR Election Observation Mission (EOM) was established with the core staff on 23 October and 12 Long Term Observers (LTOs) arrived on 30 October. The Election Observation Mission was headed by Mr. Ian Mitchell (Canada) and consisted of 7 experts based in Zagreb, and LTOs deployed in teams of two in the regional centres Rijeka, Split, Zadar, Osijek, Varazdin and Sisak. The staff represented 17 of the OSCE participating states.

The EOM did not deploy Short Term Observers. Important observation on election day was done by the domestic organisation GONG by deploying more than 3000 staff throughout the country.

The campaign period was generally orderly with few reports of election-related irregularities. On election day the EOM LTOs reported a calm and orderly election process. The OSCE/ODIHR EOM in its preliminary statement 24 November 2003 stated that the elections were conducted generally in line with OSCE commitments and international standards for democratic elections.

Despite the good quality of the election process, some issues should be addressed for improvements. The electoral law lacks the necessary clarity on several issues. Other issues of concern are such as the short time frame available for election administration and the lack of transparency on the issue of campaign spending.

This report is based on the LTO observations in Zagreb County, Sisak-Moslavina County, Karlovac County and surrounding areas.

2. POLITICAL BACKGROUND

Following World War II, Yugoslavia became a federal independent communist state under the strong hand of Josip Broz Tito. After Tito's death in 1980, the friction between the constituent republics of Yugoslavia surfaced. Following the collapse of communist regimes in Eastern Europe, the Yugoslav republics began to seek their independence. In Croatia, the Croatian Democratic Union (HDZ) emerged in 1989 supporting a sovereign and independent Croatia. Franjo Tuđman was one of the founding fathers of the party. In the 1990 parliamentary elections, the HDZ won the majority of the seats in the parliament and the new multiparty assembly elected Franjo Tuđman president of Croatia. A new constitution was adopted in December 1990.

The May 1991 referendum on independence overwhelmingly endorsed the move towards an independent Croatia. On 25 June 1991 the national assembly proclaimed sovereignty and independence. In the months following the declaration, Serb paramilitary forces carried out attacks in Croatia and in September 1991 the Yugoslav People's Army (JNA) started a large scale invasion of Croatia. Vukovar in the eastern

part of Croatia was occupied 18 November 1991. In December 1991, the Serb region of Krajina proclaimed itself a state, with the name of Republic of Serbian Krajina (RSK). Despite large areas of Croatia occupied, the European Union recognised Croatia in January 1992. Only in 1995, the Croatian army regained control of most of the territory. Under UN supervision the last Serb-held enclave in Eastern Slavonia, including Vukovar, was returned to Croatia in January 1998.

The fall of Vukovar caused a large number of ethnic Croats to flee the area. When the Croatian army defeated the Serb army of the Republic of Serbian Krajina (RSK) the civilian population fled. Of relevance to the 2003 elections is that the ethnic Croats and ethnic Serbs who had to flee in the different phases of the war are treated differently with regard to the elections. Croatian law distinguishes between "displaced persons" (raseljene osobe) and "expelled persons" (prognanici), a distinction not supported by international law. The former word refers to ethnic Serbs who left their original areas of residence in Croatia as a result of the conflict. The latter term is used to refer to ethnic Croats who left their areas of residence in Croatia as a consequence of the Serb invasion, e.g. in Vukovar. Although the number of voters in question is probably smaller than in the 2000 elections, the distinction between these two categories remains discriminatory.

In the first parliamentary elections after independence held in 1992, HDZ became the strongest party, as was also the case in the 1995 elections. Local elections in 1997 gave HDZ control in the majority of the county assemblies and town and municipal councils. In the 1997 presidential election Franjo Tuđman was re-elected president. The results of these elections signified the height of the power of the HDZ as largely centred on the presence of President Tuđman.

Parliamentary elections were scheduled for late 1999 but president Tuđman's death in December 1999 postponed the elections to January 2000. The 2000 elections showed that HDZ had lost much of its popularity and was defeated by a reform minded coalition led by the Social Democratic Party (SDP) promising reform and progress.

In the 2000 presidential election Stjepan Mesić was elected. After pre-election predictions favouring Dražen Budiša, Mesić won with Budiša following second. The HDZ candidate, Mate Granić, did not make it to the second round of the elections.

Main political parties

Croatia's political landscape comprises more than 80 parties, 12 of which were represented in the parliament after the 2000 election. Some of the parties split during the electoral period, increasing the number of parties in the outgoing parliament to 17. The following list gives a short introduction to the most important parties.

Croatian Democratic Union (HDZ)

Croatian Democratic Union (HDZ) was the ruling party from independence to the 2000 parliamentary elections. By its membership and structure, HDZ is the largest party both in Croatia proper and in the Croatian diaspora. The party under the leadership of Ivo Sanader insists it has changed significantly from its Tuđman legacy.

However, the party faces internal conflicts over leadership and the challenge of accommodating the right-wing factions. Several factions broke away from HDZ in the previous parliamentary period causing the party to lose 11 seats in the parliament. In 2000, three MPs, under the lead of the former Minister of Foreign Affairs Mate Granić, the unsuccessful HDZ presidential candidate, left the party caucus and formed a new party, the Democratic Centre (DC), and a powerful Zagreb politician left the party to join Croatian Independent Democrats (HND). In 2002, a struggle for leadership caused five MPs to break from the party to form the extreme right-wing nationalist Croatian Block (HB). Another two MPs left the party in August 2003 and joined the right-wing extremist party Croatian True Renaissance (HIP). Although HDZ clearly states its intention of bringing Croatia closer to the European Union and the international community, the party has not been clear on its intention towards cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). HDZ holds a significant number of County Prefect positions and has a strong organisation locally.

Social Democratic Party (SDP)

The Social Democratic Party (SDP) was formed in 1994 when two social democratic parties merged. In the 1995 parliamentary elections SDP won 9 seats and in the 1997 local elections the party emerged in Zagreb and elsewhere as a strong opposition party. The legitimacy of SDP as a true social democratic party was confirmed in November 1999 when the party was accepted into the Socialist International. SDP was instrumental in bringing together the six opposition parties that evolved into two coalitions for the 2000 parliamentary elections. The parliamentary caucus of 44 MPs was only two short of HDZ and together with its allies SDP commanded a majority in the new parliament. SDP was the leading party in the coalition and the party leader Ivica Račan became the new prime minister. The party had less success in the 2001 local elections, although the party holds the office of the mayor of the City of Zagreb and four County Prefects.

Croatian Social Liberal Party (HSL)

The Croatian Social Liberal Party (HSL) was the main opposition party in the period 1990-1995. In the 1995 elections the support dropped significantly as a result of internal dissent on alliances with HDZ and the party split. Despite the problematic late 1990s for HSL, the party managed to emerge as the third strongest in the parliament in 2000, a significant improvement from the 1995 elections. The success was in large part due to a pre-election coalition with SDP. In the 2000 presidential election, the HSL party leader, Dražen Budiša, came second. While liberal on most issues, HSL retains strong ties with the Catholic Church and therefore presents a conservative platform on moral issues. The party enjoys urban support but has weak rural support.

Croatian Peasants' Party (HSS)

The Croatian Peasants' Party (HSS) is one of the oldest parties in Croatia, founded in 1904 with the goal of preservation of the Croatian nation. In the 2000 parliamentary elections HSS won 16 seats and became part of the governing coalition. At the local and regional level, the HSS is the second strongest party after the HDZ, particularly in smaller towns and agricultural municipalities outside the urban areas. The party president Zlatko Tomčić was speaker of the outgoing parliament. The party identifies

itself as a Christian Democratic party committed to protecting the interests of rural Croatia, particularly with respect to agricultural policies. The party lacks urban support and its rural and traditional image has proven problematic for party growth. HSS currently holds eight County Prefect positions.

Liberal Party (LS)

The Liberal Party (LS) was the first liberal offshoot from the HSLs formed in 1998, following a policy disagreement within the HSLs. In the 2000 parliamentary elections, LS ran in coalition with three other parties supportive of SDP. The party seeks to represent intelligentsia, business people, youth and minorities. The party sees championing liberal issues and the rights of minorities as fertile ground to their electoral base.

Croatian People's Party (HNS)

The Croatian People's Party (HNS) is the former party of Stjepan Mesić, until his election as president in February 2000. HNS is a centrist party with a liberal orientation. The party won two seats in the 2000 parliamentary elections and became part of the governing coalition. The support for the party increased after Mesić was elected president. In the 2001 local elections HNS came in a strong second behind SDP in Zagreb city, illustrating the support from the urban electorate.

Istrian Democratic Congress (IDS)

The Istrian Democratic Congress (IDS) is the strongest regional party in Croatia and is the governing party throughout most of Istria with a diverse population of Italians, Croats, Muslims and Serbs. The electorate of the region, constituency 8, has largely been in opposition to the HDZ. IDS holds the office of the County Prefect and is in power in nearly all councils at the city and municipality level. The party has been able to transform its local strength into parliamentary seats by joining coalitions with SDP. IDS was initially part of the governing coalition after the 2000 elections, but left the coalition in May 2001. IDS supports the decentralisation of local and regional government and continues to fight for the rights of the Italian minority.

Party of Liberal Democrats (LIBRA)

The Party of Liberal Democrats (LIBRA) was formed in 2002 after splitting off from the Croatian Social Liberal Party (HSLs). The parliamentary caucus of the new party was ten of the 24 elected as HSLs representatives in 2000. The party platform is advocating liberal values. The party aims at the votes of the youth and the highly educated. The party supported the SDP-lead coalition after HSLs joined the opposition.

Democratic Centre (DC)

The Democratic Centre (DC) was founded in 2000 when a number of leaders in the HDZ disappointed with the parliamentary and presidential election results broke away from the party. DC is led by Mate Granić, the Croatian foreign minister under president Tuđman and HDZ presidential candidate in 2000. DC considers itself a modern European people's party and espouses so-called Croatian traditional values.

Croatian Party of Rights (HSP)

The Croatian Party of Rights (HSP) was originally established in 1861 and re-established in 1990. The party supports what it sees as Croatian interests to the extreme. The HSP has heavily qualified or outright rejected reconciliatory policies towards former adversaries. The party holds some key council positions in the war-affected areas. In Sisak-Moslavina County HSP holds the office of the deputy prefect. The HSP won four seats in the 2000 parliamentary elections but experienced significant increase in the support in the run-up to the 2003 elections.

Croatian Block (HB)

The Croatian Block (HB) is an extreme right-wing offshoot of the HDZ, formed in September 2002 with a parliamentary caucus of five MPs. The party remains largely critical of the modernization and democratization efforts that began to take place within the HDZ in 2002. On the local level some HDZ elected officials have switched over to the HB and as a consequence HB occupies some key positions in local government.

Croatian True Renaissance (HIP)

The last split in HDZ in 2003 caused two MPs to join the Croatian True Renaissance (HIP). The party is led by Miroslav Tuđman, son of the late president Tuđman. The HIP is as HB considered an extreme right-wing party. The two parties ran in a coalition in the 2003 elections.

Serb People's Party (SNS)

The Serb People's Party (SNS) advocates protection of the Serb people and recognition of the democratically elected authority in the Republic of Croatia. SNS won the Serb minority seat in the 2000 parliamentary elections and has been represented in the parliament throughout the 1990s. The party is strong at the local and municipal levels.

Independent Democratic Serb Party (SDSS)

The Independent Democratic Serb Party (SDSS) was formed in 1997. The party has advocated the rights of the ethnic Serb population in Croatia and peaceful reintegration of Serbs into Croatia. SDSS seeks to avoid excessive confrontations with Croatian authorities.

The 2000 elections

In the 2000 elections six major opposition parties united in two coalitions. The coalition between the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSLs) gained the 68 seats in the new Parliament. The second coalition that joined the SDP-HSLs coalition included the Croatian Peasants' Party (HSS), the Liberal Party (LS), the Croatian People's Party (HNS) and the Istrian Democratic Congress (IDS). SDP-HSLs, together with their allies commanded a majority of 92 seats in the new parliament. Two smaller regional parties, the Primorje-Gorski Kotar Alliance (PGS) and the Slavonia-Baranja Croatian Party (SBHS) with two and one parliamentary seats respectively supported the SDP-led coalition.

The HDZ, which had governed the country since independence in 1991, performed poorer than expected. The HDZ only won constituency 5, which includes the most war-affected parts of eastern Croatia. In the diaspora constituency, however, for Croatians living abroad, the HDZ won all seats allocated in the 2000 election.¹ The right-wing coalition of the Croatian Party of Right (HSP) and the Croatian Christian Democratic Union (HKDU) won seats in constituencies encompassing the war-affected regions of the country.

2000 election results in the 10 territorial constituencies (excluding diaspora and minorities).

Social Democratic Party of Croatia	SDP	44
Croatian Democratic Union	HDZ	40
Croatian Social Liberal Party	HSLs	24
Croatian Peasants' Party	HSS	16
Istrian Democratic Assembly	IDS	4
Croatian Party of Rights	HSP	4
Croatian People's Party	HNS	2
Liberal Party	LS	2
Primorje-Gorski Kotar Alliance	PGS	2
Croatian Christian Democratic Union	HKDU	1
Slavonija-Baranja Croatian Party	SBHS	1

In addition to the 140 representatives listed above, the diaspora constituency elected 6 representatives, all HDZ, making the total HDZ caucus 46. The minority constituency elected 5 representatives. The Serb seat was won by Serb People's Party (SNS) while the remaining 4 representatives were independent.

A new government was formed with Ivica Račan of SDP as the prime minister. Following initial success, including the adoption of a new Constitution that transformed the country from a presidential system into a modern parliamentary democracy, the new government faced increasing challenges in adopting its policies. In June 2001, IDS left the coalition after a row on the right of Istria to obtain more autonomy. In the summer 2002, Račan's government faced another challenge. A major dispute revolved around prime minister Ivica Račan and Dražen Budiša, leader of the Croatian Social Liberal Party (HSLs), the second strongest party in the coalition. The rift culminated with prime minister Račan's resignation. However, Račan was shortly after asked to form a new government, excluding HSLs. The crisis also caused a split in HSLs, and the opponents of Dražen Budiša formed a new party, the Liberal Democrats (Libra), with 10 MPs, loyal to the Račan government. After the break-up of the coalition, the coalition parties did no longer hold the majority of the parliament. Croatia's cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) was a particular point of contention, forcing the

¹ The number of seats in this constituency can vary between 0 and 14, depending on the turnout both in the ten territorial constituencies in Croatia proper and the eleventh constituency.

government to balance domestic nationalist pressures and the demands of the international community.

3. THE LEGISLATIVE FRAMEWORK

The Law on Election of Representatives to the Croatian Parliament (election law) provides the basis for the conduct of the parliamentary elections. The election law was adopted in 1999 and modified prior to the 2003 elections to include changes in the representation of minorities and clearer and more consistent provisions on the appeals procedure. However, the election law is general in its form and contains some unclear areas. As a result, successful implementation of the law required issuance of instructions and other directives by the State Election Commission (SEC).

The election system has changed repeatedly since 1990. The Constitution of Croatia adopted in December 1990, established a bicameral parliament, the Croatian *Sabor*. The lower house, the House of Representatives, had general law-making powers subject to review by the upper house, the House of Counties. Initially a mixed election system for the House of Representatives provided for members elected from single mandate constituencies and by proportional representation from one nation-wide constituency. The system was changed in 1995 with the reduction of number of seats elected from the single mandate constituencies. The 1995 election law also set a fixed number of 12 seats for out of country voters and reduced the number of seats reserved for the ethnic-Serb population.

An agreement on new principles for parliamentary elections was reached in 1999 between the then ruling Croatian Democratic Union (HDZ) and the opposition parties. The new election law dispensed with the single mandate constituencies. Ten territorial constituencies were established, each electing 14 members on the basis of candidate lists. In an attempt to equalise the “weight” of each vote, the law provides that the number of registered voters in each of the 10 constituencies should not vary by more than $\pm 5\%$. The mandates are allocated to the party lists by the d’Hondt method. Article 38 of the election law states that to be eligible to participate in the distribution of mandates in a particular constituency, parties or coalitions must receive 5% or more of the valid votes.

The fixed number of MPs elected in the out-of-country, diaspora, constituency, commonly referred to as constituency 11, was discontinued in the 1999 election law. The new law defines that this constituency will be granted parliamentary representation through a non-fixed quota based on voter turnout. The number of mandates elected can vary between 0 and 14, subject to the condition that the average number of votes behind a mandate is approximately equal to the number of votes behind a mandate in the in-country constituencies. Article 41 sets forth the procedure for election of representatives in constituency 11.

Article 41 (excerpt)

The total number of the valid votes in the ten constituencies in the Republic of Croatia shall be divided with 140, which is how many representatives have totally been

-elected in these constituencies. With the gained results, the number of valid votes in the special constituency shall be divided. The result achieved in that manner is the number of representatives elected in the special constituency.

The mandates in this constituency are allocated by the d'Hondt method as in the ten territorial constituencies.²

The *Constitution of Croatia*, Article 71, states that "The Croatian Parliament shall have no less than 100 and no more than 160 members, elected on the basis of direct universal and equal suffrage by secret ballot." Article 72 states that members of the Croatian Parliament are elected for a term of four years and that the number of members of the parliament shall be regulated by law. Theoretically, the number of representatives in the parliament can reach 162 if the diaspora constituency elects the maximum number of 14 seats. In practice, however, this is very unlikely because the turn out of voters living outside Croatia is modest. In 2000 this constituency elected 6 seats, hence the outgoing parliament had 151 seats. In 2003 the seats elected in this constituency decreased to 4 because of a drop in the turn out.

The election law of 1999 set the number of minority seats to five. The Serb representation was one seat, the same as the Hungarian and Italian minorities, despite the great difference in their numbers. One seat was reserved for the Czech and Slovak minorities combined and the last seat was reserved for the Austrian, German, Ruthenian, Ukrainian and Jewish national minorities combined.

By the amendments to the Constitution in 2001, the House of Counties was abolished. Due to the fact that the parliament became unicameral, the Croatian legislature is simply known as the Croatian Parliament or *Sabor*. In 2003, the election law was amended to incorporate the constitutional amendments and the provisions on minority representation in the new Constitutional Law on the Rights of National Minorities (CLNM). The minority representation was increased from 5 to 8 with the most important change of increasing the number of Serb seats from 1 to 3. Also other minorities were acknowledged to be eligible to vote for the minority seats. The government coalition supported the amendments, as did the Croatian Social Liberal Party (HSLP) and the Istrian Democratic Congress (IDS). The opposition Croatian Democratic Union (HDZ), the Croatian Bloc (HB) and the Democratic Centre (DC) voted against the amendments. The election law was also amended with respect to election complaints and judicial appeals. Apart from these changes, the legislative framework in place for the 2003 elections was essentially the same as in the parliamentary elections in 2000.

² The average number of votes behind the in-country mandates was 17,209 votes. In the diaspora constituency the number of valid votes was 69,727 and this resulted in the allocation of 4 seats to this constituency.

The Act on Election of Representatives to the Croatian Parliament (election law)

Article 16

Members of the Serbian national minority shall elect three representatives to Parliament consistent to the Constitutional Act on the Rights of National Minorities.

Members of the Hungarian national minority shall elect one representative to Parliament

Members of the Italian national minority shall elect one representative to Parliament
Members of the Czech and Slovakian national minority shall together elect one representative to Parliament

Members of the Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minority shall together elect one representative to Parliament

Members of the Albanian, Bosnian, Montenegrin, Macedonian and Slovenian national minority shall together elect one representative to Parliament.

Members of national minorities from Paragraphs 1, 2 and 3 of this Article, beside the representative candidate shall propose also his/her deputy, who shall be elected together with him/her.

Members of national minorities from Paragraphs 4, 5 and 6 of this Article, propose only the representative candidate, and his/her deputy shall become the representative candidate who won the next most votes to the elected representative.

The provisions in the Election Law related to the election of candidates to represent national minority groups are vague in several respects. The SEC decided to provide for multiple-candidate voting on a single ballot by Serb minority voters, who are entitled to elect three representatives for their reserved seats. There may be some inconsistency between this decision and article 67.3 of the election law stating that a ballot is invalid if the voter has circled more than one list or candidate.

Croatia is divided into 20 counties and the City of Zagreb. The law divides the counties to create the ten territorial constituencies of equal size. The law combines rural and urban areas in a conspicuous manner, e.g. under the current law, Zagreb does not function as a single constituency. Instead, the City of Zagreb and Zagreb County are divided and allocated to several other constituencies that are predominantly rural in characteristics. Given the overall picture of the rural electorate favouring HDZ and the urban electorate being more inclined to vote for SDP and its liberal allies, it is likely that the layout of the constituencies may have some influence on the election results.

Although the election law was amended in 2003 it remained unclear on several issues and this required issuance of numerous binding instructions and other directives by

the State Election Commission. The SEC issued 13 binding instructions and 2 sets of reminders. The reminders, which incorporated existing legal provisions and binding instructions, were adopted late in the electoral process and have an unclear legal status. The lack of clarity concerning the electoral law did however not cause any particular problems in administrating the elections as all stakeholders appeared to be committed to contribute to an orderly election process.

4. THE ELECTORAL ADMINISTRATION

The State Election Commission (SEC) started official operations on 20 October 2003. Despite not functioning on a permanent basis and the short election time frame, the SEC performed in a generally efficient manner. The structure of the election administration remained unchanged from the previous parliamentary elections.

Elections are administered by a four-tier system of electoral bodies consisting of the State Election Commission (SEC), 11 Constituency Election Commissions (CEC), 474 Municipal and City Election Commissions (MEC/CiEC)³ and 6795 Voting Committees (VC).⁴ The SEC has the overall responsibility to administer the elections, but does not function in the period between elections and only starts operating when elections are called. The election law sets forth its composition (in the excerpts referred to as National Election Commission).

Article 45

The National Election Commission has a permanent and expanded membership

The permanent membership of the National Election Commission consist of a president and four members, and their deputies.

The President of the Supreme Court of the Republic of Croatia is by his/her position the president of the National Election Commission.

Members of the Commission, deputy president and deputies of the members of the permanent membership of the National Election Commission shall be appointed by the Constitutional Court of the Republic of Croatia from judges of the Supreme Court of the Republic of Croatia and other prominent lawyers who must not be members of political parties.

The membership of the electoral bodies is expanded during the course of the electoral period to include representatives nominated by both the main governing and opposition parties.

Article 47

The expanded membership of the National Election Commission consists of three representatives of the majority party or coalition and three representatives of the

³ In the 2000 parliamentary elections the number of MECs/CiECs was 543

⁴ The Act on Election of Representatives to the Croatian Parliament uses the terms National Election Commission and Electoral Committee. In other documents the terms State Election Commission (SEC) and Voting Committee (VC) respectively are used.

political parties of the opposition or coalition proposed by agreement, consistent to the structure of the Parliament, and their deputies.

If no agreement can be achieved on the three opposition representatives, that by the structure of the Parliament are considered opposition, the election of the three members of the expanded membership and their deputies shall be decided by lot, at the Constitutional Court of the Republic of Croatia, among the candidates and their deputies.

The same principle is applied at all sub-level electoral bodies, however with some variation in the numbers of permanent and extended staff. If no agreement is reached on the composition of the extended staff the decision is made by lot by a superior electoral body.

The election law establishes 11 CECs, one for each of the 10 territorial constituencies and one for the national minorities constituency.⁵ The standing membership consists of a president, two members and their deputies, appointed by the SEC. The standing staff is appointed among judges and distinguished lawyers. The expanded membership consists of two representatives from the majority party or coalition and two members from the opposition in the parliament. The MEC and CiEC have the same number of members as the CEC and the same requirement for qualification for membership. The same procedure for the expanded membership applies.

At all levels of the electoral administration the party representatives had only a very short period to participate in election administration. On the constituency and municipality/city level, the party representatives acted more as observers than full-fledged members of the commissions in line with their legally defined role.

The LTOs reported on lack of systematic and comprehensive training of the Voting Committees. Only the president and his/her deputy received direct training on election procedures. The lack of uniform layout of the polling stations and the variation in procedures for displaying relevant information in the polling station was probably caused by the lack of training.

Despite the lack of a permanent, professional election commission, the confidence in the integrity of the election administration proved to be high. In the process running up to the elections political parties and their candidates expressed no particular fear of problems in the elections. The observers were surprised by the political parties' high level of confidence in the administration of the elections.

5. VOTER AND CIVIC EDUCATION

The short electoral period in practice restricts the opportunity for effective voter and civic education. Very little voter and civic education was initiated by the government. The gap was largely filled by the NGO GONG (*Gradani organizirano nadgledaju*

⁵ The SEC carried out the functions for constituency 11.

glasanje), a non-partisan citizens' organisation founded in 1997, that carried out extensive voter education.

GONG was effective in its voter education despite the short time-frame. The GONG voter education in the electronic media was professional and included video-clips aired at TV stations, both national and local, informing people about the procedure for checking the voter register and election day procedures. Audio clips were aired at the radio stations. GONG produced brochures about the parliamentary elections, printed in 800,000 copies.

GONG is also very active between the elections and its role in providing expertise in the area of elections and advocacy for reform of the legislative framework is an important and positive factor in Croatia's democratic development. GONG carried out extensive non-partisan monitoring on election day by deploying more than 3000 domestic observers. In the 1997 elections, Croatian NGOs were not allowed accreditation as domestic observers. This changed with the 1999 election law and was upheld in the 2003 amendments to the law, cf. article 94.

6. VOTER REGISTRATION

A total figure of 3,578,715 voters were registered in-country and 399,049 in the diaspora constituency. 393,844 were registered on the minority list. The system of voter registration was reportedly effective and represents an improvement in the transparency and accuracy of the registration system. The EOM found less evidence of defects in the voter register than in the 2000 elections and the procedure for inspection and correction of the register had improved since 2000.

Voter registration was performed under the supervision and implementation of the Ministry of Justice, Administration and Local Self-Government. Voter registration is regulated by the Law on Lists of Voters of 1992. A voter must vote in the polling station corresponding to his/her address of permanent residence. Voters who find themselves excluded from the voter list on election day may apply to the municipal authority for a certificate enabling them to vote. Absentee voting could only be exercised by obtaining a voting certificate from the competent municipal offices.

The Law regulating the voter registration provides for voter registers to be updated on an on-going basis and to be open for inspection by individual voters at the relevant office of administrative affairs. The police maintain the registers on residence on which the voter registers are primarily based. The municipal civil status offices maintain records for births, deaths, citizenship and other civil events, thus being an additional source of data for the voter registers. A separate office produces the list on which the voter register for displaced persons and expellees is based. Citizens without permanent residence in Croatia, the diaspora voters, are registered in a central register in Zagreb.

Citizens have a brief period after the election is called to verify their inclusion in the voter registers or to make amendments. Voter information slips, which contain details

of individual entries on voter register, were sent to voters' home addresses in a timely manner. This information enabled voters to correct inaccurate data before the closing of the register, two weeks before the elections, i.e. 8 November. The register was available for inspection in offices of administrative affairs.

The national identity of voters is included in the general voter register and the voter slips contain information on the nationality. Minority voters were encouraged to register for minority voting to have the opportunity to choose between a regular and a special ballot when at the polling station. The SEC took a positive step by providing the minority voters with precise information on their ability to choose either a constituency or minority ballot.

In several municipalities in Sisak-Moslavina County in constituency 6, there were reportedly significant discrepancies between the voter register and the census taken a few years earlier. Several cases where the number of people on the voter registers was larger than in the census, were reported to the LTO-team. The main explanation to this problem is most likely the lack of accuracy of the census and people having returned to their homestead in the war affected areas after the census was taken.

7. CANDIDATE REGISTRATION

The elections were contested by 359 separate party, coalition and independent candidate lists, including 23 for the diaspora constituency. The eight seats reserved for national minorities were contested by 53 individual candidates. Altogether, a total of 5,105 candidates stood for election, an increase of more than 20 % from the 2000 parliamentary elections. Approximately 25 % of the candidates were women. A large number of smaller parties also contested the elections.

Article 20 of the election law states that all political parties that are registered have the right to propose party lists for the election of representatives to the parliament. The lists can be proposed by one political party or two or more political parties (a coalition list). Independent lists must be supported by at least 500 voters' signatures. The list should contain 14 names ordered by the ordinal number 1 to 14. A person can be a candidate only on one list and only in one constituency, but nominees are not required to be residents of the constituency in which they are standing for election.

Article 17 of the election law states that political parties, voters and associations of national minorities have the right to submit proposals for candidates for the national minorities. Independent candidates require 100 supporting signatures.

Most political parties formed region-specific coalitions. SDP joined coalitions with other parties in several constituencies, e.g. with IDS in the constituency covering Istria and with the smaller liberal parties in some other constituencies. In constituency 6, centred on Sisak, SDP ran in coalition with LS. HNS entered a coalition with Primorje-Gorski Kotar Alliance (PGS) in constituency 7, centred on Karlovac. HSLŠ fielded a national joint list with the Democratic Center (DC). The right wing parties

HB and HIP formed a coalition in all constituencies. HDZ and HSS were the only main national parties not to form coalitions with smaller parties.

For the first time, the two main parties representing the Serb minority in Croatia competed and campaigned in the diaspora constituency. Some leading Croat parties, however, such as the SDP and the HNS did not participate in this constituency.

8. THE ELECTION CAMPAIGN

The official election campaign began on 6 November following the publication of the list of candidates in the national press. The election campaigns conducted by most of the parties were largely professional and well organised. There was a highly visible poster campaign and extensive use of paid political advertising. Public opinion polls appeared regularly in the national press.

Article 26 of the election law states that election campaign starts on the day of announcement of the submitted list of parties and coalitions and ends 24 hours before election day. The HDZ entourage started its campaign in constituency 6 on the first day of the official campaign period with a large rally in the Sisak market square in the evening. The rally featured the HDZ president Ivo Sanader and all the candidates in the constituency. People turned out in large numbers to attend the rally and to enjoy the free food and beer offered by the party. Also SDP, HNS and HSS carried out significant campaign activities in constituency 6 and 7.

Smaller parties were less visible in the campaign because of limited financial resources. In areas with Serb population there was little visible campaigning. There are probably several reasons for this, one being reluctance of accentuating the Serb ethnic identity. Another reason was lack of resources. One of the private radio stations in Sisak, however, sold commercial adverts to one of the Serb parties, to the surprise of people in Sisak.

Campaign financing emerged as an issue in the campaign period. Article 32 of the election law states that the parties have “the obligation by the beginning of the election advertising to announce approximate data on the amount and source” of the funds intended to be used on the campaign. There is no official limit on campaign spending and donations in kind do not have to be declared. Estimates of the cost of particular parties’ campaigns varied widely. The reported prevalence of in-kind donations may substantially distort estimates of political party spending, e.g. it is estimated that the actual cost of the HDZ campaign was much higher than the figure reported by the party.

The political parties are entitled to partial compensation for the cost of the campaign. Parties represented in the parliament are compensated an amount determined by the Act on Political Parties. Political parties not represented in the parliament and independent lists “have the right to compensation of costs of election advertising if they win at the elections more than 5 % of valid votes of their constituency”, according to article 32 of the election law.

An Ethics Commission was appointed by the Constitutional Court, cf. article 90-93 of the election law. The political parties were slow to put forward the names of commissioners and it is unclear how effective the Ethics Commission was in regulating campaign activities.

9. THE MEDIA

Information regarding the candidates was widely available in the media throughout the electoral campaign. On the national level, both television and radio channels aired a wide range of election related programs. New legislation on the media was passed in 2003 but was not fully implemented for the elections. Despite the inadequate laws, the media interlocutors indicated that all parties had equal access to media and that the past practices of direct pressure on the media from the government was no longer the case.

Article 27 of the election law states that “during the election advertising campaign all the political parties that have proposed their candidate lists have the right to express and explain their election programmes and election advertising under same conditions”. The public HRT television and radio channels fulfilled their legal obligations to provide free airtime for presentations of the contestants. The privately-owned TV NOVA with national concession refused to fulfil the regulatory obligations of providing a certain amount of coverage to political parties, arguing that compliance would inflict serious financial costs on their business. TV NOVA implemented instead its own standards for equitable coverage of the campaign. This practice was not particularly condemned by the parties and no legal steps were taken towards TV NOVA for the non-compliance with the regulations.

The results of the OSCE/ODIHR EOM’s media monitoring exercise indicate that the electronic and print media dedicated the greatest proportion of their political coverage to the largest political parties. In general, the tone of the coverage in both electronic and print media was neutral. In the public broadcaster HTV’s coverage of the political parties, the largest amount of coverage was given equally to SDP and HDZ. Also the private TV NOVA gave the most coverage to SDP and HDZ. The smaller parliamentary parties received less significant coverage. Some contestants extensively placed paid political advertisements into media outlets. Monitoring of the TV channels in their prime time broadcasts indicated that HDZ used by far the greatest amount of the paid time. Newspapers and weekly journals provided voters with a variety of political views, with the focus on the leading political parties, HDZ and SDP.

The SEC received complaints regarding breaches of the campaign silence period the last 24 hours before election day. The chairman of the SEC expressed his frustration of the lack of enforcement mechanisms available to the SEC in this regard.

10. OBSERVATION ON POLLING DAY

Voting took place at 6,795 polling stations in Croatia and a further 155 polling stations in 51 countries world-wide. There were very few reports of election related incidents and the LTO-teams reported a calm and orderly election process.

The final voter turnout was 66.8 percent in the 10 in-country constituencies, a fall of 8 percentage points from the 2000 parliamentary elections. The reduced turn out in Croatia proper should theoretically enable the diaspora constituency to increase its representation in the new parliament. However, this was not that case because of a significantly lower turnout in the diaspora constituency.

The election law article 62-81 establish the procedures for the voting process and the establishing of results. The voting is conducted from 0700 to 1900. The voting committee manning the polling station consists of five members and their deputies. The president and his/her deputy are non-partisan. The other members represent the governing party or coalition and opposition in equal numbers.

Upon entering the polling station the voter present identification papers, e.g. passport, ID card, drivers licence. Only those whose name is found on the voter register are allowed to vote. A person not on the voter register may vote after obtaining a voting certificate issued by a competent body of the state administration.

Voters having problems with the prescribed voting procedures may be assisted in two ways, cf. article 71. Voters who due to a physical handicap or illiteracy are not able to mark the ballot paper can be assisted by a person of their own choice. Such assistance should be recorded in the protocols of the voting committee. Voters who are not able to travel to the polling station on election day may request a mobile team to visit at home. In such cases the mobile team consists of at least two members of the voting committee.

The ballot papers carry a serial number. The ballot paper is marked by circling the ordinal number of the party list or candidate. Article 66 of the election law defines a valid ballot as “one out of which one can with certainty and in a doubtless manner establish the will of the voter, and for which list or candidate the voter has cast his/her vote”. The ballot box was made of cardboard and was to be disposed of after use. The absence of a transparent ballot box did not seem to cause concern or suspicion among the voters.

Article 72 and 73 establish the procedures for counting the ballots. On completed voting the voting committee establishes the number of voters who have voted by counting the unused ballots and the number of people being registered as having voted in the voter register. When it is established that these two numbers correspond, the ballot box can be opened and the ballots counted. The voting committee shall transfer the results and election material to the municipal or city election commission within twelve hours of closing of the polling station. If the number of ballot papers in the ballot box exceeds the number of voters recorded as having voted the voting committee shall stop its work and notify the relevant superior election commission. In such a case the results of the polling station will be annulled.

The selection of locations to serve as polling stations is a cause of concern. Shortly before election day the newspapers reported that more than twenty polling stations were located on premises of the Catholic Church. According to reports in the newspapers, there were other inappropriate locations for voting, for instance restaurants, hotels, stores, war veteran association premises and 400 private houses. The SEC issued a decision on 20 November to forbid polling stations in churches and other religious premises.

Polling was observed in a vast geographical area stretching from Sisak to Zagreb to Karlovac and back to Sisak. The team observed polling in a number of polling stations in constituency 6 (Sisak, Glina and Petrinja in Sisak-Moslavina County and Velika Gorica in Zagreb County) and constituency 7 (Karlovac, Krnjak and Vojnic in Karlovac County), covering both rural and urban areas.

Observation of the opening

The opening procedure observed in a polling station in urban Sisak was carried out in an orderly manner. In one polling station staff members of the state administration set up a working desk inside the polling station to facilitate easy assistance to voters needing voting certificate etc. Although it is important to assist voters to obtain the necessary papers for voting the rationale for placing this desk within the polling station was not clear.

Observation of the polling

The team did not observe any disturbance of voting and the process was done in an orderly manner. Two problems, however, were noted and should be addressed by the relevant election authorities.

Poor layout of the polling stations. In several of the polling stations the polling booths were placed in a manner that could compromise the secrecy of the vote. In one polling station too many people were allowed into the polling station at the same time, making it crowded.

Family voting. The team observed a significant number of instances of family voting. In general the voting committee did not intervene to prevent more than one person in the polling booth.

In constituency 6, four designated polling stations handled the voting for expellees from constituency 5, i.e. Vukovar. A total of 224 such voters were registered in the constituency. These polling stations were in Ivanić Grad, Velika Gorica, Kutina and Petrinja.

GONG reported on election day of an orderly process in which the polling stations received necessary election material and opened on time.

Observation of the closing and counting

The election law does not contain any particular description of the procedure for counting the ballots. In the polling station observed during the counting, the process

was less than optimal as the ballot box was emptied and all members of the voting committee without co-ordination started to count the ballots.

In one polling station in Velika Gorica in Zagreb County in constituency 6 there was a discrepancy between the number of voters registered as having voted and the ballot papers in the ballot box. It appeared that the members of the voting committee had forgotten to circle a few names in the voter register causing the number of ballots to exceed the number of voters. The results from this polling was annulled and caused a delay in the completion of the election results as a re-run was carried out one week later. The number of voters at this polling station was small and had no influence on the overall results of the constituency.

Observation of the tabulation

The polling stations in Sisak generally completed the counting in a few hours after closing. After processing on the City Election Commission the results were reported to the CEC. Results reported from the CEC to the SEC were made available at the website at the SEC. The procedure of tabulation seemed to be adequate and transparent and the election officials at all levels were committed to the work and put in the necessary effort to conduct an effective tabulation process.

Out-of-Country Voting

Voting abroad, in the diaspora constituency, or constituency 11, was conducted over two days, 22 and 23 November in 51 countries at 155 polling stations. For these elections, it was simpler and more convenient than in the past for voters who were temporarily out of the country to obtain the certificates required for them to vote there. Most significant in the out-of-country voting are Serbia and Montenegro and Bosnia and Herzegovina. The number of polling stations in Serbia and Montenegro was only 6, and only in the three cities Belgrade, Subotica and Kotor. In Bosnia and Herzegovina, the number of polling stations was 30 in 15 different locations. The EOM assessed the 6 polling stations in Serbia and Montenegro to be disproportionate to the number of ethnic Serb Croats eligible for voting.

11. THE REVIEW OF COMPLAINTS PROCESS

In past elections the procedure for complaints about the election process was not clear. The complaint and appeal provisions of the Election Law, article 83-89 have been amended and now appear to be consistent with the corresponding provisions of the law on the Constitutional Court. It is specified that judicial appeal is only available to the Constitutional Court.

In addition to the jurisdiction over election disputes, the Constitutional Court has a general responsibility to oversee the legality of the elections. Article 83 of the election law states that the Constitutional Court supervises on the election and that this court “resolves election disputes that are not in the scope of courts of justice, deciding upon complaints on the responsible election commission”. Article 84 defines that “every political party, holder of independent list, candidates for representatives to parliament, minimum 100 voters or minimum 5 % of the voters of a constituency in which the

elections are being conducted may file an objection due to irregularities in the procedure of nomination or in the procedure of the election”.

To the knowledge of the LTO-team no complaints were taken to the Constitutional Court during the course of the election observation.

12. COMMENTS ON THE OUTCOME OF THE ELECTION

In the pre-election period, the media projected that HDZ would increase its number of seats in the new parliament on the cost of SDP. The race for control over parliament was expected to be tight because of the coalitions between SDP and other parties supportive of the Račan government. SDP won 34 seats, ten less than in 2000. The SDP coalition partners won a total of 9 seats, the Istrian Democratic Congress (IDS) 4, Libra 3 and the Liberal Party (LS) 2. Also the Croatian People's Party (HNS), becoming the third largest party in the new parliament with ten seats, was expected to go into alliance with SDP. One seat was won by the Primorje-Gorski Kotar Alliance (PGS), making a total of 54 in support of a continued Račan government.

The results showed that HDZ almost doubled its number of representatives and won 62 seats in the 10 territorial constituencies, and all four seats allocated to the diaspora constituency. As HDZ did better than projected the outcome in terms of who was to form the new government was given. The only possible option for the president was to task HDZ president Ivo Sanader to form a new government. However, as 66 seats were not enough to form a majority coalition, HDZ depended on support from other parties.

The Croatian Party of Rights (HSP) doubled the number it of seats from the previous parliament, to 8 seats. It was expected that HSP could be a possible government partner for HDZ. The Peasants' Party (HSS) won only 9 seats, a decline from 16 seats in 2000 and below its own expectations. Picking HSS as the principal partner, instead of HSP, would both give the new HDZ government a stronger majority and, very important, a greater approval by the international community. The negotiations following elections resulted in neither HSP or HSS joining the HDZ coalition. HSS indicated that it would be prepared to vote with the new government on key issues.

The coalition of the Social Liberal Party (HSLs) and the Democratic Center (DC) suffered a defeat, winning only three seats, two HSLs seats and one DC seat. Neither party presidents made it to the parliament. These two parties agreed to support the new HDZ government. The biggest surprise in the elections was the Pensioners' Party (HSU) with its three seats. The Croatian Democratic Peasants' Party (HDSS) won one seat. Both HSU and HDSS agreed to a post-election alliance with HDZ, as did three of the minority representatives, giving HDZ and its allies control of 76 of the 152 seats in the new parliament.

Despite running in unprecedented numbers, the independents all failed to make it. Equally unsuccessful were the fringe parties, including those most prominent, like the coalition of the Croatian Bloc (HB) and the Croatian True Renaissance (HIP).

2003 election results in the 10 territorial constituencies (excl. diaspora and minorities)

Croatian Democratic Union	HDZ	62
Social Democratic Party of Croatia	SDP	34
Croatian People's Party	HNS	10
Croatian Peasants' Party	HSS	9
Croatian Party of Rights	HSP	8
Istrian Democratic Assembly	IDS	4
Party of Liberal Democrats	LIBRA	3
Croatian Party of Pensioners	HSU	3
Liberal Party	LS	2
Croatian Social Liberal Party	HSLs	2
Primorje-Gorski Kotar Alliance	PGS	1
Croatian Democratic Peasants' Party	HDSS	1
Democratic Center	DC	1

Distribution of seats per party in the ten territorial constituencies.

	1	2	3	4	5	6	7	8	9	10	
HDZ	5	6	4	7	8	6	7	3	9	7	62
SDP	6	3	3	1	3	4	4	4	2	4	34
HNS	2		2	1		1	1	1	1	1	10
HSS		2	1	1	1	1	1		1	1	9
HSP	1	1		1	1	1	1		1	1	8
IDS								4			4
LIBRA		1	1	1							3
HSU			1	1				1			3
LS				1		1					2
HSLs		1	1								2
DC					1						1
PGS								1			1
HDSS			1								1

EU foreign ministers issued a statement early December 2003 calling upon the new government to co-operate fully with the ICTY, and to fulfil its promises on minority rights and the return of Serb refugees who fled Croatia during the conflict in the 1990s.

In the minority constituency most minority voters selected the general ballot. There are probably several reasons for this. One being that the minority seats are secured however low number of voters who cast their ballot in the minority constituency. By choosing the general ballot the minorities also have the possibility of supporting the party or coalition seen to be the most favourable.

13. CONCLUSIONS AND RECOMMENDATIONS

Following the 2000 parliamentary elections, the OSCE/ODIHR recommended a number of detailed changes to the electoral framework. An ODIHR election expert team visited Croatia in September 2003 to assess the overall election environment. The expert team found that the legal framework had not significantly improved. However, the 2003 parliamentary elections proved significant competence in administration of the elections and great civic attitude towards an orderly election process. The political parties expressed great confidence in the electoral administration. Election officials were dedicated to their work and put in the necessary effort to conduct good quality elections. The Croatian NGO GONG further improved the overall quality of the election process by conducting extensive election observation.

The quality of future elections, however, can be enhanced by improvements in the legal framework regulating the election process. The short electoral period, as little as 30 days, permitted by the election law, combined with the absence of a permanent electoral administration, poses challenges in preparing for elections. As a result, the precise procedures for the elections are often not decided until a short time before polling day, which produces severe time constraints for transmitting this information to election officials.

In several areas, the legislative provisions appear insufficiently detailed. This is particularly true of the provisions on financial reporting by election contestants, and for voting and counting procedures in the polling stations. The mandatory instructions and “reminders” published by the SEC during recent elections contained detailed information but the legal status of such documents is not clear. The staff of the polling stations should receive adequate training on practical administration of the polling, e.g. layout of polling stations and counting procedures.

The election law also contains problematic provisions. One example is the provision regarding the mandatory annulment of results and conduct of repeat elections in polling stations where it is found that the number of ballots in the ballot box exceeds the number that should have been cast according to the records of the polling. While the number of polling stations affected is usually small, the annulment of results at even a single polling station, as was the case, leads to a delay in the announcement of final results.

14. EVALUATION OF THE OBSERVATION CO-ORDINATION

The observation mission was set up with the core staff in Zagreb and 12 LTOs. No STOs were recruited. The EOM generally functioned well. Minor problems concerning logistics and misspelled names on business cards etc. were solved. One member of each LTO-team was called to Zagreb for a very useful mid-term briefing 14 November. The team based in Sisak covered constituency 6 and 7, which is a very large area. During the pre-election period the team was only able to visit a small number of the 73 cities and municipalities plus parts of the City of Zagreb. In

constituency 6 the number of cities and municipalities is 27, 19 in Sisak-Moslavina County and 8 in Zagreb County plus the south eastern part of the City of Zagreb. In constituency 7 the number of cities and municipalities is 46, 21 in Karlovac County, 17 in Primorje-Gorski Kotar County and 8 in Zagreb County plus the south western part of the City of Zagreb. Initially it was planned that this area should be covered by two LTO-teams, which would have been preferable as the area was far too large to cover effectively by one team.

15. APPENDICES

- 1. OSCE/ODIHR Statement of preliminary findings and conclusions**
- 2. Observers' reporting form**
- 3. Law on the constituencies for the election of representatives to the House of Representatives of the Croatian State Parliament (unofficial translation)**