

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 339 (2013)¹ Local elections in Bosnia and Herzegovina (7 October 2012)

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers of the Council of Europe on 19 January 2011, and, in particular, its Article 2, paragraph 4, on the Congress' role in the observation of local and regional elections;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Bosnia and Herzegovina on 12 July 2002.

2. The Congress points to the importance of genuinely democratic elections and to its specific mandate and role in the observation of local and regional elections in Council of Europe member countries.

3. It stresses that the Congress observes elections only upon invitation by the countries concerned. Similar to the monitoring process of the European Charter of Local Self-Government, election observation missions are conceived as activities carried out in dialogue with the respective authorities.

4. In conformity with its Resolution 306 (2010) on observation of local and regional elections – strategy and rules of the Congress, the Congress underlines the importance of this statutory activity and its complementarity to the political monitoring of the situation of local and regional democracy in Council of Europe member States.

5. The Congress notes with satisfaction that:

a. the local elections held in Bosnia and Herzegovina on 7 October 2012 were generally well prepared, conducted in an orderly manner and organised in accordance with the standards for democratic elections elaborated by the Council of Europe and other international institutions;

b. following the recommendations made by the Congress in 2008 (Recommendation 256 (2008)²), significant progress was made in respect of the overall election management, in particular with regard to: signalling and housing of polling stations, measures preventing the use of mobile phones inside polling stations and voting booths, as well as the user-friendly design of ballot papers;

c. the Central Election Commission (CEC) of Bosnia and Herzegovina conducted an informative campaign, with relevant materials and reference texts available on its website and television information spots about the elections and how to vote. Also, manuals for the staff at polling stations and election observers were made available by the CEC and an SMS facility was introduced by which voters could easily locate their polling station with their mobile phone.

6. The Congress is also pleased to note that there was a vivid and competitive election campaign and that there was less violence compared to previous years.

7. At the same time, the Congress has identified several issues to be addressed, which include:

a. the question of voter registration, notably the scope of liberality of different related provisions (such as allowing registered voters to cast their ballot other than in their constituency and allowing first-time voters, as well as “new residents”, to participate in the elections even if they had not registered within the period stipulated for registration);

b. the “tender ballot” system (for “unconfirmed” or unregistered voters) in particular, for first-time voters, out-of-country voters and “new residents”, which created uncertainty as to voter numbers in certain areas and confusion among the staff at polling stations, particularly at the vote count;

c. the political pervasion of polling station committees whereby members are proposed by the political parties and these same parties also send the domestic observers who should oversee the process and ensure pluralism;

d. the provision conceding assistance to certain voters of reduced capacity which allowed for potential abuse of the ballot by the “assistant”.

8. Taking into account the previous comments, the Congress invites the authorities of Bosnia and Herzegovina to take all necessary steps to:

a. revise the existing system of voter registration including the so-called tender ballot system for unconfirmed voters in order to establish clarity, avoid confusion and ensure procedures which are transparent and unchallengeable, not only, but particularly, in politically sensitive areas;

b. take measures to professionalise the electoral process by involving more experienced, competent and well-trained election officials in the management of polling stations and reduce party control; consequently, the know-how in election management at State level, notably of the Central Election Commission, should not be disregarded and efforts should be made to use qualified election officials according to their field of competence;

c. review the provisions in place for voters who need assistance due to reduced capacity in order to avoid potential abuse of the ballot by the assister and to make more use of the existing system of mobile voting boxes for voters who are incapable of getting to the polling station.

9. In addition, the Congress points to the unsatisfactory situation in the City of Mostar where residents were unable to take part in these local elections, and it encourages all actors to work together constructively to find a solution so that elections can take place as soon as possible.

10. Furthermore, in order to contribute to the strengthening of grass-roots democracy, the Congress encourages the authorities of Bosnia and Herzegovina to reconceive the existing regulation allowing citizens not permanently resident in a municipality to take part in local elections.

11. Aware of the disenchantment with politics in Bosnia and Herzegovina and of the opinion that political apathy could be countered by organising concurrent elections on one day (“Super Sunday”), the Congress points to the experiences of other countries where elections at different levels of

government have been organised simultaneously. This has shown that local elections have been largely overshadowed by the national vote and have led to serious organisational challenges for the election administration which have to be managed, to a great extent, by the municipalities. Another option chosen by certain Council of Europe member States is to organise different elections in the same year, but not on the same date.

1. Debated and approved by the Chamber of Local Authorities on 20 March 2013, and adopted by the Congress on 21 March 2013, 3rd Sitting (see Document CPL(24)3, explanatory memorandum, presented by Amy Koopmanschap, Netherlands (L, SOC), rapporteur).

2. Recommendation 256 (2008) 3 on local elections in Bosnia and Herzegovina (observed on 5 October 2008), rapporteur: Nigel Mermagen, United Kingdom (L, ILDG).