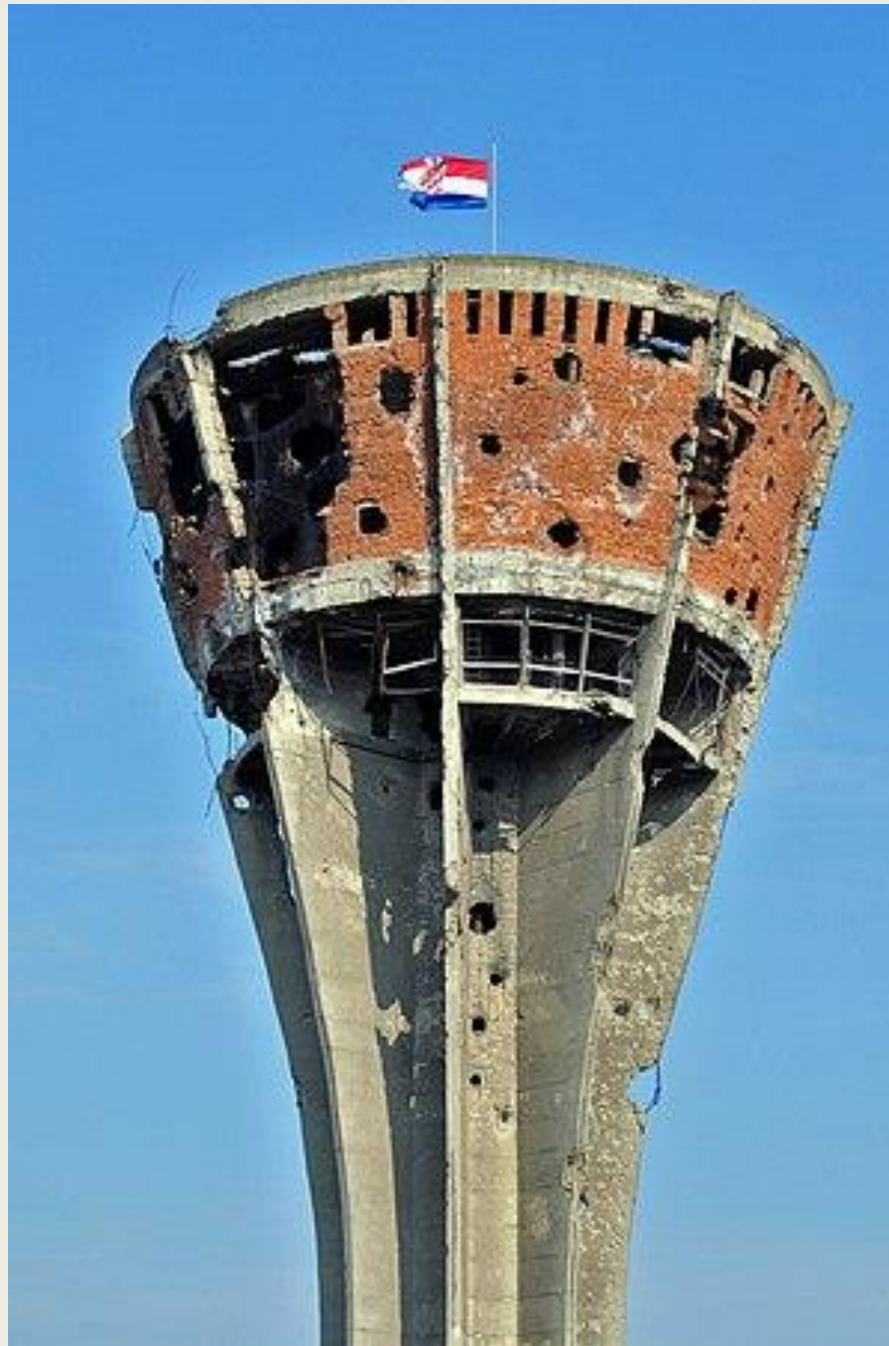


# **The experience of the Republic of Croatia in conducting post-war elections: challenges and lessons learned**

Duro Sessa  
duro.sessa@vsrh.hr



# Introduction

- Since its independence in 1992, the Republic of Croatia and competent election commissions have faced challenges in conducting elections.
- **Firstly**, challenges were met in period of peaceful reintegration of Croatian Danube Region, region that was in a process of becoming a part of the rest of the country after that has been occupied by Serbian forces since 1991. **Secondly**, challenges were met during times of natural disasters in 2014 and 2021 when some regions were hit by earthquakes and water-floods..

# Introduction

- Leading principle- goal to be achieved:
- To find solutions that would allow all voters to exercise their right to vote and at the same time assure the right to vote is exercised only once.
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# Electoral commission of the Republic of Croatia

- The permanent composition of SEC consists of president, four vice-presidents and four members.
- President of SEC is president of the Supreme Court of the Republic of Croatia.
- Two vice-presidents are elected by the general session of the Supreme Court from among the ranks of the judges of that court, on the proposal of the President of the Supreme Court.
- Two vice-presidents who are not from the ranks of judges of the Supreme Court and other members of SEC are elected by a majority vote of all representatives of the Croatian Parliament for a term of eight years. One vice-president and two members are proposed for election by the majority political parties or coalitions, and the other vice-president and two members are proposed for election by the opposition political parties or coalitions, in accordance with the party structure of the Croatian Parliament at the time of the election.

# Political context in the Republic of Croatia back in 1997

- Since 1991 till spring 1995 about one quarter of the territory of the Republic of Croatia has been occupied by Serbian forces,
- Between 1992 and 1995 there have been two international community missions in the Republic of Croatia: UNPROFOR (United Nations PROtection FORces) and UNCRO (United Nations Confidence Restoration Operation in Croatia).
- Not successful - military deliberation of the Country in 1995.

- Reintegration of Croatian Danube Region into territory of the Republic of Croatia was a complexed one. The solution of solving the problem started by signing “Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium” ( Erdut Agreement) on 12th November 1995. Erdut Agreement was signed.

- Aim of Erdut Agreement was peaceful reintegration of Danube Region in constitutional and legal order of the Republic of Croatia.
- From 15th January 1996. to 15th January 1998.
- The period of peaceful reintegration was carried out by UNTAES, headed by US Extraordinary General Jacques Paul Klein.



- Peaceful reintegration of Croatian Danube Region progressively included following processes:
- demilitarization of occupied territory; establishment of Transitional Police Forces; beginning of demining;
- reintegration of social and economic structures, especially education system,
- healthcare system,
- traffic, communication and communal infrastructure; pilot-project for the return of exiles and refugees to their homes;
- introduction of the Croatian monetary system etc.

# ORGANIZING AND CONDUCTING FIRST POST-WAR/POST-CONFLICT ELECTIONS

- Administration of elections,
- Elections complaints and
- Election dispute resolutions

- Local elections (elections for county assemblies, city councils and municipality councils; hereinafter: representative bodies), as well as elections for the Chamber of Counties of the Croatian Parliament were held on 13th April 1997. in whole Country
- Only Croatian citizens had right to vote.
- Local elections 1997 in Croatian Danube Region were conducted during period when Republic of Croatia had no full jurisdiction control over the area.

# Election bodies

- (a) Electoral Commission of the Republic of Croatia,
- (b) county, city and municipality elections commissions and
- (c) polling station election committees.
- For the region that was completely under jurisdiction of UNTAES, UNTAES itself had certain authorities in appointing elections commissions

- Basically and in principle, election commissions on state and local level had authority to organize and control election process in the region, but UNTAES temporary authorities had also right to interfere and to overrule decisions of election commissions. The role of Croatian bodies and role of international governance bodies was arranged through agreement among Croatian Government and UNTAES authorities.

# The right to vote

- According to Act on Voters Lists the right to vote at local elections had Croatian citizens at the minimum age of 18 years residing in the territory for which representative body elections had been called, under condition of being registered into voters list.

# Voters Lists

- **Regular voters lists for voting within the region** consisted of: (a) list of persons that were living in the region in 1991 and had Croatian documents and (b) list of refugees that were living in the area after 1991, gained Croatian documents before 15th January 1996 and decided to vote for representative bodies in the region.
- **Voters lists for voting outside the region** consisted of: (a) list of refugees that were living in the region after 1991, gained Croatian documents before 15th January 1996 and decided to vote for representative bodies outside the region and (b) list of exiles that were living outside the region, that were registered by the Office for Exiles and Refugees and decided to vote outside the region.

- The main principle:
- every voter should have a possibility to vote,
- living in the region or being in exile or refugee and living all over the country and even abroad.
- Thus, every voter should have
- the possibility to receive the ballot for representative body of his residence,
- has a polling station committee that would count his vote and transfer the result of his voting towards competent election commission, no matter where this voter voted.
- At the same time, it was necessary to ensure that every voter could vote only once.



# Appeals

- Agreement between Croatian Government and UNTAES authorities, in regard to solve appeals on the election process, special Appeal Panel was formed outside of regular bodies that decide on appeals.
- Appeal Panel consisted of 5 members, two nominated by Croatian Government, two from local authorities formed through period of occupation and one member was nominated from UNTAES. The member nominated by UNTAES also acted as president of Appeal Panel

- Complaints which were subject of Appeal Panel in majority cases were directed to: (a) complaints that polling stations were not opened on time; (b) inaccuracy of voters lists, (c) propaganda during the election day and (d) failure of polling station commission to establish identity of voters.
- Appeal Panel examined every complaint/appeal through control of election materials, seeking statements from members of polling station committees and looking whether breach of procedure had or could have impact on election results.
- **All complaints were rejected and election results were approved.**

# The General Amnesty Act

- Came into force in October 1996 and it politically helped to complete the process of peaceful reintegration of Croatian Danube Region.
- According to The General Amnesty Act, it gave amnesty to all those “who committed criminal acts during the course of armed conflict in Republic of Croatia”. The amnesty was applicable to crimes committed between 17th August 1990 and 23rd August 1996 .
- Exempting from criminal prosecution those who joined forces in rebellion against the Republic of Croatia – notably Serbs from so-called Krajina region and Croatian Danube Region. In addition the General Amnesty Act also gave amnesty from criminal prosecution to persons who committed “crimes related to the armed conflict in the Republic of Croatia”.
- Act of Forgiveness prescribed exceptions from amnesty for those who committed the most difficult crimes. – war crimes

# Conclusion- what is needed

- The main principle -to ensure every voter the right to vote.
- Necessity of prompt reaction of election commissions at all levels and all other stakeholders – even where there are on legal provisions
- The principle can be achieved only with an accurate, complete and transparent voters list
- it is necessary to have highly motivated, independent and trustworthy members of electoral bodies who would be able to bring quick lawful decisions on any situation which can occur
- to ensure prompt and accurate flow of information between electoral bodies
- to have good cooperation and communication within election commissions, as well as with relevant state authorities and other stakeholders, including international community. This includes also permanent open communication lines with

*Thank you for your attention.*