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**“ENFRANCHISEMENT OF PERSONS DISPLACED BY CONFLICT IN
BOSNIA AND HERZEGOVINA”**

I - Legal framework for exercise of this right since 1996.

The war in Bosnia and Herzegovina, which started in 1992, ended by the signing of the *Dayton Peace Agreement* on 15.12.1995 in Paris, and the signatory to this agreement were Republic of Bosnia and Herzegovina, Republic Croatia and Federal Republic Yugoslavia.

The Dayton Peace Agreement for Bosnia and Herzegovina represents a *General Framework Agreement for Peace in Bosnia and Herzegovina* establishing main political and legal principles on which rests the social and political life in this state.

The integral part of this Agreement are its addenda in form of 11 Annexes which regulate the main issues of unity in BiH, and inter alia, *Annex 4* represents the *Constitution of Bosnia and Herzegovina*, and *Annex 7* represents *Agreement on refugees and displaced persons* and regulates protection of these persons with reference to their full physical and material integrity guaranteeing them regardless of their ethnical, religious affiliation and political opinion, free return to their homes, restitution of their property, compensation for their property that cannot be returned.

Annex 3 represents *Agreement of the Parties on the elections* and regulates guidelines for administration of free, fair and democratic elections and other significant issues regarding this area of political life in BiH. This Annex established *Provisional Election Commission* (Article 3 of the Annex) “which adopts electoral rules and regulations regarding: registration of political parties and independent candidates, the eligibility of candidates and voters; the role of domestic and international election observers, the ensuring of an open and fair electoral campaign, and the establishment, publication, and certification of definitive election results. The Parties are obligated to fully comply with the electoral rules and regulations, notwithstanding any internal laws and regulations.”

This Annex also establishes authorities and accountability of the Provisional Election Commission, which are further developed in the Electoral Rules and Regulations. *Article 4, Annex 3* regulates the right to vote of citizens who no longer live in the municipality in which they resided in 1991 in a manner which foresees for such persons to vote in person or by absentee ballot, provided that the person is determined to have been registered in that municipality....or that citizen may however apply to the Provisional Commission to cast his or her ballot “elsewhere”.

Provisional Election Commission adopts Electoral Rules and Regulations for every election.

In accordance with its authority laid down in Annex 3 of the General Framework Peace Agreement in Bosnia and Herzegovina the Provisional Election Commission has determined and adopted *Electoral Rules and Regulations for the elections at the local and higher level in Bosnia and Herzegovina* (“Official Gazette of BiH” number: 22/96, 25/96, 29/96 and 31/96) and *Electoral Rules and Regulations for municipal elections in Bosnia and Herzegovina in 1997* (“Official Gazette of BiH”, number 10/97 and 15/97) which prescribe the manner and process of registration and voting of the voters who are displaced persons and refugees.

According to these Rules displaced persons could register to vote in person in the municipality in which they had place of residence in 1991, then to vote by an absentee ballot for their municipality in which they had place of residence in 1991 or to register to vote in the municipalities in which they were residing.

The Rules laid down that refugees could register to vote in person in their municipalities where they had place of residence in 1991 and that they could register to vote in person in the future municipality (the municipality where a person intends to live).

These Rules regulated registration of voters, who vote by mail.

The Rules regulate that each citizens of Bosnia and Herzegovina who has attained eighteen years of age or older, and whose name appears on the Census in BiH from 1991 (the last Census conducted by Bosnia and Herzegovina) shall have the right to vote, if he or she previously registered in accordance with the Electoral Rules and Regulations.

Voters registration (Article 5.1 of the Electoral Rules and Regulations adopted on September 13, 1997) represent an ongoing process of recording the citizens in the register at the Voters Registration Centers designed by the local election commission in cooperation with OSCE within the period set by Provisional Election Commission.

Refugees who were registering to vote in the municipality of future place of residence (out-the-country registration) needed to previously apply for a certificate in the OSCE Center in order to register in person in the municipality where they intend to live.

- 1) A voter currently residing within Bosnia and Herzegovina registered to vote at a Voter Registration Center in the municipality in which he or she is currently residing, regardless of the municipality in which he or she intends to vote.
- 2) A voter currently residing within a segment of a split municipality in which there is no municipal authority subject to election during the 1997 Municipal Elections and eligible to vote in person or by an absentee ballot in the municipalities in which he or she resided in 1991 under the condition that it has been established that he or she is registered in that municipality (general rule), may register to vote at the Voters Registration Center in an adjacent municipality, regardless of the municipality in which he or she intends to vote.

Article 6 (Voter Eligibility Verification) of these Rules lays down that the 1991 Census as adjusted for use in the September 14, 1996 Elections will be used as the basis for voter registration and will be available at all Voters Registration Centers during the voter registration period. To exercise his or her right to vote, every voter must register to vote at the Voter Registration Center.

Subsequently the Provisional Election Commission adopted Electoral Rules and Regulations published in the “Official Gazette of BiH” number 1/2000, January 10, 2000, and which will be used for administration of elections in Bosnia and Herzegovina until enforcement of the BiH Election Law and establishment of a completely functional BiH Election Commission.

Municipal Elections in BiH, held on April 8, 2000, as well as the implementation of results of those elections, have been conducted in accordance with these Rules.

Article 2.10 prescribes voter registration options by which the general rule that a citizen who no longer lives in the municipality in which he or she resided in 1991 can vote in person or by absentee ballot in that municipality, provided that the person is registered as a voter in that municipality, still applies.

Exceptions to this general rule have been foreseen:

“a) Citizens of Bosnia and Herzegovina who changed their place of residence within Bosnia and Herzegovina between the 1991 Census and April 6, 1992 may be registered to vote in the municipality in which they live on April 6, 1992 and may cast their vote either in person or by absentee ballot, only if they present documentary proof of residence in the municipality on or before April 6, 1992;

b) Displaced persons, who were citizens of BiH on April 6, 1992, but who have changed their place of residence within Bosnia and Herzegovina since that date either forcibly as the result of the war or voluntarily, may apply during the voter registration period to vote in person in the municipality in which they now live and intend to continue to live, only if they present documentary proof of continuous residence in the current municipality six months prior to the elections;

c) Refugees have the right to vote in the elections without losing their status as refugees and without being obliged to immediately return to BiH. Every effort will be made to facilitate the return of refugees to vote in person, without their forfeiting the right to go back after the elections to the countries where they are now living.”

Article 2.66 of these Rules prescribes out-of-country by-mail voters registration:

“a) A citizen of BiH who is eligible to vote in the elections, and resides outside of BiH may register to vote by-mail provided that he or she submits a registration form to the Center for voting by-mail by a date established by the Provisional Election Commission;

b) A voter, who previously registered to vote by-mail will be sent a confirmation form by the Center for voting by-mail, which will allow a voter to confirm his or her existing registration and interest in casting a ballot in the forthcoming elections;

c) A by-mail voter who fails to respond to the request for confirmation shall remain on the voters register. Such a voter shall be eligible to cast a tendered ballot at the polling station.”

Article 2.68 prescribes the manner of out-of-country voting of voters returning to Bosnia and Herzegovina:

“a) A voter who has registered to vote out-of-country and who returns to BiH, has the right to cast a ballot in person at an appropriate polling station in BiH in accordance with the Rules and Regulations of the Provisional Election Commission;

b) A voter who has registered to vote out-of-country and has returned to Bosnia and Herzegovina by deadline established by the Provisional Election Commission shall update his or her registration record and be assigned to an appropriate polling station;

c) A voter who has registered to vote out-of-country and has returned to BiH, but failed to update his or her registration record under previous paragraph shall be entitled to vote by tendered ballot at the polling station specifically designated for this purpose.”

Next Rules and Regulation, which have been adopted by the Provisional Election Commission, had been published in the “Official Gazette of BiH”, number 18/00, on July 11, 2000, and their provisions regulate the election of the members of BiH Parliamentary Assembly, F BiH Parliament, President and Vice President of Republican Spike, Republican Spike National Assembly envoys, envoys of the cantonal assemblies, presidents of the cantons (this function has been abolished by the changes to the BiH Federation Constitution).

Election for the above-mentioned bodies of authority, which were held on November 11, 2000 have been administered in accordance with these Rules and Regulations.

Article 306 prescribes voters registration process in the following manner:

“a) A citizen of BiH who has the right to vote, shall register for the municipality in which he or she had a place of residence on or before April 6, 1992 or for municipality where that person has permanent residence at the time of submitting an application if his or her permanent place of residence was changes in accordance with the law.

b) A citizen of BiH who is a displaced person has the right to vote under these rules and regulations, shall register depending on the voting option this person chooses, for the municipality where he or she had a permanent place of residence according to the 1991 Census, except in the case where this person can provide proof of a change of his or her permanent residence in accordance with the law in the period from the 1991 Census until this person acquired status as a displaced person, or for the municipality where this person has current residence and provides proof that he or she has registered as a current resident at least six months prior to the election day.

c) A citizens of BiH who has refugee status and has the right to vote under these Rules and Regulation shall register for the municipality where he or she had a permanent place of residence on or before April 6, 1992.

d) A citizen of BiH who is a resident of the District of Brcko, as defined by Article 11 of the Statute of the Brcko District of Bosnia and Herzegovina, shall be eligible to register to vote for elections held in the Republika Srpska or for election held in the Federation of Bosnia and Herzegovina. Citizens who are already registered shall be allowed to change their entity voting preference until July 30, 2000.”

Articles from 320 to 326 of these Rules and Regulations prescribes out-of-country voters registration, deadlines for submitting an application for registration or confirmation form for the out-of-country voters, the status of the applicants previously registered for the

out-of-country voting, identification documents for out-of-country voters, source of out-of-country voter information and out-of-country voter change of address.

On August 23, 2001 Parliamentary Assembly of Bosnia and Herzegovina adopted the BiH Election Law, which has been published in the “Official Gazette of BiH”, number 23/01 from September 19, 2001, which entered into force eight day following its publication.

Article 2.9 of this Law establishes the Election Commission of Bosnia and Herzegovina, which changed its name to the Central Election Commission of Bosnia and Herzegovina by the last Changes and Addenda to the BiH Election Law (“Official Gazette of BiH”, number 24/06), an independent body, which derives its authority from and reports directly to the Parliamentary Assembly of Bosnia and Herzegovina, while Article 2.5 of this Law regulates number of the members, composition and appointment of the BiH Central Election Commission’s members.

Article 20.8 of the BiH Election Law (“Official Gazette of BiH”, no. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06 and 24/06), which is in force also for the forthcoming elections to be held on October 01, 2006, lays down the status of displaced persons and **refugees** with reference to exercise of the right to vote:

“Article **20.8**

Until otherwise decided by the High Representative or the Parliamentary of Bosnia and Herzegovina pursuant to paragraph seven of this article, a citizen of Bosnia and Herzegovina who is a displaced person and has the right to vote, shall have the right to register and to vote in person or absentee for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired status as a displaced person, or in person for the municipality of his or her current residence, under the condition that he or she became a resident of that municipality at least six (6) months prior to the election day.

A citizen of Bosnia and Herzegovina who is a displaced person and has the right to vote under this article, shall register depending on the voting option this person chooses, for the municipality where he or she had a permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where this person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until this person acquired status as a displaced person, or for the municipality where this person has current residence and provides proof that he or she has registered as a current resident at least six (6) months prior to the election day.

The citizen of Bosnia and Herzegovina who is occupying a house or an apartment for which s/he does not have an ownership or occupancy right, while an enforcement document is issued by a competent court or administrative authority on the restitution of a house or an apartment, or CRPC decision, has no right to vote in the place of current domicile, until s/he abandons real-estate property owned by other, and may register to vote only in the

municipality where s/he had the permanent residence in accordance to the last Census in Bosnia and Herzegovina.

Current residence, for the purpose of this article, is the municipality where a displaced citizen of Bosnia and Herzegovina has temporary residence, until conditions are met for his or her return to the municipality where he or she had permanent residence according to the last Census conducted by the State of Bosnia and Herzegovina.

Until otherwise decided by the High Representative or the Parliamentary of Bosnia and Herzegovina pursuant to paragraph seven of this article, **a citizen of Bosnia and Herzegovina who is a refugee and who has the right to vote** shall have the right to register and to vote in person or by mail for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired refugee status.

A citizen of Bosnia and Herzegovina **who has refugee status and has the right to vote** under this article, shall register for the municipality where he or she had a permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where he or she can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired refugee status.

The special rights to register and to vote provided to displaced persons and **refugees** in this article shall expire on a day determined by the High Representative. If the High Representative does not so decide before his or her mandate terminates, then the special rights to displaced and refugee voters shall continue until so decided by the Parliamentary Assembly of Bosnia and Herzegovina.

The following factors should be considered before deciding on the expiration of the special rights to vote granted to displaced persons and refugees:

1. Status of implementation of property laws;
2. Number of persons registered as displaced persons;
3. Factor by which sustainability of the return is established, encompassing safe return, access to education and services, non-existence of discrimination when applying for a job and on the work, and in the functioning of the judiciary system.”

Until the last changes to the BiH Election Law, which entered into force on April 11, 2006, the exercise of the right to vote was solved by the active registration of the citizens. However, changes to this law introduced in the country so-called passive registration, which means that a state body by its duty registers citizens to the voters register (Directorate for implementation of CIPS project). Until the introduction of the passive registration the citizens of BiH were obliged to personally request registration in the Center for voter register. The obligation of active registration still remained in force for the refugees, which means that a person who has a refugee status must personally request registration in the Central Voters Register. In that process the person is obligated to contact the CEC BiH in

written form and to submit the certificate of citizenship to BiH, and the evidence of his or her last place of residence in BiH.

Chapter III “Voters Register” of the BiH Election Law regulates the manner of maintaining the Central Voters Register (CVR) and the bodies responsible for accuracy of data in the CVR, furthermore it defines the right of displaced persons and refugees to register in the Central Voters Register as a very important assumption for exercise of active right to vote (active registration). Practical exercise of most of these rights can be observed on the application form for out-of-country voting (Form PRP1).

Article 3.5 of the BiH Election Law establishes that the Central Voters Register is maintained by duty in a manner that BiH Central Election Commission maintains the CVR for the territory of Bosnia and Herzegovina, based on the records of the Directorate for the implementation of the CIPS project, which keeps a record of BiH citizens in accordance with the law on central register and exchange of data. Directorate for implementation of CIPS projects maintains and is responsible for the whole technical processing of the data which are significant for the Central Voters Register.

Furthermore, Article 3.6 of this Chapter lays down competency and accountability of the BiH Central Election Commission for accuracy, updating and complete integrity of the CVR. BiH Central Election Commission makes, inter alia, excerpts from the CVR for refugees, displaced persons, as well as the excerpts from the CVR for voters voting outside BiH.

BiH citizen who has the right to vote in accordance with the BiH Election Law, and who temporarily resides abroad, shall be registered to the CVR for the basic constituency where he or she had a registered place of residence in BiH prior to leaving BiH, while refugees shall be registered to the CVR for the basic constituency where he or she had a registered place of residence in accordance with the provisions of the above-mentioned Article 20.8 of the BiH Election Law¹.

Displaced persons shall be registered to CVR for the basic constituency based on the chosen voting option in accordance with the provisions of the above-mentioned Article 20.8 of the BiH Election Law².

Furthermore, Article 3.15 prescribes that if a BiH citizen is enjoying refugee status, and if he or she has the right to vote, but has not been registered in the excerpt from the Central Voters Register for voting outside BiH (not found in CIPS records), he or she must submit **Certificate of citizenship** in order to be registered in the excerpt from the Central Voters Register for voting outside BiH and to accomplish the right to vote.

A person having status as refugee from BiH, and who is found in the CIPS records is obligated to submit a certificate on permanent residence in BiH from the period of 1991 or a proof on change of the residence in the period from the Census until this person acquired status as a refugee, in order to be registered in excerpt from the Central Voters Register for voting outside BiH for appropriate municipality, and/or constituency.

¹ BiH Election Law, CHAPTER III, Article 3.9, paragraphs 2, 3 and 4

² Ibid

Article 3.16 of the BiH Election Law lays down that BiH citizens are obligated to submit all changes in the data under which they previously registered for voting outside BiH, and especially every change in the address abroad aimed at reliable delivery of the voting materials until the deadline prescribed by the BiH Central Election Commission for submitting application form for voting outside BiH.

If BiH citizen *fails* to submit his/her application until prescribed deadline, he/she shall be registered in the Excerpt from the Central Voter Register for voting at appropriate polling station in basic constituency of his/her registered place of residence.

If BiH citizen who was registered in the Excerpt from the Central Voters Register for voting outside BiH returns to BiH before the expiry of deadline for the closing of Excerpts from Final Central Voter Register for next elections, he/she shall be obliged to submit a request for the change of voter's option to the competent Center for voters register in order to be registered for voting in basic constituency of his/her registered permanent residence.

If BiH citizen who was registered in the Excerpt from the Central Voter Register for voting outside BiH returns to BiH after the expiry of the deadline for the closing of Excerpts from the Final Central Voter Register, he/she shall be allowed to vote by tendered/enveloped ballot at a polling station in the basic constituency wherein he/she has the right to vote.

Nevertheless, with reference to the exercise of the passive enfranchisement (candidacy right) present legislation is still insufficient, and in my opinion it complicates and bureaucratized exercise of this right.

The deadlines of certain election activities are very short and interwoven. Pursuant to the adopted legislation refugees can register until July 18, 2006. But, in order to be an independent candidate in the election you ought to apply to the CEC BiH until June 19, 2006 at latest. Furthermore, if you wish to be a candidate on the political party's list the deadline for application is until July 03, 2006. According to this, a person having a status as refugee and who registered to the voters register within the given deadline, i.e. July 15, 2006 will be able to exercise his or her active enfranchisement (right to vote), but he or she will not be able to exercise his or her passive enfranchisement (candidacy right). Namely, all those who registered from July 03-18, 2006 will not be allowed as candidates at the forthcoming elections. Such an absurd legal solution needs to be amended as soon as possible.

II – STATISTICS ON PARTICIPATION OF THE REFUGEES FROM BIH IN THE ELECTION PROCESS

THE ELECTIONS IN BOSNIA AND HERZEGOVINA, 14 SEPTEMBER 1996³

The out-of-country voting required significant logistical preparations, which were not assisted by the various delays in their commencement. The out-of-country voting was observed in 23 countries by 65 observers.

The report of the observers shows that there were some problems, the most significant of which were the issue of wrong ballots, confusion surrounding Form II and the postponement of municipal voting, lack of information on the balloting process and about the

³ "Preliminary statement of the coordinator for international monitoring (CIM)", www.osce.org/odihr-elections

candidates and competing parties, postal delays, and errors in the packing and delivery of envelopes.

These problems were particularly evident in the Federal Republic of Yugoslavia. However, despite these problems, the overall conclusion of the observers is that the out-of-country voting worked reasonably well and was free of any significant manipulations.

MUNICIPAL ELECTIONS IN BiH, 13-14 SEPTEMBER 1997⁴

The registration was conducted for the most part competently and effectively. A total of 2,525,230 were registered and appeared on the Final Voters Register (FVR).

The general rule of the GFAP was that voters should vote in the municipality they lived in before the war, as per to the 1991 census. There was a provision, however, to allow refugees and displaced persons to "cast his or her vote elsewhere". The Rules and Regulations also gave a provision for refugees abroad to vote in a future municipality, which might have been different from their former, under rather strict conditions for proving connections to that municipality. Less than two hundred refugees registered for that possibility in the end. Displaced persons in-country were permitted to register in their present municipality, provided they could produce a recognized residence document with a date of issue not later than 31 July 1996.

Table 1.

Registered for Municipality	1991 Municipality				Total 1991	1996 Municipality	Total
Entity	Still Living in '91 municipality	Absentee					
		in country	out of country	Total Absent			
Federation BiH	1.036.271	60.129	175.415	235.544	1.271.815	55.854	1.331.670
Republika Srpska	587.372	125.030	222.606	347.636	935.008	221.943	1.177.556
Total	1.623.643	185.159	398.021	583.180	2.206.823	277.797	2.509.226

As can be seen from Table 1, the tendency for displaced persons to register in their present municipality was far more significant in the RS than in the Federation. This caused controversy, because those supporting the concept of a multiethnic society claimed that the general rule of registering for one's 1991 municipality became the exception. It was argued that this represented an acceptance of "ethnic cleansing".

However, having provided for the possibility to register in the present municipality by producing valid documents, it would be up to the individual voter to make his or her own free choice, and if that resulted in more persons choosing to do so than some parties might want, it is

⁴ OSCE/ODIHR Election Observation Mission, www.osce.org/odihr-elections

still the voters own will. It was noted that there were attempts to abuse this provision by some parties, who launched an insidious campaign to pressure the electorate to register in particular municipalities.

The registration of voters who at the moment did not live in Bosnia and Herzegovina was the responsibility of the OSCE Out of Country Voting Office in **Vienna** (OCV), organized through the International Office for Migration (IOM).

Voters who at the moment lived in the Federal Republic of Yugoslavia and Croatia were able to register in person at VRC s set up within the two countries. The VRC's followed procedures, which directly paralleled with those in use at VRC's within Bosnia and Herzegovina, including the presence of supervisors.

Potential voters who at the moment lived elsewhere in the world were contacted by mail, and invited to return their registration application to Vienna or, in the case of those in Germany, to a collection point in Bonn.

Of the approximately 535,000 eligible out-of-country voters some 420,000 registered (80%). The number of registrants in Croatia was substantially lower than in 1996: some 59,000 registrations (adjusted as of 1 September) as opposed to 131,761 the year before. It was clear that fear existed within the refugee communities in that the fact registration might be used in the future by Croatian authorities to enforce return to Bosnia and Herzegovina. Additional factors which contributed to the low registration included relocation or return of refugees and a perceptible apathy towards the electoral process.

In the Federal Republic of Yugoslavia, the total registration for 1997 was approximately 72,000. This compares with a 1996 total of 89,000 plus 123,000 declarations to a future address in Bosnia and Herzegovina. The fear of registration being used by authorities to enforce return to Bosnia and Herzegovina was given as a possible reason for the low figure, along with a lack of interest among refugees in returning to the Republika Srpska. Another significant problem stood out clearly with the Federal Republic of Yugoslavia registration, concerning linkage of humanitarian assistance with registration.

For voters registering out-of-country both the registration and subsequent claims process proved far more complicated than for those registering in-country, particularly for those who could not be found on the 1991 census. The process, the limited timescale and problematic nature of acquiring documentation proved very stringent, and subsequently the Citizenship Verification Sub Commission rejected a high number of potentially eligible out-of-country registrants

REPUBLIKA SRPSKA NATIONAL ASSEMBLY ELECTIONS, 22-23, NOVEMBER 1997⁵

The Chairman of the PEC decided on 28 November that only out of country ballots postmarked 24 November or before would be counted. The original instruction to out-of-country voters was that the ballot paper had to be in Vienna by 5 December and it did not mention anything about a deadline for postmarking. At the PEC meeting of 5 December, a copy of a complaint to Ambassador Ellerkmann (Deputy Head of the OSCE Mission) and the EASC, from the SDA, was

⁵ OSCE/ODIHR Election Observation Mission, www.osce.org/odihr-elections

handed out to PEC members. The SDA complained that the chairman's decision disenfranchised a large number of out-of-country voters who had relied on the written instructions from the OSCE.

On 6 December, the EASC unanimously endorsed the PEC chairman's decision from 28 November, stating that all absentee ballots postmarked after 24 November are invalid and shall not be counted ... "

It was extremely unfortunate that the out-of-country voters were misinformed. However, Article 86 of the Rules and Regulations did state: In-country, in -person voting and absentee voting will take place on the same day.

Final certification of the election results took place on December 12, although the Bosnian Serb member of the PEC refused to sign. On the 6, 7 and 8 Dec. 1997, the SDS put forward a further complaint detailing more allegations about irregularities with the out-of-country voting process and challenging a November 28 PEC decision to allow all ballots which were sent with some form of proof of eligibility to be accepted. The SDS claimed that this decision opened the door for fraud. The EASC decision RS-63 dismissed this claim, stating that the risk of fraud was minimal.

Following the closure of polling stations at 16.00 on Day 2, counting took place in the polling stations. This rule applied to all polling stations inside BiH, including Absentee Stations in the Federation, and for all polling stations in Croatia and the Federal Republic of Yugoslavia. The exceptions were for tendered ballots, which were sent to a central counting station in Rajlovac, in Federation Sarajevo, for checking against a central register for eligibility, and out of country votes (excluding Croatia and the Federal Republic of Yugoslavia), which were collected in Vienna then transported to Lukavica, in Republika Srpska Sarajevo, for counting.

67,848 out-of-country ballots were accepted by the counting center, and 11,920 tendered ballots were accepted.

Observation of the counting of out-of-country ballots concluded that the process was very well handled and efficiently dealt with.

AGGREGATION AND VERIFICATION OF RESULTS

792,994 valid votes were cast. The voter turnout figure was 70.07%.
Votes cast broke down in the following way:

Republika Srpska - 620,452
Federation - 75,548
Vienna - 67,848
accepted Tendered Ballots - 11,920 (13,953 rejected)
Croatia - 9,973
Federal Republic of Yugoslavia - 7,253
Invalid Votes (regular polling stations only) - 1,430.

In addition there were some 20,000 out-of-country votes not counted as they were postmarked after 24 November 1997.

ELECTIONS IN 1998, 12-13 September ⁶

450 internationally supervised centers were open throughout BiH, FRY and Croatia for voters to alter their registration status from 1997 (i.e. from an out-of-country to an in-country voter, or from an absentee to a regular voter), to re-register or simply to register (as in the case of new 18 year olds). It transpired however, that a number of administrative problems were still prevalent, mainly in ensuring that people were registered for the correct polling station, particularly in areas with split municipalities and settlements. In addition over 50,000 refugees have returned to BiH so far this year according to the International Organization for Migration (IOM), and they should have altered their status on the voters' register. As one OSCE election official pointed out, the changes to the processing of registration eliminated several key problems faced in previous years, but the setting up of a new system, with voters cards linked to settlements, created a number of new problems for the election administration.

Following the registration period which closed at the end of June, Provisional Voters' Registers were compiled and a claims and challenges period undertaken during the first week of August. Few alterations were made during this time, but there were still a number of problem areas, which needed clearing up prior to Election Day. The Final Voters Registers were not in fact printed until a couple of days prior to the elections and in some cases not until the day of the elections due to a number of problems with the computer programming, the distribution of the ballots and the accuracy of the registers.

In fact, by election day some 20-30,000 voters had still not been notified of their correct polling place or were not sure if their registration had been accepted or not, and were thus not assigned to a polling station. These voters are included amongst the 180,000 voters who used a tendered ballot. These people were not notified whether their vote was counted or not until the next time a registration process is undertaken.

It appears that the settlement policy was not accompanied by an adequate information campaign to notify each voter the exact location of the polling station he or she was supposed to vote at. According to the OSCE Mission to Bosnia and Herzegovina 60% of all voters who voted tendered ballot were those appearing at a polling station other than the one they were assigned to.

OUT-OF-COUNTRY VOTING (OCV)

Federal Republic of Yugoslavia

Registered voters – 75,253

Voted – 29,308 (39%) of which 5,399 by tendered ballot

In FRY both the registration and voting process was overshadowed by events in Kosovo. The decision for Bosnian refugees to register or not became a paradoxical question. If they registered, many would be voting for their former municipalities now in the Federation, and so viewed by local Serbian authorities as a wish to leave Serbia. For those who did not register, certain benefits and rights were refused (the Helsinki Committee told of several cases of registration slips being requested from people in order for them to register their children in schools or for car registration).

⁶ OSCE/ODIHR Election Observation Mission, www.osce.org/odihr-elections

Nevertheless over seventy thousand voters were registered, although the turnout was very low. No major incidents were reported on polling days.

Croatia

Registered voters – 73,470

Voted – 51,765 (70.5%) of which 10,732 by tendered ballot

Significantly fewer cases of systematic attempted fraud were detected this year although there have been credible allegations that the HDZ had written letters to thousands of Bosnian-born people residing in Croatia in an attempt to bolster their potential voters⁷.

This was discovered after thousands of people turned up at VRC's in Croatia during the last week of registration with the aforementioned letters bearing the insignia of "the Union of Clubs and Associations of Croats from BiH", with an untraceable organization and telephone number. This practice ceased following an OSCE appeal to the HDZ although allegedly a number of commercials appeared on Croatian television a couple of days prior to the elections appealing to all Croats who had ever lived in Bosnia to vote. This served to slow the voting process as those voters were allowed to vote by tendered ballot. No other significant problems were reported.

Vienna

By-mail registrants 152,900

By-mail voters 124,718 (81.6%)

Approximately 153,000 people were registered to vote by post this year, significantly lower than in previous years due to returns and people finding permanent residence abroad. Voting began on 10 August by post and some 120,000 ballots were received by the closing date on 14 September.

The BiH Federation representative in Vienna made strongly worded allegations against the bad organization, as well as individuals from OSCE in local BiH press on 23 August. The allegations, although strongly refuted, spread to other sectors of the press and did not assist in confidence-building in the electoral process. The OHR representative dealing with refugees stated in late August that it was "not difficult but impossible" to keep track of the whereabouts of refugees moving both in and out of country.

2000 GENERAL ELECTIONS

As seen in the tables, one can observe a huge difference between the number of registered refugees, who voted by-mail in the 2000 Elections and later in 2002.

In the 2000 Elections 232,739 voters have been registered, who fled Bosnia and Herzegovina due to the conflict, while that number in the 2002 General Elections decreased to 58,833, namely 173,906 refugees is less registered than in 2000. This decrease was influenced by several facts, which are characteristic to all elections in BiH from 1996 until today. Those are: acquiring the citizenship from the recipient country, return to the country, complicated system of registration, and one should not neglect the fact of abstinence, because

⁷ The ethnic Bosnian-Croat population in BiH has gone down from 17 to 12% of the total population.

many people were not interested to get registered. In order to provide accurate data, one should conduct a scientific study, which would precisely define the rapid decrease in number of refugees who participate in the political process in the country by elections.

Parallel overview of voters' registration between general elections 2000 and 2002

Table A

	Regular voters	Absentee	TOTAL
Elections 2000	2,083,798	191,812	2,275,610
Elections 2002	2,113,150	170,976	2,284,126
Difference	29,352	-20,836	8,516

Table B

Registration by-mail

Elections 2000	232,739
Elections 2002	58,833
Difference	- 173,906

2002 GENERAL ELECTIONS

In 2002 general elections, which were held in Bosnia and Herzegovina total number of registered voters, who registered to vote by-mail, was 58.833. Their enfranchisement right was exercise by 38.523 voters or 65,4% out of the registered number of voters.

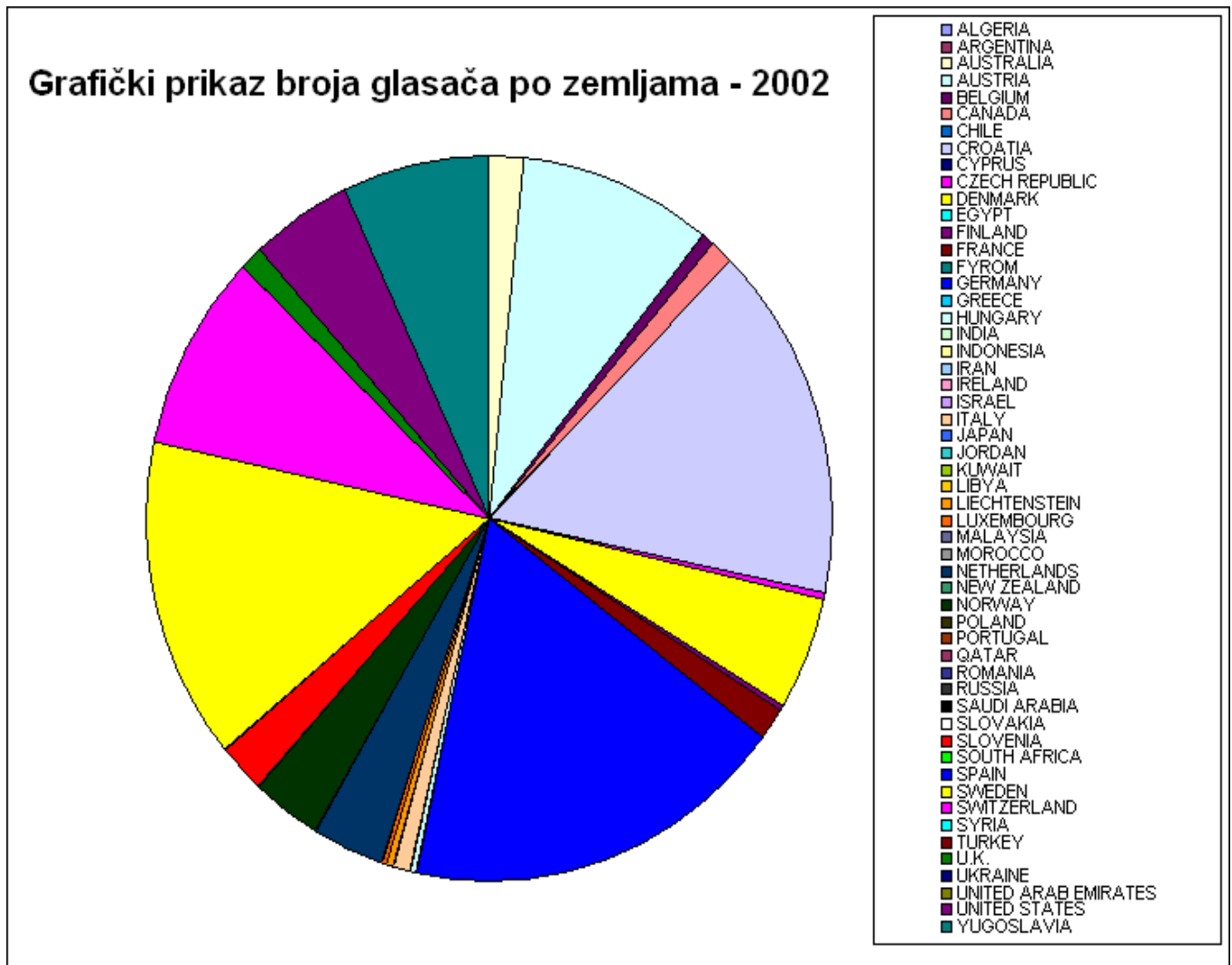
2002 GENERAL ELECTIONS IN BiH

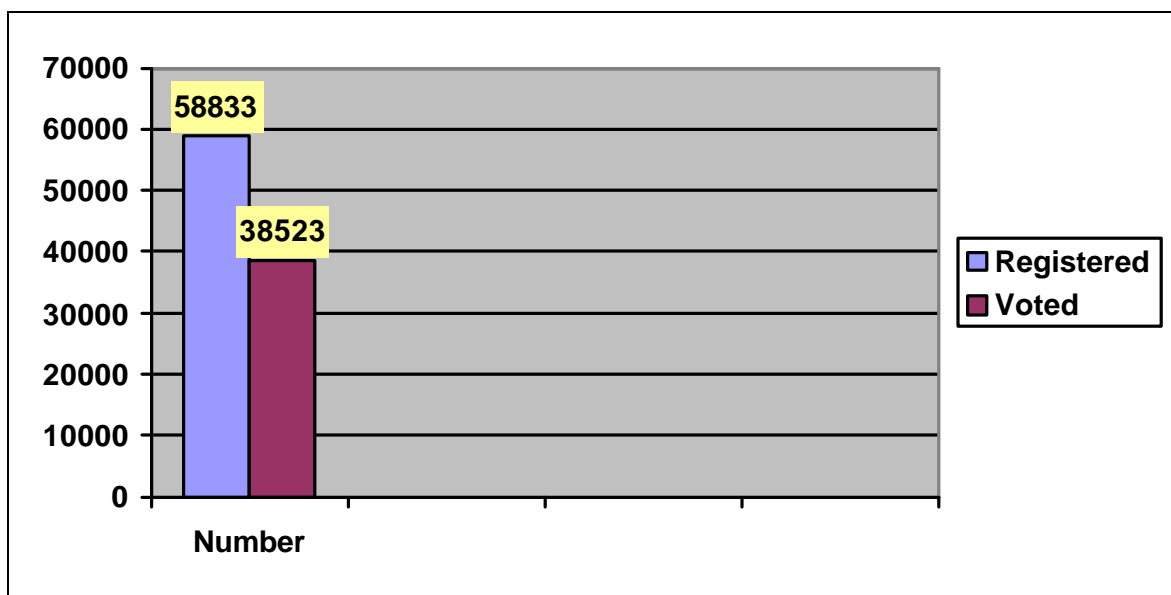
State	Number of registered
UKRAINE	1
CHILE	1
CYPRUS	1
PORTUGAL	1
ROMANIA	1
INDIA	2
ALGERIA	2
INDONESIA	3
JAPAN	4
POLAND	4
SYRIA	5
RUSSIA	5
ISRAEL	6

NEW ZEALAND	6
ARGENTINA	6
HUNGARY	6
QATAR	7
KUWAIT	7
SOUTH AFRICA	9
MOROCCO	11
FYROM	13
IRAN	14
SLOVAKIA	18
MALAYSIA	24
UNITED ARAB EMIRATES	24
LIECHTENSTEIN	25
SAUDI ARABIA	29
LIBYA	30
GREECE	32
EGYPT	33
JORDAN	42
TURKEY	83
IRELAND	109
SPAIN	112
CZECH REPUBLIC	114
FINLAND	177
LUXEMBOURG	211
BELGIUM	283
ITALY	414
U.K.	600
CANADA	686
FRANCE	740
AUSTRALIA	979
SLOVENIA	1.090
NETHERLANDS	1.918
NORWAY	2.103
UNITED STATES	2.677
DENMARK	2.917
SERBIA AND MONTENEGRO	4.233
SWITZERLAND	4.914
AUSTRIA	5.252
SWEDEN	8.871
CROATIA	9.979
GERMANY	9.999
TOTAL	58.833

Total number of registered voters in the 2002 General Elections in BiH for voting by-mail was: 58.833. Out this number a total of 38.523 persons or 65,4 % voted.

GRAPHICAL OVERVIEW: NUMBER OF VOTERS PER COUNTRIES





2004 LOCAL ELECTIONS

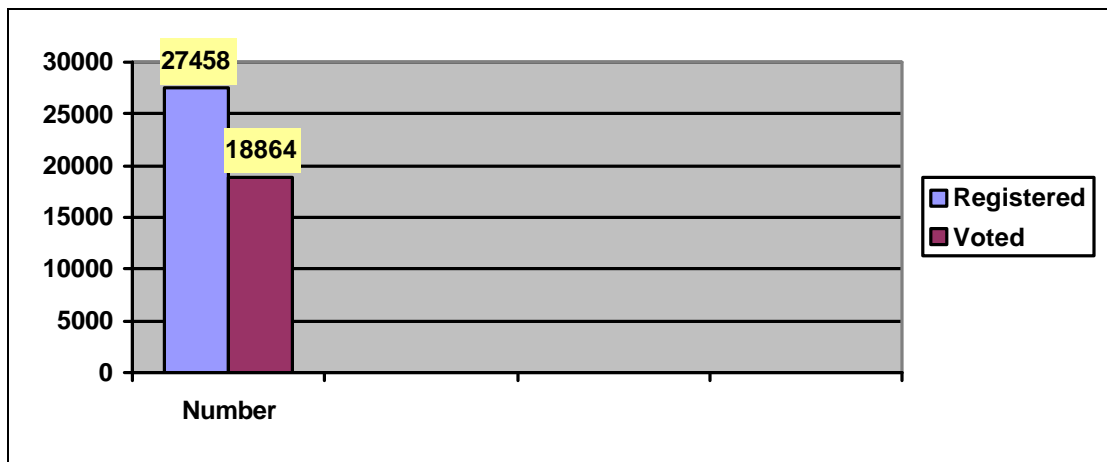
In the given table one can observe the number of registered voters for 2004 local elections as per recipient countries. According to this record the total number of refugees who registered for the 2004 local elections to vote by-mail was 27.458. At the 2004 elections their right to cast the vote in this manner was exercised by 18.864 or 68,7% out of the total number of registered refugees.

Number of registered voters for 2004 Municipal Elections as per countries

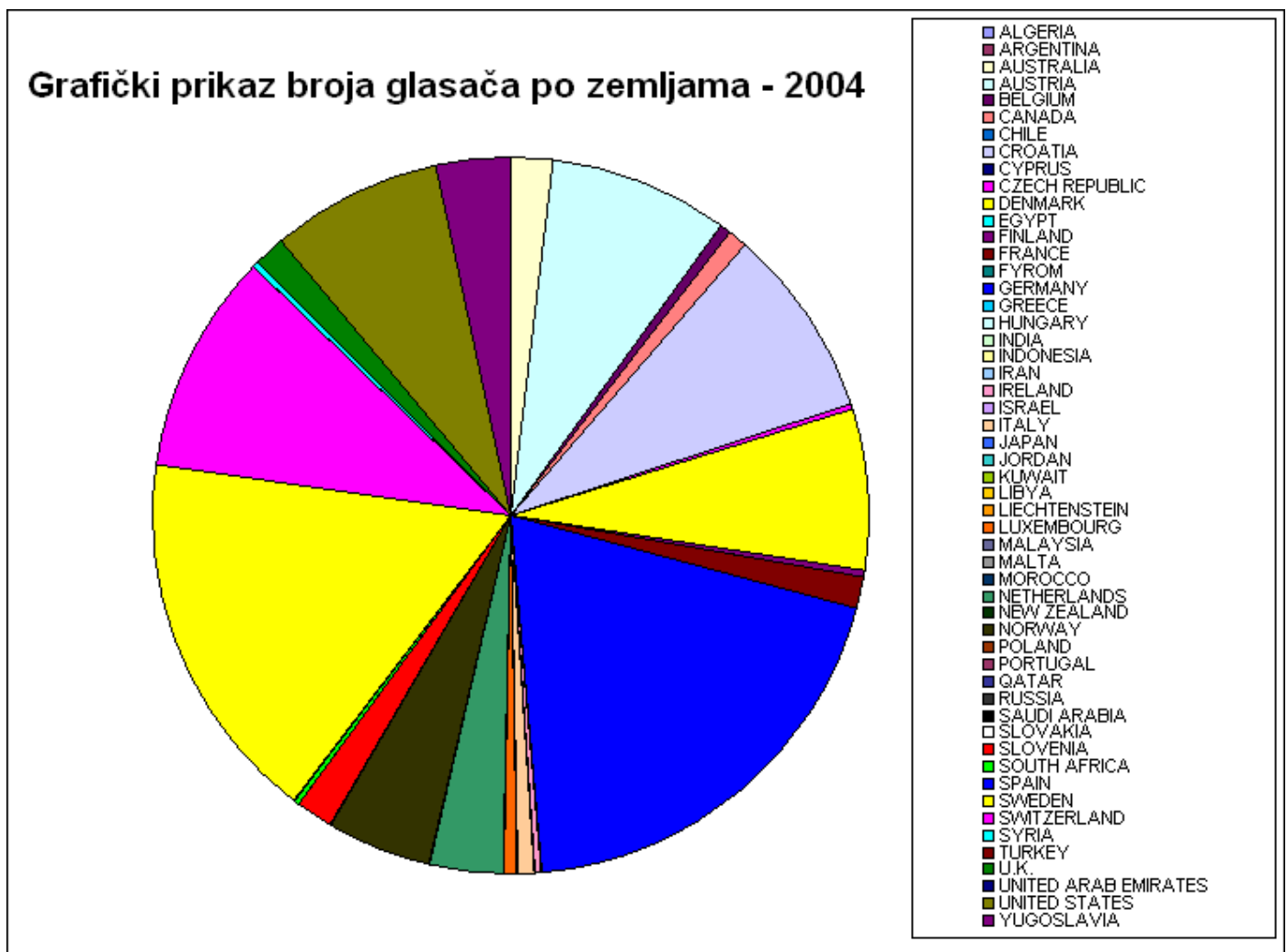
COUNTRY	Number of registered voters
ALGERIA	5
ARGENTINA	4
AUSTRALIA	510
AUSTRIA	2.168
BELGIUM	174
FORMER YUGOSLAV REPUBLIC OF MACEDONIA	4
CZECH REPUBLIC	42

CHILE	1
DENMARK	1.968
EGYPT	7
FINLAND	109
FRANCE	354
GREECE	14
HOLLAND	888
CROATIA	2.506
INDIA	6
INDONESIA	3
IRAN	9
IRELAND	43
ITALY	227
ISRAEL	1
JAPAN	5
JORDAN	14
SOUTH AFRICA	7
CANADA	273
QATAR	13
CYPRUS	1
KUWAIT	4
LIBYA	13
LIECHTENSTEIN	14
LUXEMBOURG	125
MALASYIA	11
MALTA	2
MAROCCO	7
HUNGARY	9
GERMANY	5.083
NORWAY	1.319
NEW ZEALAND	1
POLAND	1
PORTUGAL	1
RUSSIA	3
USA	2.058
SAUDI ARABIA	9
SIRYA	7
SLOVENIA	435
SERBIA AND MONTENEGRO	955
SPAIN	69
SWEDEN	4.749
SWITZERLAND	2.795
TURKEY	33
UNITED ARAB EMIRATES	9
GREAT BRITAIN	390
TOTAL	27.458

Total number of registered voters at 2004 local elections in BiH for voting by-mail was 27.458. Out of this number a total of 18.864 or 68,7 % voted.



GRAPHICAL OVERVIEW: NUMBER OF VOTERS PER COUNTRIES-2004



VI- FURTHER STEPS

1. We think that in the future the main part of the work related to the registration, compiling of the records, and the voting process should be done in the network of diplomatic - consular offices of Bosnia and Herzegovina in the world. The process of votes' counting should still remain in Bosnia and Herzegovina, which namely means that all above-mentioned tasks would be done in the Embassies, except for the task of counting of the votes.

2. More active and emphasized role of the Embassies is needed after completion of the voting by mail procedure and in the process of registration in such manner that Embassies and consular offices of Bosnia and Herzegovina in the world represent collecting points for election material and other correspondences with the voters, and that the material collected in the Embassies and consular offices is subsequently shipped to Bosnia and Herzegovina.

3. A coordinated active/passive manner of registration in the Central Voters Register is necessary to be kept during the registration. That means that a certain number of interested voters is registered and votes by mail, and that the remaining number of the voters is voting in person at the Embassies.

4. Voting that is not conducted in the Embassies and consular offices would not be recommended having in mind present circumstances, and voting in the premises of citizens' associations, clubs of BiH citizens, religious temples must be allowed both by the national authorities and by the recipient country.

5. It is highly recommended to consider the issue of **e-voting**, even though at this point in time this manner of voting cannot be applied in Bosnia and Herzegovina, but it should be taken into consideration in the future. In the process itself this manner of voting should be firstly developed and tested in the country for election of local self-government bodies, namely on the smaller number of registered voters, as for example local communities' bodies or smaller municipalities. Prior to that adequate legislation should be adopted which encompasses: changes and addenda to the Election Law of Bosnia and Herzegovina, changes and addenda to the criminal legislation which would clearly specify sanctions for those who try to misuse e-voting; subsequently it would be needed to regulate the issue of e-signature and in general terms establish new legislation which is still unknown in Bosnia and Herzegovina. At the end it is necessary and very important in this aspect to capacitate the election administration in technical and personnel terms.

These are some measures that I would propose for the future more active exercise of political and enfranchisement rights of citizens having the refugee status.

In order to improve the situation, namely to increase participation in the political process of persons who fled the country due to the conflict, it is necessary to take a few huge steps, which would mainly focus on registration of those voters to the Central Voters Register, and subsequently it would enable the refugees to exercise their political rights in the country without great bureaucratic complications. With reference to that, besides the proposals I gave in the paper, I am free to give some more ideas at this table.

Firstly, one should consider addenda to the Constitution ensuring that Bosnian Diaspora, namely the refugees, have at least 2-3 secured seats in the BiH Parliament. Perhaps such institutional solution would increase the interest of BiH refugees to politically participate in the country.

Secondly, the refugees ought to have their own roof institutional framework, which could be an NGO which would connect all regional organizations of Bosnian refugee population into a network.

Thirdly, it is necessary that the international community establishes far more efficient system of organization and monitoring of out-of-country voting in the manner that this process is realized within the Diplomatic consular offices and other state institutions accompanied by active observation by international community.

Fourthly, the recipient country should mitigate the campaign process for registration to the Central Voters Register, and also until the Election Day. For example, free broadcast time in the media of the recipient country during the election campaign could increase the interest of the refugees for exercise of their enfranchisement rights.

Fifthly, mandatory education of refugee voters by representative of the BiH Central Election Commission and its Secretariat could significantly contribute to greater interest of refugees in the election process.

ANNEX 1)



GUIDELINES for registration of voters voting outside Bosnia and Herzegovina in 2006 direct elections

a) General information on the manner of voters' registration for voting outside Bosnia and Herzegovina.

Citizens of Bosnia and Herzegovina who live abroad, and who have the right to vote are obligated to submit an application form for voting outside BiH in order to be registered in the excerpt from the Central Voters Register for voting outside BiH at the forthcoming elections in Bosnia and Herzegovina.

Pursuant to the provisions of the BiH Election Law, all persons satisfying the following conditions will have the right to vote in the elections in BiH:

1. that they attained eighteen years of age until the Election Day,
2. that they are citizens of Bosnia and Herzegovina,
3. that they have place of residence in Bosnia and Herzegovina.

In order to be registered in the excerpt from the Central Voters Register for voting outside BiH you are obligated to **submit an application form** for voting outside BiH.

You can apply by submitting completed **PRP-1 or PRP-2 application form for voting outside BiH** to the BiH Central Election Commission for every election.

b) The manner of registration and application forms for voting outside BiH

Registration of voters for voting outside BiH is done by:

1) Submitting **PRP-2 application form for voting outside BiH** to the BiH Central Election Commission for BiH citizens who were enlisted in the excerpt from the Central Voters Register for out-of-country voting in the previous elections, and

2) Submitting **PRP-1 application form voting outside BiH** for BiH citizens who apply for out-of-country voting for the first time.

1) Submitting Form PRP-2 application for out-of-country voting for BiH citizens who were enlisted in the excerpt from the Central Voters Register for out-of-country voting in the previous elections.

Voters who were previously registered in the Excerpt from the Central Voter Register for voting outside BiH in the previous elections shall receive PRP-2 application form for voting outside BiH to address submitted by the applicant at the last registration for voting outside BiH, or to a different (last updated) address communicated by the voter as his/her new address to the Central Election Commission by the day of announcement of the Elections.

In order to remain enlisted in the excerpt from the Central Voters Register for voting outside BiH, voter shall returned signed PRP-2 application form together with a copy of one of the valid identification documents (or other requested documents if you are enjoying the refugee status) to the BiH Central Election Commission.

The copy of one of the valid documents may prove identity:

1. **BiH identification card, issued by CIPS,**
2. **BiH Driving license, issue by CIPS,**
3. **BiH passport,**

If you are applying as a refugee from BiH, and you do not possess any of the above-mentioned documents, as the proof of your identity you can use the copy of one of the following documents:

1. **Valid personal document issued by the host country or**
2. **Refugee card issued by the host country government or other international organization.**

If BiH citizen who was previously registered in the Excerpt from the Central Voter Register for voting outside BiH **fails** to submit his/her application until 18.07.2006 or his/her application cannot be processed due to its incompleteness, he/she shall be registered in the Excerpt from the Central Voter Register for voting at appropriate polling station in basic constituency of his/her registered place of residence.

If BiH citizen who has the refugee status fails to submit his/her application until 18.07.2006 or his/her application cannot be processed due to its incompleteness, he/she shall be registered in the Excerpt from the Central Voter Register for voting outside BiH but the voting materials for the next elections shall not be delivered to him/her.

In case of change of personal data, the applicant shall also submit a copy of the relevant decision or proof of change of personal data issued by competent bodies.

Application for voting outside BiH must be signed and submitted to the BiH Central Election Commission no later than 18.07.2006 so you could be registered in the excerpt from the Central Voters Register for voting outside BiH in the 2006 elections.

2. Submitting PRP-1 Application Form for BiH Citizens-First Time Voters outside BiH

1) BiH citizen who has the right to vote and who lives abroad, and wishes to vote in the forthcoming 2006 General Elections, shall be registered in the excerpt from the Central Voters register for voting outside BiH based on **submitted PRP-1 Application form for voting outside BiH** with the right to vote for the basic constituency, namely the municipality in which he or she has registered place of residence at the moment of submitting application for voting outside BiH.

The application shall be deemed valid only if you signed it and submit it with a copy of one of the valid identification documents with the photograph:

1. **BiH identification card, issued by CIPS,**
2. **BiH Driving license, issued by CIPS,**
3. **BiH passport.**

Identification document must be completely copied.

You should mark which documents' copies you are submitting with the application for voting outside BiH as well as the type of the document.

2) BiH citizen who has the right to vote and who applies as **refugee from BiH** shall along with the signed application submit **an evidence of identity, an evidence of residence in BiH and the data on the correct address abroad.**

If you are a person enjoying refugee status, and who have the right to vote, but has not been registered in the excerpt from the Central Voters Register for voting outside BiH (not found in CIPS records), you must submit **Certificate of citizenship** in order to be registered in the excerpt from the Central Voters Register for voting outside BiH and to accomplish the right to vote.

A person having status as refugee from BiH, and who is found in the CIPS records is obligated to submit **a certificate on permanent residence in BiH from the period of 1991** or a proof on change of the residence in the period from the Census until this person acquired status as a refugee, in order to be registered in excerpt from the Central Voters Register for voting outside BiH for appropriate municipality, and/or constituency.

If a person having status as refugee from BiH fails to submit the proof of residency in BiH, he or she shall be registered in the excerpt from the Central Voters Register for voting outside BiH if his or her name is found on the 1991 Census.

If a person having status as refugee from BiH fails to submit application until 18.07.2006, he or she will not be registered in the excerpt from the Central Voters Register for voting outside BiH, and his or her application shall be processed after the elections.

The copy of one of the valid documents may prove identity:

1. **BiH identification card, issued by CIPS,**
2. **BiH Driving license, issue by CIPS,**
3. **BiH passport,**

If you do not posses any of the above-mentioned documents, as the proof of you identity you can use the copy of one of the following documents with a photograph:

1. **Valid personal document issued by the host country or**
2. **Refugee card issued by the host country government or other international organization.**

As the valid **evidence on BiH citizenship**, you can submit a copy of one of the following valid documents:

- a) BiH passport or
- b) Certificate of BiH Citizenship.

As the valid **evidence on permanent residence in BiH**, you can submit the copy of one of the following documents:

1. **certificate on permanent residence in BiH from the period of 1991 Census or period from the 1991 Census to his/her acquiring of the refugee status, or**
2. **BiH Personal ID (full copy) from the period of 1991 Census or period from the 1991 Census to his/her acquiring of the refugee status.**

- c) **Deadline for application for voting outside BiH with special notices**

Application for voting outside BiH must be signed and submitted to the BiH Central Election Commission no later than 18.07.2006 so you could be registered in the excerpt from the Central Voters Register for voting outside BiH in the 2006 elections.

Citizens of Brcko District of BiH who apply for voting for District Brcko must mark their Entity citizenship in order to be registered in the Excerpt from the Central Voter Register for voting outside BiH in order to receive appropriate voting material.

You must state the your status abroad and you must send signed application form together with a copy of a valid identification document with a photograph to the BiH Central Election Commission.

d) Manner of distribution of forms for voting outside BiH with special notices
Distribution of application form for voting outside BiH **shall be done through the following:**

3. diplomatic and consular offices of BiH
4. BiH citizens' clubs and associations abroad
5. Central Election Commission web page and State bodies' web pages, and
6. Offices of international, governmental and non-governmental organizations dealing with refugees and migration affairs.

First time voters for voting outside BiH must fill out all application's boxes, sign the application and send it together with a copy of valid identification document with a photograph (and other requested documents in you enjoy a refugee status) **to the BiH Central Election Commission no later than 18. 07. 2006.**

Application for voting outside BiH is sent to the following address:

Elections in Bosnia and Herzegovina

P.O. Box 451

71000 Sarajevo

Bosnia and Herzegovina

or

Fax number: +387 33 251 333 and +387 33 251 334

Checking the processing status of the application for voting outside BiH is the obligation of the applicant

Via open telephone line: +387 33 251 331 or +387 33 251 332

e-mail: info@izbori.ba

All application for voting outside BiH received by 18.07.2006 will be processed at the BiH Central Election Commission. All citizens, for whom it has been established that they have the right to vote, shall be registered in the excerpt from the Central Voters Register for voting outside BiH in the forthcoming election and the voting materials shall be delivered to them to the address given in the application.

BiH citizens are obligated to submit all changes in the data under which they previously registered for voting outside BiH, and especially every change in the address abroad aimed at reliable delivery of the voting materials.

If BiH citizen who was registered in the Excerpt from the Central Voters Register for voting outside BiH returns to BiH before the expiry of deadline for the closing of Excerpts from Final Central Voter Register for next elections, he/she shall be obliged to submit a request for the change of voter's option to the competent Center for voters register in order to be registered for voting in basic constituency of his/her registered permanent residence.

If BiH citizen who was registered in the Excerpt from the Central Voters Register for voting outside BiH returns to BiH after the expiry of the deadline for the closing of Excerpts from the Final Central Voter Register, he/she shall be allowed to vote by tendered/enveloped ballot at a polling station in the basic constituency wherein he/she has the right to vote.

Annex 2)

Administrative Territorial Constitution of BiH⁸

Before the war Bosnia and Herzegovina consisted of 109 administrative territorial units – municipalities⁹.

Along 1,537 km state border with a territory of 51,209 sq. km, Post Dayton Bosnia and Herzegovina consists of two entities – Federation of Bosnia and Herzegovina that takes some 51% of the territory and Republika Srpska which spreads at 49% of the territory. Brcko District is an additional administrative unit in the northeastern part of the country under the sovereignty of BiH but internationally supervised.

⁸ The text on the following pages has been taken from "Comparative analyses on access to rights of refugees and displaced persons", BiH Ministry for human rights and refugee, www.mhrr.gov.ba.

⁹ Municipality is a basic local self-governmental unit comprised of community residents at the legally defined territory

After the Dayton separation the total number of municipalities in BiH increased to 147 out of which 85 had been formed at the territory of BiH Federation, 61 at the RS territory as well as Brcko District of BiH being the one administrative unit.

Present BiH has the total of 142 basic administrative and territorial units out of which 79 are in F BiH, 62 in RS and Brcko District of BiH in addition.



BiH Population

BiH Population in 1991

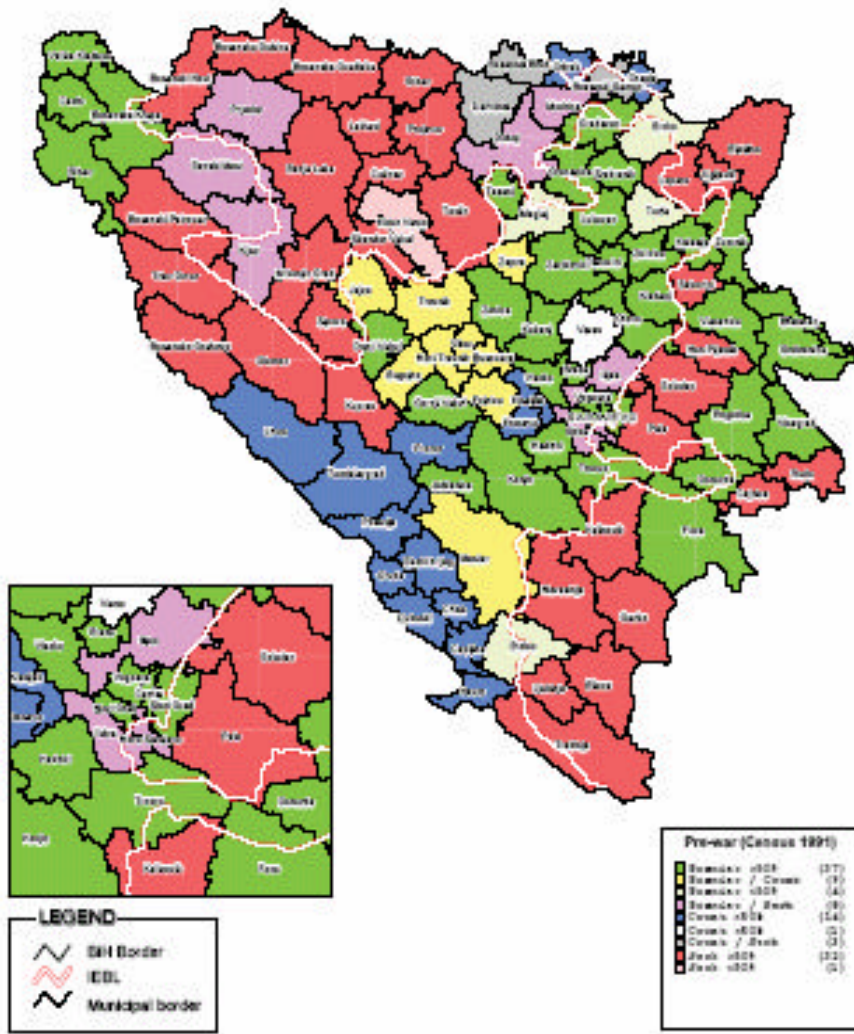
According to census carried out in 1991, the population in BiH counted some 4.3 million inhabitants with an average of 86.6 inhabitants per square meter.

Almost 40% of total population i.e. 1.7 million inhabitants lived in urban areas. Sarajevo, Banja Luka, Zenica, Tuzla, Mostar, Prijedor and Bijeljina were populated with more than 100,000 inhabitants each having at the same time the highest population density.

National Structure of 1991 Population

Besides the Bosniak, Croat and Serb population the 1991 Census registered 242,682 Yugoslavs who represented 5.54% in the national structure. There were 104,439 inhabitants of other nationalities i.e. 2.39%.

POPULATION STRUCTURE IN BiH - Census 1991



The boundaries displayed on this map do not imply official recognition by the United Nations

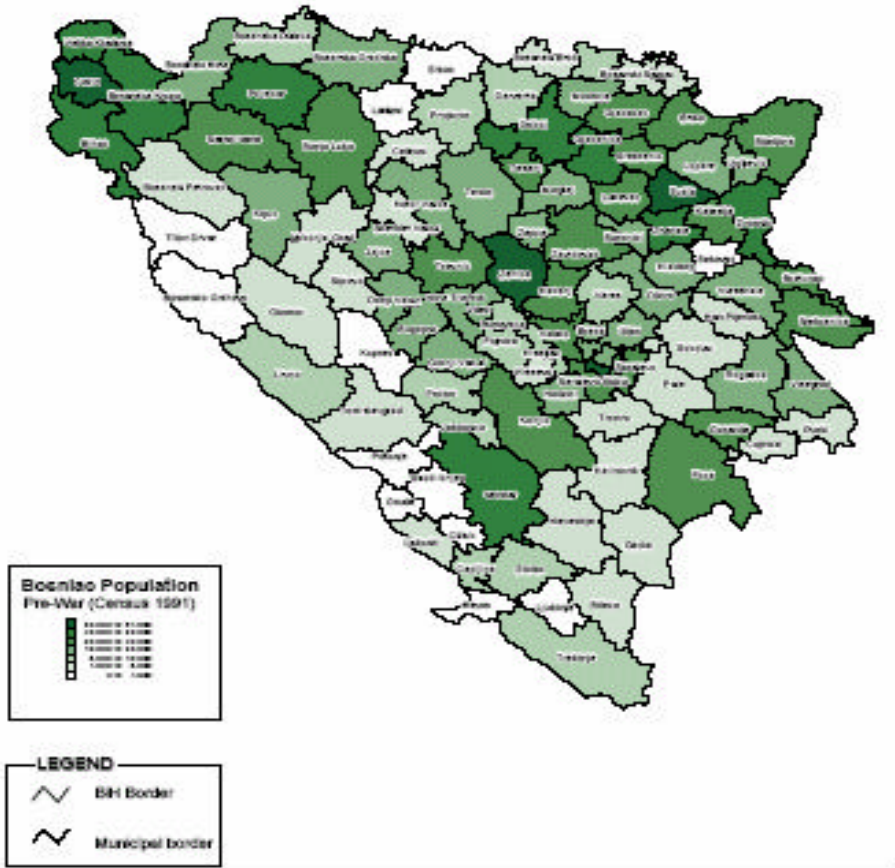
UNHCR Representation in BiH
GIS Unit

Date: 01.11.2003

Bosniak Population in 1991

Number and Percentage of Bosniaks according to 1991 Census	1.902.956	43,48%
Largest number of Bosniaks as per 1991 Census in municipalities > 20.000		
Zenica, Novi Grad Sarajevo, Tuzla, Cazin, Prijedor, Velika Kladuša, Bihac, Mostar, Živinice, Gracanica, Centar Sarajevo, Stari Grad Sarajevo, Brcko, Lukavac, Zvornik, Tešanj, Visoko, Gradacac, Novo Sarajevo, Zavidovici, Travnik, Srebrenik, Kakanj, Bijeljina, Kalesija, Doboј, Banja Luka, Ilidža, Sanski Most, Srebrenica, Bosanska Krupa, Konjic, Goražde, Bratunac		
Present number of municipalities as per percentage of Bosniaks in 1991 Population Structure	>90%	6
	80% -90%	6
	70% -80%	12
	60% -70%	12
	50% -60%	15
	40% -50%	15
	30% -40%	15
	20% -30%	13
	10% -20%	13
	1% -10%	18
<1%	17	

BOSNIAC POPULATION IN BiH: Census 1991



The boundaries displayed on this map do not imply official recognition by the United Nations

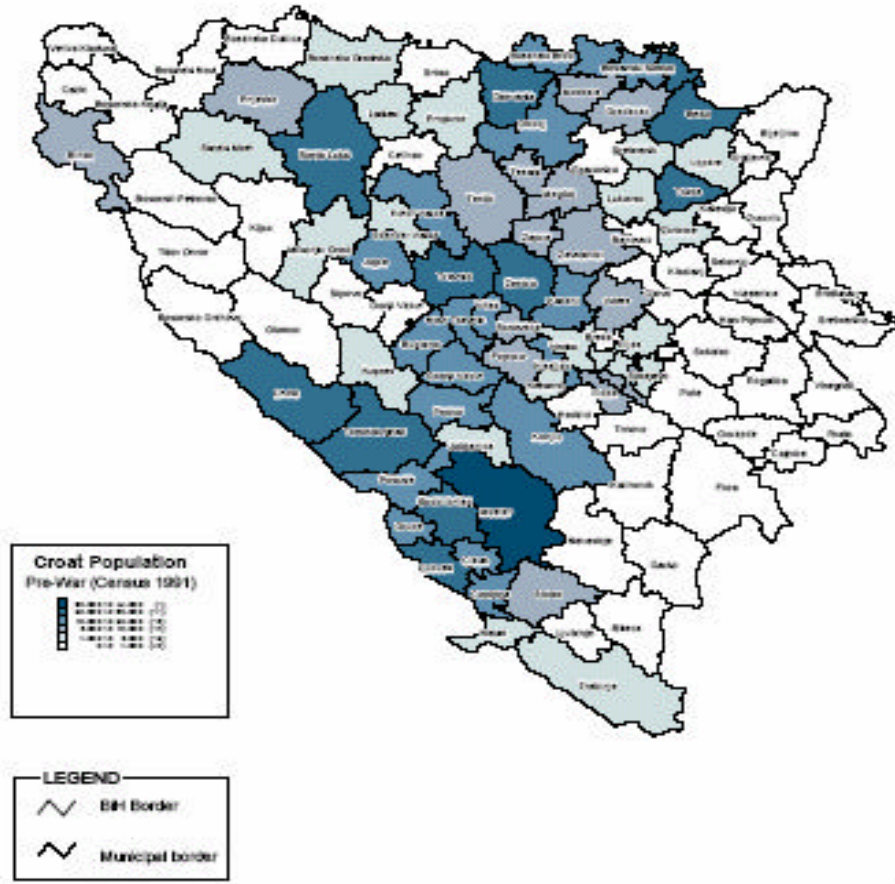
UNHCR Representation in BiH
GIS Unit

Date: 01.11.2003

Croat Population in 1991

Number and Percentage of Croats according to 1991 Census	760.852	17,38%
Largest number of Croats as per 1991 Census in municipalities > 20.000		
Mostar, Livno, Banja Luka, Široki Brijeg, Ljubuški, Tomislavgrad, Travnik, Zenica, Brcko, Derвента, Tuzla		
Present number of municipalities as per percentage of Croats in 1991 Population Structure	>90%	8
	80%-90%	3
	70%-80%	2
	60%-70%	1
	50%-60%	5
	40%-50%	9
	30%-40%	8
	20%-30%	8
	10%-20%	9
	1%-10%	38
	<1%	51

CROAT POPULATION IN BiH: Census 1991



The boundaries displayed on this map do not imply official recognition by the United Nations

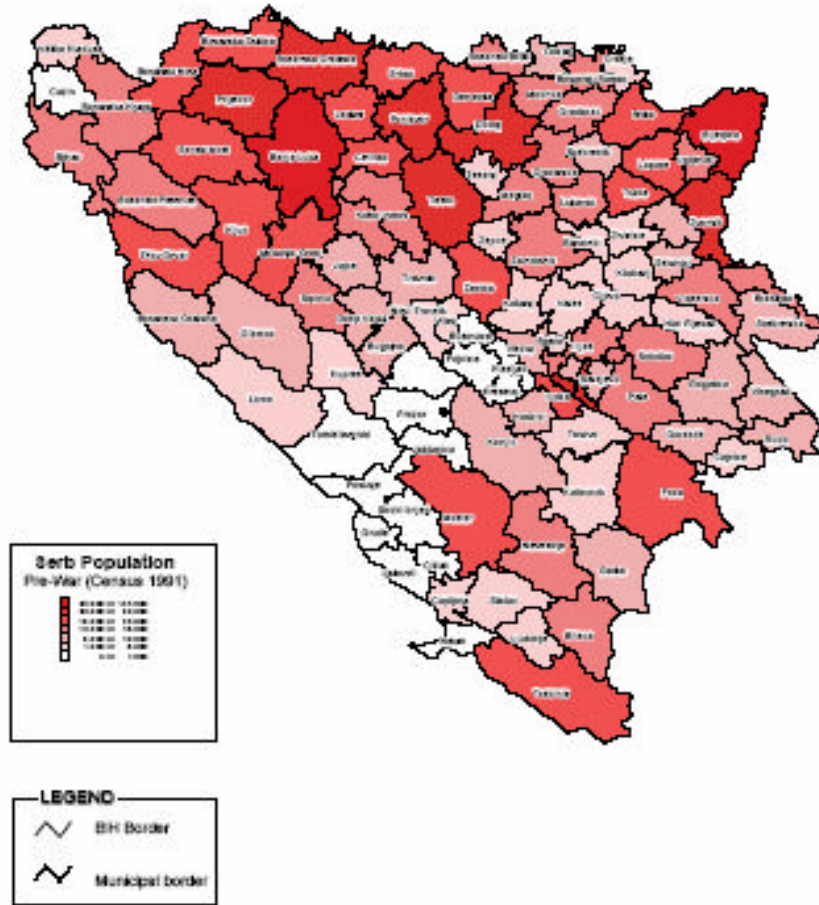
UNHCR Representation in BiH
GIS Unit

Date: 01.11.2003

Serb Population in 1991

Number and Percentage of Serbs according to 1991 Census	1.366.104	31,21%
Largest number of Serbs per 1991 Census in municipalities > 20.000		
Banja Luka, Bijeljina, Prijedor, Doboj, Novi Grad Sarajevo, Gradiška, Prnjavor, Teslic, Novo Sarajevo, Zvornik, Bosanski Novi, Laktaši, Mostar, Zenica, Derventa, Sanski Most, Bosanska Dubica, Mrkonjic Grad, Trebinje		
Present number of municipalities as per percentage of Serbs in 1991 Population Structure	>90%	12
	80%-90%	8
	70%-80%	10
	60%-70%	9
	50%-60%	10
	40%-50%	11
	30%-40%	12
	20%-30%	15
	10%-20%	22
	1%-10%	21
<1%	12	

SERB POPULATION IN BiH: Census 1991



The boundaries displayed on this map do not imply official recognition by the United Nations

UNHCR Representation in BiH
GIS Unit

Date: 01.11.2003

Consequences of 1992 – 1995 Conflict to Demographic Picture of Country

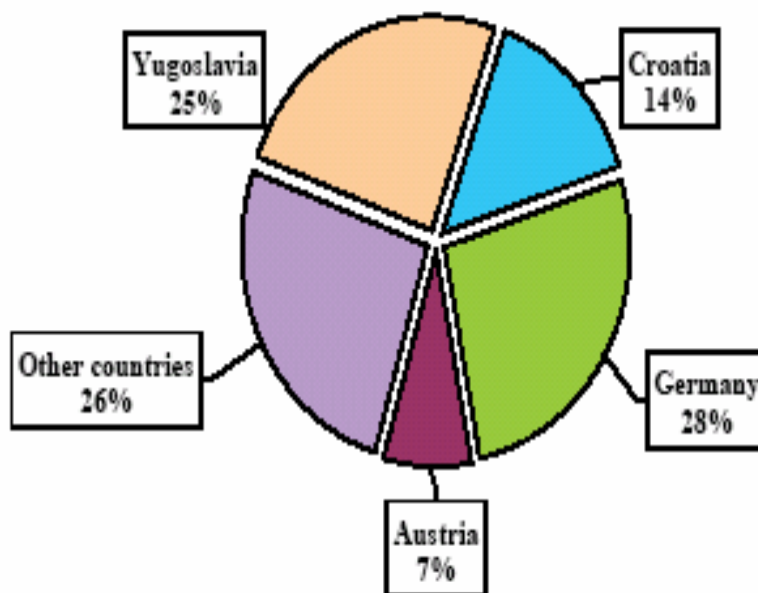
Tragic conflict in the region, as BH Constitution defined the war devastations from 1992 to 1995, had caused huge direct consequences to the demographic picture of the country: about 250.000 persons got killed and about 17.000 were reported missing.

Besides, since the beginning of the war until the General Framework Agreement for Peace (DPA) was signed some 2,2 million people had fled from their pre-war homes in Bosnia and Herzegovina, which makes more than 50% of the prewar domicile population. Out of that number 1,2 million people asked for refugee protection in more than 100 countries all over the world, while at the same time more than million persons were displaced within the country.

Refugees from BiH in Period from 1992 to 1995

Countries of West Europe were the most often temporary reception destinations of refugees from BiH while at the same time an outstanding number of BH refugees had been received in traditional resettlement countries: USA, Canada, Australia and New Zealand.

Major Host Countries of BH Refugees



Countries of the region: Yugoslavia (Serbia and Montenegro) and Croatia hosted almost 40% of the total number of BH refugees while Germany and Austria provided for majority of BH refugees out of the region.

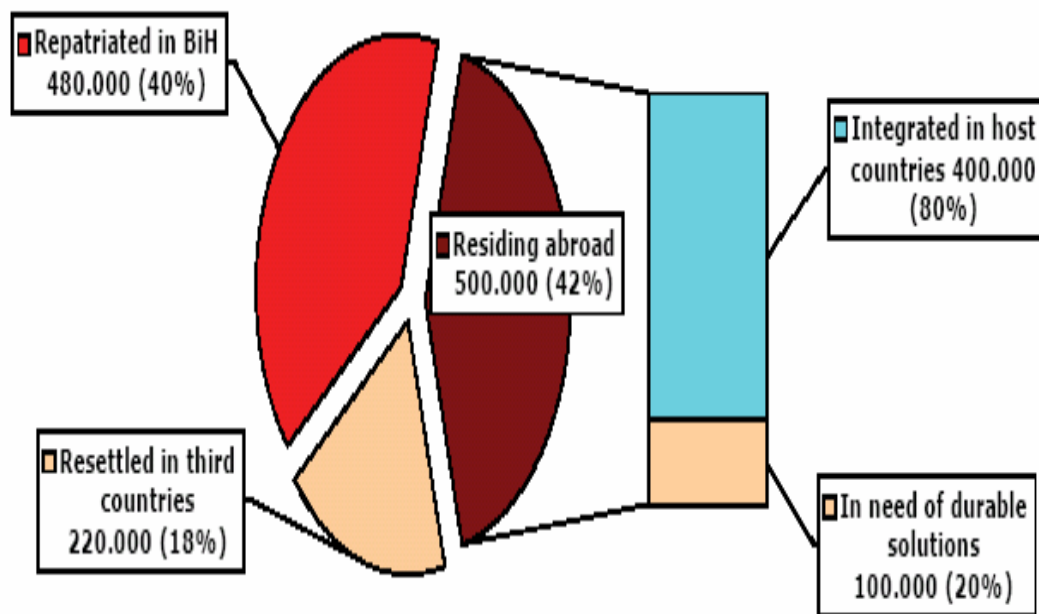
These four countries accepted almost 80% of all BH refugees.

Integration of Refugees from BiH in Recipient Countries

Today, ten years after the Dayton Peace Agreement was signed, almost half a million persons who had left Bosnia and Herzegovina in the period from 1992 to 1995 and who were recorded as refugees from BiH, are still residing in some 40 countries all over the world.

Quite a small number of them are still in need for durable solutions, which means that they have not been granted the citizenship, permanent residence, asylum, working permission or other legal permission to stay in host countries.

Numerical Indicators on Migrations of Refugees from BiH



Review of BH Refugees – per Recipient Countries

Recipient country of refugees from BiH from 1992 to 1995	Recorded number of BiH refugees 1992-1995.	Change country of reception	Repatriation to BiH from 1996 to 2005.	Current number of BiH refugees in host country
Australia	15.000		800	14.200
Austria	86.500	5.500	10.100	70.900
Belgium	5.500		500	5.000
Czech Republic	5.000	1.000	1.000	3.000
Denmark	17.000		1.600	15.400
France	6.000	100	900	5.000
Greece	4.000	400	600	3.000
Holland	22.000	2.000	4.000	16.000
Croatia	170.000	52.000	56.000	62.000
Italy	12.100	2.000	2.000	8.100
Canada	20.000	1.000	600	18.400
Hungary	7.000	1.000	2.500	3.500
Macedonia	9.000	4.800	3.750	450
Norway	12.000	1.300	2.500	8.200
Germany	320.000	52.000	246.000	22.000
Other countries	13.500	1.200	1100	11.200
USA	20.000	1.000	1.500	17.500
Slovenia	43.100	23.200	15.000	4.900
Serbia and Montenegro	297.000	50.000	110.000	137.000
Spain and Portugal	4.500	1.000	1.000	2.500
Sweden	58.700		1.900	56.800
Switzerland	24.500	2.600	11.000	10.900
Turkey	23.500	17.800	4.650	1.050
U.K. and Ireland	4.100	100	1.000	3.000
TOTAL	1.200.000	220.000	480.000	500.000

Persons Displaced within Bosnia and Herzegovina

Displaced Persons in Bosnia and Herzegovina are the persons who have been expelled from their habitual residences as the consequence of the conflict, or left their habitual residences owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a social group or political opinion, and who took up temporary residence elsewhere in BiH.

1992 – 1995 Displacement Directions

Directions of displacement in BiH during the conflict were mainly characterized by movements of the population towards the territories at that time controlled by the military formations according to their ethnic belonging in the following pattern: Bosniaks, Croats and Serbs were concentrated at the territories controlled by the BiH Army, Croat Defense Council and Republika Srpska Army respectively.

In addition, a huge proportion of population had been displaced due to physical destructions and devastations of the housing units in which they resided before the war, movement into “more safe” objects, temporary occupation of abandoned real properties as well as meeting the economic needs for the sustainability of families at the war time.

Displaced Persons in 1995

Signing of the Peace Agreement by the end of 1995 around a million persons met displaced in BiH, out of which nearly one third within their domicile municipalities mainly across administratively defined border lines and the consequent division of the unique pre-war territorial units.

10 YEARS LATER

Changed Demographic Picture of Bosnia and Herzegovina

Since 1991 no official census has been conducted in Bosnia and Herzegovina

Due to operational needs for indicators on actual number of population, after the war large and very often serious research and demographic assessments have been conducted. However, turbulent times, which caused radical changes in number, composition and disposition of BH population, are reasons that previous assessments differ even up to million inhabitants, depending on time research was conducted and the source of research.

Ten-year demographic changes from 1991 to 2001

Ten-year demographic changes¹⁰ from 31 March 1991 to 31 March 2001 cite the following scientific¹¹ assessments based on monitoring of demographic movements.

Demographic changes by entities

Population	BiH	BiH Federation	Republika Srpska
As of 31.3.1991.	4.377.033	2.783.711	1.593.322
As of 31.3.2001.	3.364.825	2.298.501	1.066.324

Demographic changes by ethnic group¹²

Population	Total	Bosniaks	Croats	Serbs	Others
As of 31.3.1991.	4.377.033	2.012.718	805.892	1.444.384	111.039
As of 31.3.2001.	3.364.825	1.626.843	519.478	1.142.948	75.556
Composition					
1991	100	46,0	18,4	33,1	2,4
2001	100	48,3	15,4	34,0	2,3

¹⁰ Human Development Report 2001, published in 2002 Appendix 2: Population of Bosnia and Herzegovina in the period 1991–2001

¹¹ Research of Prof. dr. Ilijas Bošnjovic was partly published by the International Forum Bosnia in a French book *La guerre aux civils – Bosnie – Herzégovine 1992 – 1996* L 'Hrmattan, Paris 1997, whereas it was published in "Oslobodenje" and other dailies in BiH. Professor Ilijas Bošnjovic's project, BiH Population 1878-2001 during publishing of the Human development Report was under research.

¹² Human Development Report 2001, published in 2002 Appendix 2: Population of Bosnia and Herzegovina in the period 1991–2001

Demographic balance in BiH as of 31 March 2001¹³

Potential number of population as of 31 March 2001 if there were no war: 4,539,457

Loss of population growth:	157.472	3,5
Killed, missing and higher war mortality rate:	269.810	5,9
Persons abroad:	749.700	16,5
Persons in country:	3.362.474	74,1
	4.539.457	100

Summarized, as per this source, in 2001 Bosnia and Herzegovina had 4,251,425 inhabitants, out of which 3,364,825 in the country, that is around 80% and around 20%, namely 886,600 inhabitants abroad.

Therefore, ten-year demographic balance recorded the loss of 288,032 inhabitants in relation to potential number of population if there were no war

Projection of BiH Population in 2005

Regarding number and composition of population of Bosnia and Herzegovina in 2005, the most current is the assessment which cites number of 4,025,476 million inhabitants, as per ethnic belonging 48% Bosniaks, 14.3% Croats, 37% Serbs and 0.6% others¹⁴.

Considering the expressed demographic changes on the basis of statistics and research presented in this document, Ministry for Human Rights and Refugees estimates that at the moment less than 3.5 million of BH inhabitants, that is 87.5% reside in Bosnia and Herzegovina, while the remaining number of around half million citizens of Bosnia and Herzegovina stay abroad.

Registered Applications for Re-registration of Displaced Persons – per Places of Temporary Residence

Today, 10 years after signing Peace Agreement in Dayton, based on number of registered family requests for revision of their status, almost 190.000 displaced persons in BiH still need permanent solutions.

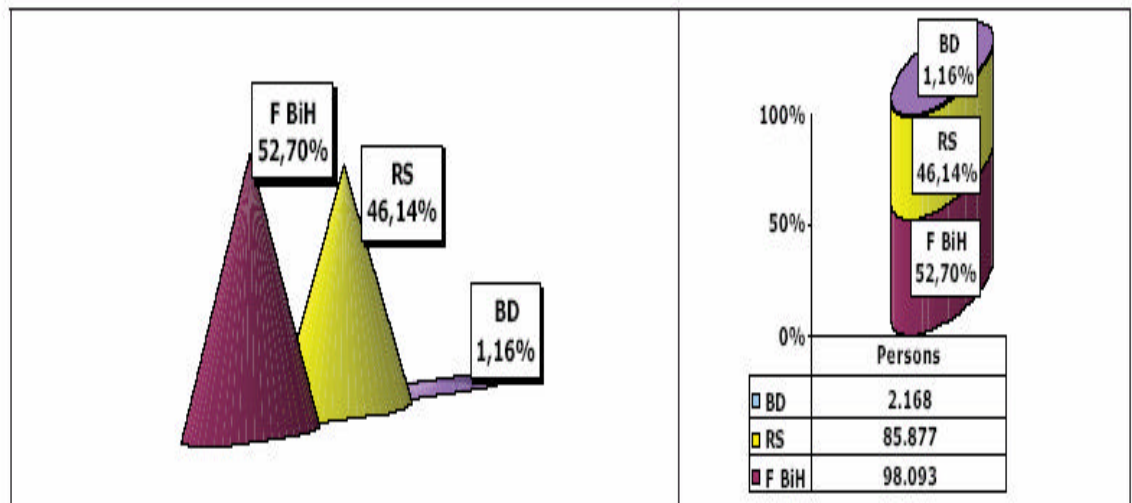
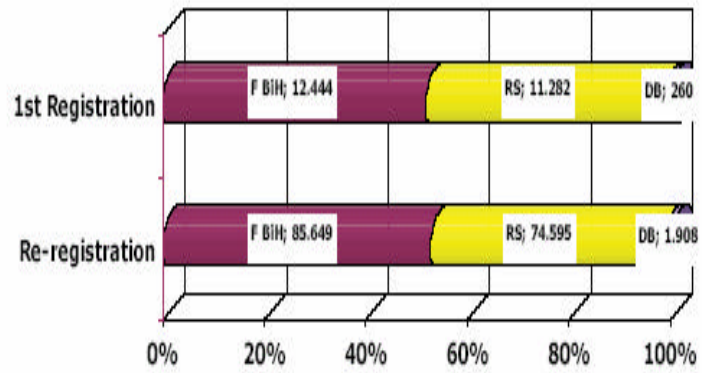
Out of total of 59.892 submitted requests for re-registration or **186.138 persons displaced** in Bosnia and Herzegovina, 33.148 requests were submitted by 98.093 persons who temporarily reside on territory of BiH Federation, which makes 52,70% of the total number, 25.979 requests were submitted by 85.877 person in the area of RS, which makes 46,14%, while only 765 family requests, or 1,28% of total number were submitted by 2.168 displaced persons living in territory of BiH Brcko District.

Out of this number, 87% concerns 52.131 requests for revision of status for 162.152 displaced persons from 2000, who were re-registered in 2004/2005 as being displaced, while remaining 13% concerns 7.761 requests for determination of status for 23.986 displaced persons, submitted for the first time.

¹³ Ibid

¹⁴ The World Fact Book on Bosnia and Herzegovina, 1 November 2005

Number and Percentage of Re-registered Displaced Persons in BiH

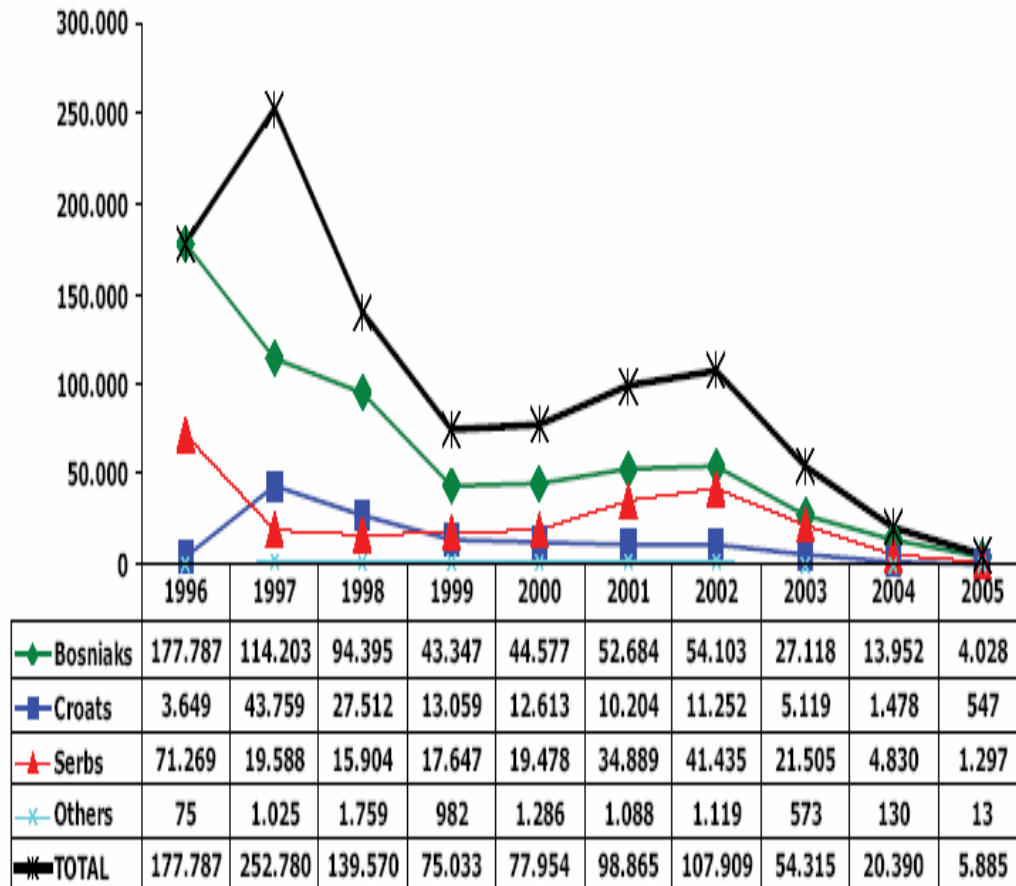


Return to BiH – 01.01.1996 to 31.10.2005

Total Return in/to BiH from 01.01.1996 to 31.10.2005									
Return 1996-2005		F BiH	%	RS	%	Brčko	%	TOTAL BiH	%
Bosniaks	Refugees	256.876	91,74%	22.973	8,20%	149	0,05%	279.998	63,35%
	Displaced	205.152	59,26%	126.048	36,41%	14.996	4,33%	346.196	60,81%
	Total	462.028	75,61%	149.021	24,39%	15.145	2,48%	626.194	61,92%
Croats	Refugees	74.995	88,58%	7.858	9,28%	1.806	2,13%	84.659	19,15%
	Displaced	39.778	89,32%	2.815	6,32%	1.940	4,36%	44.533	7,82%
	Total	114.773	88,84%	10.673	8,26%	3.746	2,90%	129.192	12,78%
Serbs	Refugees	51.053	70,84%	21.009	29,15%	9	0,01%	72.071	16,31%
	Displaced	99.849	56,81%	73.440	41,78%	2.482	1,41%	175.771	30,88%
	Total	150.902	60,89%	94.449	38,11%	2.491	1,01%	247.842	24,51%
Others	Refugees	4.439	84,28%	828	15,72%			5.267	1,19%
	Displaced	2.095	75,28%	688	24,72%			2.783	0,49%
	Total	6.534	81,17%	1.516	18,83%			8.050	0,80%
TOTAL	Refugees	387.363	52,76%	52.668	20,60%	1.964	9,19%	441.995	43,71%
	Displaced	346.874	47,24%	202.991	79,40%	19.418	90,81%	569.283	56,29%
	Total	734.237	72,60%	255.659	25,28%	21.382	2,11%	1.011.278	100,00%

SOURCE: UNHCR Representation in BiH, Statistics

Return in/to BiH - per National Structure and Years



Suad Arnautovic, Ph.D
 Central Election Commission
 of Bosnia and Herzegovina

IOM Colloquium Geneva, 12-13 June 2006.