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Office for Democratic Institutions and Human Rights

**FORMER YUGOSLAV REPUBLIC OF
MACEDONIA**

**PARLIAMENTARY ELECTIONS
5 July 2006**

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

8 - 11 May 2006



**Warsaw
19 May 2006**

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**FORMER YUGOSLAV REPUBLIC OF MACEDONIA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

In response to an invitation to observe elections from the Ministry of Foreign Affairs, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Former Yugoslav Republic of Macedonia from 8-11 May. The NAM included Mr. Vadim Zhdanovich, OSCE/ODIHR Senior Election Adviser, and Ms. Holly Ruthrauff, OSCE/ODIHR Election Adviser. The purpose of the NAM was to assess preparations for the parliamentary elections scheduled for 5 July, in line with OSCE commitments, and to advise on the establishment of a possible Election Observation Mission (EOM).

The NAM held meetings in Skopje and Tetovo with representatives of the governmental authorities, election administration, political parties, civil society and the international community (see annex for list of meetings).

The OSCE/ODIHR is grateful to the authorities for their co-operation during the NAM. The OSCE/ODIHR would also like to thank the OSCE Spillover Mission for the assistance offered during the visit.

II. EXECUTIVE SUMMARY

The President of Parliament announced on 20 April that parliamentary elections would be held on Wednesday 5 July. On 28 April, the Minister of Foreign Affairs invited the OSCE/ODIHR to observe the parliamentary elections. All interlocutors with whom the NAM met welcomed international observation of the elections by the OSCE/ODIHR.

These elections will be the first held within the new legal framework of the unified Election Code, passed by the parliament on 29 March. In a positive development, the comprehensive Election Code was adopted following an overall inclusive process. Political party representatives with whom the NAM met expressed their support for the new Code. Some party representatives cautioned that effective implementation will be equally important. Generally, party representatives were supportive of civil servants administering the election process, one of the major changes to the election framework.

The new SEC has been composed in compliance with the Election Code and is operating with a permanent secretariat. The SEC met tight deadlines to select MEC members, and MECs in turn selected EB members, through a new process of randomly selecting civil servants.

The political parties have started preparations for the election campaign, and the campaign promises to be vigorously contested by all parties. While few concerns were

raised about problems expected during the campaign period, there appears to be limited confidence between political parties that election day can be conducted free of irregularities. While all parties have pledged to sign a Code of Conduct and claim to instruct their own activists to avoid violations, still there is a need for more mutual trust among them.

A new Broadcasting Council has been formed following the adoption of the new Law on Broadcasting late last year. While the composition of the new Broadcasting Council has been expected to enhance its independence and effectiveness, it still lacks any mechanism to sanction broadcasters for breaches of the media regulations. While there is a plurality of media in the country, some party representatives expressed concern that their party would not have equal access.

The previous 2005 Municipal Elections were significant as they followed the new territorial organization of the country and were the first since decentralization gave enhanced powers to the newly formed municipalities. At the same time, the municipal elections were marred by serious irregularities observed by the OSCE/ODIHR in a significant number of municipalities, which affected the overall integrity of the process.

The NAM recommends that a standard OSCE/ODIHR Election Observation Mission be established to observe the forthcoming parliamentary elections. The OSCE/ODIHR requests OSCE participating States to second to the mission 20 long-term observers to follow the election process countrywide from the beginning of June until the election process is completed. In addition, 250 short-term observers are requested to observe election day procedures, including voting, counting of votes and tabulation of results at all levels of the election administration.

III. FINDINGS

A. POLITICAL CONTEXT

Political parties are already making preparations for the upcoming parliamentary elections, which promise to be vigorously contested. Although the ruling Social Democratic Union of Macedonia (SDSM) takes credit for implementing the Ohrid Framework Agreement¹ and putting the country on track for accession to the European Union and NATO, it is also blamed for continuing economic difficulties and high unemployment. The SDSM has been further weakened by an internal split that has led former President of the Parliament and SDSM co-founder Tito Petkovski to form a new party – the New Social Democratic Party.

At the same time, Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian Unity (VMRO-DPMNE) still competes with rival VMRO-Narodna, a splinter party that formed prior to the 2005 local elections. Several additional new parties have formed in the past few weeks, in anticipation of the elections, further widening the range of electoral competitors.

¹ The Ohrid Framework Agreement was signed by the four main political parties in Parliament in 2001 to re-establish stability after the armed conflict that had taken place earlier that year.

Ethnic Albanian parties are also already preparing for the elections. The municipal elections last spring were viewed as a decisive victory at the local level for the governing coalition partner Democratic Union for Integration (DUI) over the Democratic Party of Albanians (DPA), which DPA claimed was on account of massive election day violations, causing it to boycott the second round of voting. The DPA now views the parliamentary elections as an opportunity to re-establish itself as the leading ethnic Albanian party.

Some party interlocutors commented that at the moment it is difficult to predict post-election coalition building developments. The emergence of several new parties has lessened the sense that competition is between two pre-defined blocs. The sense of very high stakes could lead to an aggressive election campaign.

Parties must submit candidate lists to the State Election Commission by midnight 30 May. The election campaign begins on 15 June and last until midnight 3 July, with a 24-hour “blackout” period immediately preceding election day.

Political party representatives expressed their willingness to sign the Code of Conduct coordinated by the National Democratic Institute for International Affairs (NDI), and have participated in several recent roundtables on the role of political parties during elections. NDI hopes also to launch a public education campaign around the Code of Conduct, informing citizens of their rights.

While political party representatives did not express any particular concerns about the upcoming campaign, they did express concern about the possibility for intimidation and other forms of manipulation on election day. Party representatives informed the NAM that their parties would emphasize the importance of democratic elections to their activists, but that they could not guarantee their actions in the case of violations committed by their competitors. Several party representatives pointed to lack of accountability following the previous local elections and the perception of a weak judiciary as contributing factors to a “culture of impunity” regarding election violations.

B. GOVERNMENT BODIES TO BE ELECTED

The Parliament is a one-chamber body with 120 members, elected for a term of four years. Each of six electoral districts elects 20 members. Districts do not correspond to any administrative boundaries.

The new Election Code maintains the specific system of regional proportional representation introduced prior to the 2002 parliamentary elections. Registered political parties and other list submitters (coalitions of parties or “groups of voters”) may contest the election in the districts by nominating closed candidate lists. Seats are allocated according to the d’Hondt formula, and there is no threshold for winning seats.

In accordance with the Constitution, elections for members of Parliament are held within the last 90 days of the term of the current Parliament. The 5 July election date was the first possible date for an election, in line with these provisions.

C. LEGAL FRAMEWORK

In line with previous OSCE/ODIHR recommendations, the Parliament passed a comprehensive Election Code on 29 March (published 31 March). This should provide for a more cohesive legislative framework, avoiding some of the inconsistencies and contradictions between various laws in the past. In addition, the Law on Civil Servants and the Criminal Code were amended to bring them into compliance with the Election Code.

While finalizing a new electoral framework only three months prior to an election generally runs counter to best election practice, none of the political party representatives raised this as a concern with the OSCE/ODIHR representatives. Rather, party representatives appeared pleased with the consensus they had reached in the Parliament, after negotiation and consideration of various amendments. Party representatives told the NAM that while they did not get all of their proposals accepted, many of their suggestions were incorporated. At the same time, several party representatives cautioned that implementation of the provisions was critical.

The most contentious issue arising from the Election Code was the composition of election administration bodies at various levels. Judges, who were previously nominated by political parties to the State Election Commission (SEC), would no longer be involved in election administration. At the same time, new provisions introduced civil servants as election administrators at all levels of the process (see below, "Election Administration").

The new Election Code also more fully implements provisions of the Ohrid Framework Agreement in all kinds of elections and gives election bodies more supervisory authority over lower levels of election administration. Domestic observer representatives expressed support for the provisions related to observation, which have been further elaborated in the "Code on the rules for observing the elections and the election procedure for domestic and foreign observers", passed by the SEC on 3 May.

The OSCE/ODIHR and the Council of Europe Venice Commission had jointly prepared a commentary on an early draft version of the Code, offering advice in response to a request from the Ministry of Justice. The OSCE/ODIHR and the Venice Commission plan to adopt an updated final commentary on the completed Election Code, to be publicized following the parliamentary elections.

D. ELECTION ADMINISTRATION

The Election Code establishes a three-tiered election administration for all elections, including the State Election Commission (SEC), 84 Municipal Election Commissions (MECs) and 2,976 Election Boards (EBs). While the 2002 Parliamentary Elections included Regional Election Commissions, this level of administration was excluded from the Election Code.

The SEC was newly appointed by the Parliament on 14 April, in line with the provisions introduced in the Election Code. The President, Deputy President and members had to be confirmed by Parliament with a two-thirds majority. In line with the Code, the President was proposed by VMRO-DPMNE (the opposition party receiving the most votes in the

previous parliamentary election), and the Deputy President by the governing coalition (in this case, a DUI representative was nominated). Although the Election Code did not specify how the other five members were to be selected, in practice they were nominated by the other major political parties. The NAM was informed that the SEC members no longer have deputies, since the SEC is a professional full-time body.

The SEC is responsible for the overall conduct of the elections. The new Electoral Code has enhanced the supervisory authority of the SEC over lower levels of the election administration, and has required the SEC to conduct training of election officials, which is now compulsory. The permanent secretariat of the SEC has also been established since the beginning of the year, which SEC representatives informed the NAM has enhanced their capacity to work efficiently immediately following their appointment. The secretariat is staffed by nine civil servants, headed by a Secretary General.

The Election Code established tight deadlines for the appointment of MECs and EBs. The SEC met the 3 May deadline to appoint members of the 84 MECs. For the first time, members of the MECs were randomly selected using a computerized database from among civil servants, rather than nominated by political parties. Employees of the State and municipal administration were obliged to accept the assignment, unless they could demonstrate a family or health emergency. Each MEC is composed of a President, four members and their deputies. MEC members are appointed for a five-year period.

Immediately following their appointment, MECs were obliged to select members of EBs, using a similar database of civil servants. Each EB is composed of a President, four members and their deputies. While the President and his deputy were randomly selected from among State and municipal administration employees, the other members and deputies were selected from among public administration employees. As a transitional provision for these parliamentary elections, two members of each EB will be selected by political parties – one by the governing parties and one by the opposition parties.

SEC representatives informed the NAM that the short timeframe established by the Election Code meant that MECs had to select EBs before they were able to review the legislation or receive any training. For this reason, the SEC decided to centrally provide technical assistance to the MECs, by having them conduct EB selection together in one location. The SEC also informed the NAM that while the requirements for equitable representation of ethnic groups and gender among election officials is a positive innovation, the SEC had difficulty with the implementation, since all criteria could not always be met in a given locality for either MEC or EB members. Because it was sometimes not possible to find a State administration employee in a given location, or one who met the proper criteria, some officials will have to travel from other municipalities, and especially from Skopje, to administer elections.

The Election Code provides for all SEC sessions to be public, with representatives of list submitters and authorized observers allowed to attend. Civil society representatives expressed their hope that they would have access to all discussions of the SEC, and not be limited to the formal voting and announcement of decisions.

E. VOTER LIST

According to the Ministry of Justice, there are 1,746,316 voters on the Voter List provided to them by the Ministry of Interior prior to these upcoming elections. On 30 May, the Ministry of Justice will have the final number of voters on the Voter List. Before that date, voters have the right to check their names on the Voter List at the municipal office and inform the municipality about any mistakes. Political parties also have the opportunity to obtain the list from the Ministry of Justice for a fee, in case they want to conduct a comprehensive review.

In response to previous concerns about the quality of the Voter List, the Ministry of Justice initiated several projects in the run-up to parliamentary elections. In cooperation with the civic association “MOST”, the Voter List has been made available to voters through the Internet. Voters enter their name and ID number on a website to access their Voter List entry. Voters can also access this information by telephone or text message. Additionally, the Ministry of Justice is conducting house-to-house surveys to check for names of deceased persons, and diplomatic offices abroad have also been asked to provide this information.

Past concerns about the accuracy of the Voter List have centered in particular on the issue of citizens residing abroad. All citizens with registered residence in the country have the right to vote in the election, but there is no mechanism for out-of-country voting. As a result, unless a citizen residing abroad informs the Ministry of Interior to remove their name, the names of those citizens with a registered residence must remain on the Voter List. In an effort to minimize potential violations, the Ministry of Justice has added asterisks to the names of those persons on the Voter List who have been outside of the country for more than a year.

While some political party representatives told the NAM that the number of voters was unreasonably high given the number of citizens recorded in the census, party representatives generally recognized the efforts of the Ministry of Justice to review the Voter List and make it more accessible to voters who wished to check their details. All party representatives reported efforts to review the accuracy of the Voter List.

F. MEDIA

In accordance with the Election Code, election coverage in the media is regulated by the “Decision on Rules for Equitable Media Presentation for the Election of Members to the Assembly of the Republic of Macedonia in 2006,” which was adopted by the constitutive session of the Broadcast Council on 28 April and submitted to the Parliament for approval. Under the new Law on Broadcasting, passed in November 2005, a new Broadcast Council has been formed, with seven of the nine members appointed and a Chairman selected from among the members. The Broadcast Council is responsible for monitoring television and radio coverage during the elections.

Most citizens get their information from television, and there is a diverse range of broadcast media with five countrywide commercial television channels and three countrywide channels of the public broadcaster Macedonian Radio and Television

(MRTV). In addition, according to the estimates provided by the Broadcast Council, there are 50 commercial local television stations and 29 local broadcasting companies.

Most political party representatives complained that election coverage was not equitable, and that they did not receive as much coverage as their competitors. In addition, one party representative told the NAM that while his party relies on paid coverage to rectify the imbalance, the rates for paid television time are also unequal.

Representatives of the Broadcasting Council expressed concern that while they are expected to play a more effective role in regulating the media during elections, they still lack the necessary enforcement mechanisms to do so. While the Broadcasting Council can issue a warning to broadcasters who are not in compliance with the regulations, the broadcasters have seven days to comply, and then the Broadcasting Council can only issue a second warning. Only the Agency for Electronic Communications can issue penalties. According to representatives of the Broadcasting Council, their recommendations were not taken into account during the consideration of the Election Code.

The election campaign is expected to be active, and the media will therefore play an important role in the lead-up to parliamentary elections. The NAM recommends that a full-scale media monitoring unit be established as part of the EOM, in line with OSCE/ODIHR standard methodology.

G. INTERNATIONAL AND DOMESTIC OBSERVERS

The Election Code provides for both international and domestic observers. The SEC has issued the “Code on the rules for observing the elections and the election procedure for domestic and foreign observers” on 3 May, which specifies the rights and responsibilities of observers, as well as the procedure for accreditation.

The NAM met with representatives of the civic association “MOST” which plans to deploy over 3,500 observers on election day through its network of 19 regional offices. MOST also intends to conduct a parallel vote tabulation in each of the six electoral districts and has already begun observing the pre-election processes. Political parties also indicated their intention to train and deploy observers around the country on election day.

All interlocutors with whom the NAM met expressed their support for the OSCE/ODIHR to observe the elections. While some party representatives expressed support for a large number of observers to “increase confidence in the election process”, other representatives cautioned that the media might misuse the figure by saying that it indicates expectations for significant problems.

IV. CONCLUSIONS AND RECOMMENDATIONS

The NAM recommends that a standard OSCE/ODIHR Election Observation Mission be established to observe the forthcoming parliamentary elections. The OSCE/ODIHR requests OSCE participating States to second to the mission 20 long-term observers to follow the election process countrywide from the beginning of June until the election

process is completed, and 250 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of results at all levels of the election administration.

ANNEX

List of Meetings Skopje 8-11 May 2006

GOVERNMENT AUTHORITIES

Ministry of Foreign Affairs

Svetlana GELEVA, State Counselor for Multilateral Relations

Ministry of Justice

Meri MLADENOVSKA-GJORGJIEVSKA, Minister of Justice

State Election Commission

Jovan JOSIFOVSKI, President

Broadcast Council

Mirce ADAMCEVSKI, President

POLITICAL PARTIES

Democratic Party of Albanians (DPA)

Menduh THACHI, Vice President of DPA

Democratic Union for Integration (DUI)

Gzim OSTRENI, Secretary General of DUI

Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian Unity (VMRO-DPMNE)

Gordana JANKULOVSKA, Secretary General of VMRO-DPMNE

Internal Macedonian Revolutionary Organization – People's Party (VMRO-Narodna)

Jovan ANDONOVSKI, Secretary General of VMRO-Narodna

Social Democratic Union of Macedonia (SDSM)

Nikola KURKCIEV, Secretary General of SDSM

CIVIL SOCIETY

MOST

Darko ALEKSOV, President of MOST

INTERNATIONAL COMMUNITY

Austrian Embassy (Representing EU Presidency)

Ambassador HOYOS

Council of Europe

Michel RIVOLLIER, Resident Expert

European Union Monitoring Mission

Michael FRANKLAND, Head of Mission Office

European Union Special Representative

Ambassador FOUERE, European Union Special Representative

NATO

Brigadier General DURANCE

Thammy EVANS

National Democratic Institute for International Affairs

Chris HENSHAW, Country Director

OSCE Spillover Mission

Ambassador Carlos PAIS, Head of the OSCE Spillover Mission

Sebastian DWORACK, Chief of the Political/Reporting Unit

Angela BARGELLINI, Election Adviser

US Embassy

Steve HUBLER, Chief of Political-Economic Unit