



**INTERNATIONAL OBSERVATION MISSION**  
**13 MARCH 2005**  
**FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Skopje, 14 March 2005** – The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission for the 13 March municipal elections, in response to an invitation from the Ministry of Foreign Affairs of the Former Yugoslav Republic of Macedonia. They were joined by the Congress of Local and Regional Authorities of the Council of Europe to form the International Election Observation Mission (IEOM) for the election day observation. The OSCE/ODIHR and the Congress observed the election process to assess its compliance with principles for democratic elections, including OSCE commitments and Council of Europe standards, as well as its compliance with domestic legislation.

This statement of preliminary findings and conclusions is issued before the announcement of the final election results and before all complaints and appeals have been addressed by the electoral and judicial authorities. The final assessment of the municipal elections will depend on the manner in which these important procedures are completed.

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**PRELIMINARY CONCLUSIONS**

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The 13 March 2005 municipal elections in the Former Yugoslav Republic of Macedonia were conducted in accordance with most OSCE commitments and Council of Europe standards for elections, but failed to meet key commitments to guarantee universal and equal suffrage (Paragraph 7.3 of the Copenhagen Document) and to ensure the secrecy of the ballot (Paragraph 7.4). Whilst election day took place in a calm environment and polling was conducted in a generally orderly manner in most of the country, serious irregularities observed in a number of municipalities undermined the universality and equality of the vote and there was widespread violation of the secrecy of the ballot.

The March 2005 municipal elections had a particular significance as, due to the decentralization, mayors will in future enjoy much greater authority in areas such as town planning, education and welfare.

The following positive features characterized the election process:

- Candidate registration took place within the legally prescribed deadlines. Few appeals were presented to the relevant authorities on the registration process and they were dealt with expeditiously.
- In general, the campaign atmosphere was relatively peaceful.

- All parties signed a Code of Conduct for the elections, and all asserted that they were aware of the importance of holding genuinely democratic elections, in the light of the country's aspirations toward Euro-Atlantic integration.
- The State Election Commission (SEC) and, for the most part, Municipal Election Commissions (MECs) operated in a collegial and consensual manner, respecting in general the legal deadlines.
- The electronic and print media broadly provided voters with sufficient and diverse information concerning the elections to make reasonably informed choices.
- The Broadcasting Council (BC) acted to warn various media outlets for not complying with the provisions for equal access for all contestants. However, the BC lacks direct enforcement authority, which reduced the effectiveness of its actions.
- The transparency of the procedures on election day was enhanced by the presence of authorized representatives of the candidates and list submitters. Also, the SEC accredited a large number of domestic non-partisan observers whose presence was noted by IEOM observers in 64 per cent of the polling stations visited.

At the same time, the following shortcomings were observed:

- Serious irregularities were observed on election day in a number of municipalities, namely Lipkovo, Tearce, Saraj, Suto Orizari, Studenicani, Dolneni, Aracinovo and Oslomej, which undermined the universality and equality of the ballot. These included ballot box stuffing, stolen ballot papers, open, group and proxy voting, voters not properly checked for ink, voters not signing extracts of the Voter List, tension inside and outside polling stations and intimidation.
- The secrecy of the ballot was not respected in 22 per cent of the polling stations visited. In addition, overcrowded polling stations, often located in poor facilities, did not allow easy access.
- Allegations of intimidation, pressure and plans for election-day fraud, especially from opposition parties, and primarily in the western areas of the country, were indicative of a high level of mistrust among the parties and a lack of confidence in the overall fairness of the electoral process.
- Legal provisions requiring the appointment of four Supreme Court judges to the SEC to be based on recommendations by political parties continue to be inconsistent with the principle of an independent judiciary.
- The failure to establish a permanent Secretariat of the SEC, as envisaged by the law, and the lack of staff, appropriate office space and equipment seriously hindered the normal work and efficiency of this body.
- The conduct of the voting was assessed as 'bad' or 'very bad' in 10 per cent of the polling stations visited. The general atmosphere of the voting was negatively assessed in one out of ten polling stations visited. Tension or unrest outside polling stations was reported in 4 per cent of observations, and intimidation in 2 per cent. The count was described as poorly organized in 20 per cent of observed cases.
- The OSCE/ODIHR media monitoring results demonstrated unbalanced news coverage and overrepresentation of government interests on the public broadcasting channels.

The institutions represented in the IEOM are prepared to assist the authorities and civil society of the country in continuing to improve the electoral process.

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## **PRELIMINARY FINDINGS**

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### **Background**

The municipal elections were originally scheduled for October 2004, but were postponed due to a challenge to the Law on Territorial Organization adopted in August 2004. That law, and the elections themselves, are central to the process of decentralization, itself a crucial element in the implementation of the Ohrid Framework Agreement. The law reduced the number of municipalities from 123 to 84 (plus one for the city of Skopje), and involved, in some areas, merging municipalities, thus changing their ethnic make-up. Controversy over this law resulted in a movement to initiate a referendum against it. The referendum was held on 7 November 2004, but it failed because the turnout of 27 per cent was well below the legally required 50 per cent. After the referendum, the delayed municipal elections were rescheduled for 13 March 2005. The municipal elections have particular significance as, due to the decentralization, mayors will in future enjoy much greater authority in areas such as town planning, education and welfare.

### **The Campaign**

In general, the campaign atmosphere was relatively calm, with a few isolated incidents. Allegations of intimidation, pressure and plans for election-day fraud, especially from opposition parties, were indicative of a high level of mistrust among the parties and a lack of confidence in the overall fairness of the electoral process. Such allegations were received from various regions across the country, but they were more widespread in the western areas, particularly Tetovo, Gostivar and Kicevo.

Political activity remains divided primarily along ethnic lines, with ethnically based parties largely competing for votes within their own community. The main ruling ethnic-Macedonian coalition 'Together For Macedonia', led by the Social Democratic Union of Macedonia (SDSM), faced a divided ethnic-Macedonian opposition composed of the 'United Opposition' bloc, led by the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DMNE), and VMRO – People's Party (VMRO-NP), a breakaway party from VMRO-DPMNE.

The ethnic Albanian partner in the governmental coalition, the Democratic Union for Integration (DUI), was challenged by the Coalition for Wellbeing, made up of the Democratic Party of Albanians (DPA) and the smaller Party of Democratic Prosperity (PDP).

The election campaign began officially on 21 February. Some of the parties and candidates contesting the elections had already held 'conventions' in the preceding days, which were clearly early campaign events. Premature campaigning was a contentious issue in the City of Skopje contest, where a large poster of the incumbent, Risto Penov of the 'Together for Macedonia' coalition, appeared in the main square days before the official campaign start. Penov's team made counter allegations against his opponent, Trifun Kostovski, a non-party independent supported by the 'United Opposition' and by VMRO-NP.

The campaign varied widely around the country, depending on the different local conditions and ethnic configurations. In some areas, such as the high profile contests of Tetovo and Skopje, campaigning was active from the outset. In others, campaigning was slower to get started, and in general the main campaign events in each city were rallies that were addressed by national party leaders. With the exception of the Skopje contest, local issues barely featured in the campaign. Despite their intense rivalry, both VMRO-DPMNE and VMRO-NP concentrated their fire on the SDSM, avoiding attacks on each other.

All parties signed a Code of Conduct for the elections, sponsored by the ‘National Democratic Institute for International Affairs’, and all asserted that they were aware of the importance, in the light of the country’s aspirations toward Euro-Atlantic integration, of holding genuinely democratic elections. In addition, the DUI and DPA leaders signed a mutual agreement on the fair conduct of the elections. Nevertheless, allegations of intimidation and interference with campaign events soured the atmosphere. Such allegations, which were particularly made by the DPA against the DUI, were seldom accompanied by concrete evidence or formal complaints with the competent authorities.

Prior to election day, the OSCE/ODIHR received a number of unsubstantiated complaints indicating that the vulnerable and marginalized situation of most of the Romani communities throughout the country exposed them to different types of manipulation concerning their electoral participation. These alleged actions included attempts at vote buying in return for groceries and/or small amounts of money, threats of losing social welfare benefits or other public services, as well as more severe pressure and intimidation in some localities.

Further, the OSCE/ODIHR received indications that some Roma may be disenfranchised, due to a lack of registration and proper documentation issued by the relevant authorities.

### **Legislative Framework**

The municipal elections were held under the 2004 Law on Local Elections (LEL), which governs the election of municipal councillors and mayors. The law provides that councillors are elected by a proportional system, with no turnout threshold. A mayor, however, is elected in the first round when a candidate wins more than 50 per cent of the votes cast, provided that one-third of the registered voters in the municipality have voted. If none of the candidates receives the prescribed majority in the first round, the two leading candidates compete in a second round to be held within fourteen days. The candidate who wins the larger number of votes in the second round is elected mayor, with no turnout threshold.

The new law defines with greater precision than the previous law, the roles and responsibilities of the three levels of election management bodies. Several shortcomings however, remain.

Legal provisions requiring the appointment of four Supreme Court judges to the SEC to be based on recommendations by political parties continue to be inconsistent with the principle of an independent judiciary.

The SEC showed some reluctance to define unambiguously its role and mandate and establish clear lines of accountability. The SEC demonstrated greater willingness to exercise authority over those Municipal Election Commissions that acted in violation of the law. The SEC proactively issued general instructions clarifying legal provisions and, before polling day, acted quickly in cases of blatant illegality or intimidation of local officials. The SEC and MECs generally complied with their statutory obligations and legal deadlines. In most instances, due process in MEC and court procedures was respected.

Several political parties and candidates breached the legal prohibition on campaigning before 21 February but no official complaint was filed. The OSCE/ODIHR made inquiries concerning campaign financing. In general, political parties acknowledged that they receive few funds from individual members or from party headquarters. Various interlocutors have informed the OSCE/ODIHR that political parties often exceed the legal limits on campaign spending and receive substantial donations and funds from public enterprises, in violation of the law. Legal safeguards to prevent illegal campaign financing remain extremely weak, as political parties are required to present a financial report on campaign funding only three months after the elections, and then only to the relevant municipal council.

### **Election Administration**

The LEL establishes a three-tiered system of election administration: at the highest level sits the State Election Commission (SEC); at the second tier, there are 84 Municipal Election Commissions (MECs), for each of the municipalities envisaged in the new Law on Territorial Organization; the third tier of the election administration is represented by 2,976 Electoral Boards (EBs), for each polling station. One more Election Commission is formed for the conduct of the elections of the mayor and council of the City of Skopje, considered as a discrete unit of self-government consisting of ten municipalities (here referred to as a MEC).

The election bodies are formed, on a parity principle, by the two main ruling and the two main opposition parliamentary parties. While the composition of the SEC remained unchanged after the 2004 referendum, the majority of the MECs were newly appointed due to the changes in the number of municipalities. MEC presidencies were shared evenly between the ruling and opposition political parties, but the election law does not provide appropriate guidance for the appointment of presidents of the EBs, other than that candidates are barred. Smaller parties in Prilep complained strongly that the election legislation should have ensured that EB presidents were not party affiliated, to ensure impartiality for smaller parties and independent candidates.

The process for candidate registration was completed on time. There were a total of 379 mayoral candidates and 445 candidate lists for councillors in the 84 municipalities and the City of Skopje.

In general, the SEC operated in a collegial and consensual manner. However, the failure to establish a permanent secretariat, envisaged by the law, and the lack of staff, appropriate office space and equipment seriously hindered the normal work and the efficiency of the SEC. Timely preparation of the minutes of its meetings and the regular publication of its decisions were not achieved, despite the repeated recommendations on these matters contained in previous OSCE/ODIHR reports. Nevertheless, considerable progress was made towards increasing the

transparency of the work of the SEC by the timely publication on its web page of all instructions and clarifications, as well as all the candidate lists for mayors and councillors.

Substantial international support and assistance was rendered to the SEC and to the MECs, including technical support for the organization and conduct of training of EB members, preparation of a Procedural Manual for EBs and assistance in the production of voter education TV advertisements.

The delayed approval of the forms and other technical problems restricted the time for the training of the MEC presidents, which was reduced to one session. The training of EB members organized by the MECs and IFES trainers was conducted in 34 regional centres. However, attendance was not compulsory or remunerated, and the overall effectiveness of the training was thereby diminished.

As provided by the LEL, the ballot papers as well as other electoral documents and public announcements, were printed in all official languages in those municipalities where 20 per cent of citizens speak an official language other than Macedonian.

The updated extracts from the Voter List (VL) were displayed for public inspection from 13 to 27 January. In the local offices of the Ministry of Justice (MoJ) the entries of some 38,000 voters were checked. These mostly related to the process of collecting signatures in support of candidates and lists. As in previous elections, the integrity of the VL was contested by most of the political parties, who claimed that it contained a considerable number of deceased persons and voters residing abroad. However, the IEOM established that only one political party availed itself of the legal opportunity to acquire the VL from the MoJ.

Early voting for soldiers, persons in custody and IDPs was conducted on 12 March in 38 specially organized polling stations. The delivery of the election material to the special PSs before the voting and the return of the envelopes with the votes to the MECs where the voters regularly resided represented a complex exercise requiring the use of express mail. The early voting was observed by IEOM observers, who reported no major problems. However, in the penitentiary in Gazi Baba, 34 prisoners originating from Gostivar were not allowed to vote because the MEC in Gostivar did not send enough ballots. Contrary to the legal provisions and to the decision of the SEC, in most of the special polling stations observed the vote was conducted by special EBs, appointed the day before.

### **Pre-Election Complaints and Appeals**

Prior to election day, few complaints were made to the MECs. No complaints were received for not complying with the provisions on the use of minority languages in those MECs where 20 percent of citizens speak an official language other than Macedonian.

The LEL provides that appeals against MEC decisions must be filed with the domestic courts, not the SEC. After candidate lists had been submitted, 13 appeals by political parties were made to the Courts of Appeals in Skopje, Bitola and Stip. The Courts restricted successful complaints exclusively to those cases where the MEC had rejected a candidate list. If the MEC had approved

a candidate list, then, regardless of irregularities or non-compliance with the election law, the Court of Appeals ruled that it could not be challenged.

The Presidents of the Skopje and Bitola Courts of Appeals initially declined to accede to the OSCE/ODIHR's request to provide the court decisions in these cases. The lack of public access to court decisions is an outdated feature of the legal system.

## **The Media**

The legal framework for the media coverage of the campaign included the relevant provisions of the LEL as well as the Rules for Equal Access to Media Presentation in the 2005 Local Elections, adopted by Parliament upon the proposal of the Broadcasting Council (BC). These Rules defined the obligations of the state broadcaster as well as the limits for all media concerning the coverage of the elections and paid propaganda.

As required by the LEL, the BC conducted monitoring of the media coverage of the elections by all countrywide and local broadcasters. A number of media outlets received official warnings from the BC for not respecting the provisions for paid propaganda and equal access for all contestants. The state channel *MTV3* broadcasting in the Albanian language was warned following a complaint of the coalition DPA-PDP against alleged unbalanced coverage in favour of the DUI. The BC also reprimanded other private and state-funded broadcasters for not complying with the rules. However, the BC lacks direct enforcement authority, as was already highlighted in previous OSCE/ODIHR reports, reducing the potential effectiveness of its action.

According to the findings of the OSCE/ODIHR media monitoring, the electronic and print media generally provided voters with sufficient and diverse information concerning the elections. Due to the nature of the local elections, the countrywide media could not ensure equal attention to all candidates. Therefore, they focused on the main cities and primarily on the Skopje mayoral contest.

The state broadcaster *MTV* complied with the obligation to provide free-of-charge airtime to all contestants. In addition, the public was offered dedicated information about elections and debates every day. Nevertheless, the findings of the IEOM media monitoring indicate extensive coverage of government interests on both *MTV1* and *MTV3*, which received some 45 per cent of the airtime of news programmes. In addition, the 'Together for Macedonia' coalition enjoyed some 25 per cent of the airtime on *MTV1* newscasts. This increased the advantage to the ruling parties, whose officials also had the opportunity directly to address the audience with live statements outside election-related coverage. According to IEOM monitoring, the Albanian *MTV3* favoured the DUI, with the airtime devoted to the DPA amounting to less than one-half of DUI's coverage. Moreover, the quality of reporting substantially favoured the DUI.

The private countrywide broadcasters that were monitored generally displayed a balanced approach and also ensured public discussion by organizing televised debates. Among the private channels monitored by the OSCE/ODIHR, *Sitel TV* did not fully respect the rules for equal access to the media issued by the BC, particularly regarding the coverage of campaign activities and paid political broadcasts. While the main political forces were covered by *Sitel TV* on

different programmes, news reporting favoured the opposition and its Skopje mayoral candidate, Trifun Kostovski.

The monitored national dailies extensively covered political and election-related issues. Although a certain criticism towards the government and the ruling parties was present in most of the papers, the approach was generally balanced and adhered to professional and ethical standards. An exception, however, was the daily *Vreme*, which openly campaigned against the Skopje mayoral candidate, Risto Penov. The only Albanian-language publication, *Fakti*, whilst being rather critical towards the Government and the ruling DUI, ensured balanced coverage of the election contestants.

The biggest political actors extensively advertised in both electronic and print media, almost reaching the limits imposed by the law. Among the candidates, the two leading mayoral candidates for the City of Skopje invested especially in paid political broadcasts.

On election day the campaign silence was occasionally broken by some private broadcasters that reported statements by political parties on the ongoing voting process.

### **Women's Participation**

The LEL establishes that candidate lists for councillors must include at least 30 per cent of each gender in the upper and lower parts of the list. The clarifying instruction issued by the SEC proved controversial because in some cases it provided for a minimum number of each gender in the candidate lists that was less than 30 per cent. However, this quota was generally respected by political parties. In many areas, representation of women in the lists easily exceeded the 30 per cent quota, but in some cases representation fell below it, particularly in the upper half of the candidate lists. The MEC in Plasnica approved two candidate lists for councillors that did not contain any women candidates. On 17 February the SEC decided to remove the MEC president and members, although this action by the SEC is not explicitly provided for in the election legislation. However, the lists were not withdrawn nor annulled, on the grounds that there was no lawful provision to do so.

There were only 18 women candidates for mayor out of a total of 379 candidates. There was one woman member of the SEC (of nine members), and representation on the MECs varied from region to region. Some municipalities had all-women MECs. Others, in particular in the western areas of the country, did not have a single woman member. On election day, observers reported that in 43 per cent of polling stations visited there were no women on the EBs.

### **Domestic Observers**

The SEC accredited more than 4,300 non-partisan observers from five local NGOs, which contributed substantially to public confidence in the election process. The largest group of observers, more than 3,900, was deployed by the local NGO "MOST", which conducted a parallel vote tabulation exercise for the elections for the City of Skopje. The presence of domestic non-partisan observers from MOST was reported by IEOM observers in 64 per cent of the polling stations visited. In some 15 cases, MOST decided to withdraw its observers from polling stations due to intimidation.

## **Election Day, Vote Count and Tabulation**

Election day took place in a generally calm environment and it was conducted in an orderly manner in most of the country. However, observers reported serious irregularities in a number of municipalities, namely Lipkovo, Tearce, Saraj, Suto Orizari, Studenicani, Dolneni, Aracinovo and Oslomej, which undermined the universality and equality of the ballot. Among the irregularities witnessed by IEOM observers, there were cases of ballot box stuffing, stolen ballot papers, open, group and proxy voting, voters not properly checked for ink, voters not signing VL extracts, tension inside and outside polling stations, and intimidation.

IEOM observers visited over 1,300 polling stations across the country. The opening procedures were assessed as 'bad' or 'very bad' in 18 per cent of the polling stations visited. Among the problems noted, 30 per cent of the observations reported that the required minutes forms were not filled out and 2 per cent reported that ballot boxes were not properly sealed. Unauthorized persons were observed in one out of ten polling stations visited.

The conduct of the voting was assessed as 'bad' or 'very bad' in 10 per cent of the polling stations visited. The irregularities reported included proxy voting in 4 per cent of the polling stations. Group voting was particularly widespread and was reported in 20 per cent of the observations. In 7 per cent of polling stations visited by the IEOM, voters were not signing the VL extracts, while in 5 per cent of polling stations observed voters' IDs were not checked, and ink was not applied to avoid double voting in 9 per cent of polling stations. These irregularities undermined the important safeguards contained in the electoral system against ballot stuffing, proxy voting and other election violations. The secrecy of the ballot was not respected in 22 per cent of the polling stations visited.

The general atmosphere of the voting was assessed as negative in one out of ten polling stations visited. Tension or unrest outside polling stations was reported in 4 per cent of observations, and intimidation in 2 per cent. Overcrowding was observed in 10 per cent of polling stations visited. Unauthorized persons were noted in 4 per cent of polling stations, while in 1 per cent it was reported that persons without authorization were directing the work of EBs. Ballot box stuffing was observed in 2 per cent of the polling stations visited.

The transparency of election day procedures was enhanced by the presence of the authorized representatives of the candidates and list submitters. On election day, IEOM observers reported the presence of candidate representatives in 91 per cent of the polling stations visited.

IEOM observers evaluated the vote count as 'bad' or 'very bad' in 21 per cent of the polling stations visited. Serious irregularities during the count were reported in 15 per cent, while the understanding of the counting procedures was assessed as 'bad' or 'very bad' in one in five of the observations. The counting was described as poorly organized in more than a quarter of polling stations observed. The main problems reported during the count were more ballots found than voters who had voted, the presence of unauthorized persons, ballots in clumps inside the ballot boxes and tension or unrest in or around the polling stations. In 30 per cent of the polling stations, observers reported significant procedural errors, and in 3 per cent deliberate falsification of the results protocols.

IEOM observers also visited MECs during the initial stages of tabulation and reported that this process took place generally in line with the procedures in most places. However, in some instances the reconciliation was described by observers as problematic.

The OSCE/ODIHR observation mission will continue to follow the final stages of the tabulation process and any relevant complaints and appeals, as well as any second round contests. The OSCE/ODIHR will issue a comprehensive report on the election approximately six weeks after the completion of the process.

*This statement is available in the English and Macedonian languages.  
However, the English text is the only official version.*

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### **MISSION INFORMATION & ACKNOWLEDGMENTS**

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Julian Peel Yates (United Kingdom) headed the long-term OSCE/ODIHR Election Observation Mission. The Congress of Local and Regional Authorities of Europe delegation was headed by Mr. Keith Whitmore (United Kingdom).

The OSCE/ODIHR Election Observation Mission was established in Skopje on 1 February and shortly thereafter started observing the electoral process, with 20 Long-term Observers located in ten regional centres throughout the country.

On election day, the International Election Observation Mission (IEOM) deployed some 360 observers from 39 OSCE participating States, including the 8-member delegation from the Congress of Local and Regional Authorities of the Council of Europe. Representatives of embassies of OSCE participating States in Skopje and of international organizations also contributed short-term observers to the IEOM, and it would like to acknowledge their assistance. On election day, IEOM observers visited more than 1,300 polling stations out of the approximately 3,000 throughout the country.

The IEOM wishes to thank the Ministry of Foreign Affairs, the State Election Commission and other national and local authorities for their assistance and co-operation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Spillover Monitor Mission to Skopje and the Council of Europe Office in Skopje, as well as other international organizations and embassies accredited in Skopje for their support throughout the duration of the mission.

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