



INTERNATIONAL ELECTION OBSERVATION MISSION EARLY PARLIAMENTARY ELECTIONS, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, 1 JUNE 2008

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Skopje, 2 June 2008 – The International Election Observation Mission (IEOM) for the 1 June early parliamentary elections in the former Yugoslav Republic of Macedonia is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

The IEOM assessed the 1 June early parliamentary elections in the former Yugoslav Republic of Macedonia on the basis of the organizations' respective standards and commitments for democratic elections, as well as compliance with domestic legislation. This statement is delivered prior to the announcement of final results, and the expiry of deadlines for possible complaints and appeals. A conclusive assessment of the elections will depend, in part, on the conduct of these remaining phases of the process, and final comprehensive reports will be issued by PACE and the OSCE/ODIHR.

The institutions represented in the IEOM thank the authorities of the former Yugoslav Republic of Macedonia for their cooperation, and stand ready to continue to support them, and the civil society of the country, in the conduct of democratic elections.

PRELIMINARY CONCLUSIONS

The 1 June early parliamentary elections offered voters a wide variety of choices during a vigorously fought electoral campaign. The elections were well administered procedurally. However, expectations of progress were not realized because of a failure to prevent violent acts in ethnic Albanian areas and the limited and selective enforcement of laws. Organized efforts to violently disrupt the process early on election day made it impossible for voters in many places to freely express their will. While key OSCE and CoE commitments were not met, the overall assessment will depend in part on whether the authorities will thoroughly investigate these serious violations of the law and take remedial steps. The OSCE/ODIHR will continue to monitor the process, including any re-runs.

Election day was marred by violent incidents, intimidation, and ballot box stuffing in predominantly ethnic Albanian areas.¹ Although the security situation stabilized throughout the course of the day in these areas, early morning incidents left one person fatally wounded and several others injured. The assessment of voting by IEOM observers significantly differed between these specific areas and other parts of the country, which were assessed as generally well conducted. The process was less positive during the vote count with 15 per cent of counts assessed as bad or very bad throughout the country.

¹ Specifically in the municipalities of Tetovo, Gostivar, Vrapciste, Brvenica, Bogovinje, Tearce, Zajas, Debar, Cair, Saraj, Cucer-Sandevno and Aracinovo.

During election day the State Election Commission (SEC) annulled results in 22 polling stations in the north and west of the country. The SEC stated that further annulments are likely, and State authorities have pledged to ensure effective re-runs in areas where serious incidents took place.

Although the government authorities and all major political parties emphasized their commitment to ensuring a democratic election, free of violence and intimidation, tensions were high throughout the predominantly ethnic Albanian regions in the pre-election period. This resulted in the intimidation of both voters and election administration officials, some of whom asked to be excused from their duties before the election citing fear of possible election day violence. The situation in the rest of the country was much calmer, however, with strong rhetoric but few incidents reported.

Parties were permitted to campaign freely, except in some ethnic Albanian areas. Threats of violence or blockades by local activists of ethnic Albanian parties, in some instances, prevented campaigning. The Social Democratic Union of Macedonia (SDSM), the largest opposition party, had its campaign manipulated through the activity of a party with a similar name. In this context, whether candidates of their party agreed to be on this list is still under investigation. Separate government publicity campaigns provided additional advantage to parties of the governing coalition.

Media outlets provided a variety of platforms to learn about candidates' views and campaign programs, which allowed voters to make an informed choice. However, they did not treat all political parties equally. The public television broadcaster showed bias in its news programs, with governing parties receiving the most coverage. Some private media provided evenly balanced news reports, although others demonstrated clear biases.

Other positive features characterized the election process:

- The SEC operated in a generally transparent and efficient manner, meeting most deadlines despite the tight timeframe due to the snap election. The SEC reacted promptly to misleading campaign posters displayed on the eve of the election.
- The random selection and training of members of Election Boards from civil servants and public service employees have further professionalized the election administration.
- Gender balance in candidate lists and election administration continues to improve.
- Many ethnic communities are represented by ethnically-based political parties, and many have joined larger coalitions, permitting them to play a potentially stronger political role.
- The high number of domestic observers contributed to the transparency of the election.

At the same time, the following additional shortcomings were observed:

- In the pre-election period election contestants had limited access to effective remedies for alleged violations.
- In some communities the fact that the voter list contains many more names than residents raises questions about its quality. No detailed audit of the voter list has ever been conducted.
- In many instances attacks on campaign offices were not investigated by the authorities, which gave a perception of impunity for those committing election-related crimes.
- The Broadcast Council could not effectively address issues of equal access to media because parliament did not pass the guidelines for broadcasting during the campaign.

PRELIMINARY FINDINGS

Background

In accordance with the constitution, the parliament voted to dissolve itself on 12 April 2008 and called early elections for 1 June 2008. The decision was made after opposition party Democratic Union for Integration (DUI) stated that new elections were necessary to break the stalemate in the parliament. The move was supported by the governing parties, the Internal Macedonian Revolutionary Organization - Democratic Party of Macedonian National Unity (VMRO-DPMNE) and the Democratic Party of Albanians (DPA). The decision was opposed by other opposition parties, such as SDSM and the Liberal Democratic Party (LDP), as well as by some coalition partners of the former government, who claimed it would further delay the necessary reforms set as benchmarks by the EU for the start of accession negotiations.

The lack of a qualified majority in the legislature, challenges in the process of EU and NATO integration, the unresolved situation with the country's officially recognized name and obstruction of legislative work were also factors assessed as reasons for holding early elections.

In this election, 120 seats were contested through a system of proportional representation in six districts (20 seats per district).

Legal Framework

The legislative framework for elections is largely contained in the Election Code, which was enacted in 2006 and has not been amended since its adoption. The legislation provides a generally sound and uniform basis for holding democratic elections, although it contains some incomplete or inconsistent provisions.

Several laws were passed recently which affect the electoral process and are, in some instances, inconsistent with the Code. The most serious discrepancy relates to legislation regulating appeals. Under the Code, appeals from certain decisions of the State Election Commission (SEC) are taken to the Supreme Court. The more recently adopted Laws on Courts and Administrative Disputes, however, reassign jurisdiction over appeals from the election administration to a new Administrative Court.

The SEC decision to transmit all appeals to the Supreme Court, has been acquiesced to by State bodies and election stakeholders. The Court's narrow interpretation of its competence excluded appeals not specifically authorized by the Code, creating gaps in the protection of the rights of election contestants.²

Election Administration

The Election Code prescribes a three-tiered election administration headed by the SEC with 84 Municipal Election Commissions (MECs) and an Election Board (EB) for each of 2,976 polling stations.

² The Election Code itself refers to only specific instances in which election contestants may appeal SEC decisions to the Supreme Court. The Code does not explicitly authorize appeals from other SEC decisions within the scope of its overall responsibility to "take care of the legality ... [of] the preparation and conduct of the elections" ..

The SEC operated in a generally transparent, efficient and professional manner and was able to meet almost all accelerated deadlines. All the formal sessions of the SEC, and many working meetings, were open to international and domestic observers. Debate was lengthy on several important issues and the SEC was inclusive towards all electoral contestants.

Contrary to 2006 all MEC and EB members are appointed from amongst civil service and public service employees. Changes in these selection criteria meant that more than 40% of EB members had to be replaced for this election. However, MECs conducted training for all members. The current composition of MECs and EBs is assessed as having contributed to increased confidence in the professionalism of EBs and MECs.

MECs only began to meet regularly two weeks prior to the election, mostly due to the fact that members were not released from their civil service duties prior to this. The strict guidelines for ethnic and gender representation on MECs and EBs meant that people on occasion had to be drafted from locations outside their municipality. The non-residence of some members was observed to hinder communication in municipalities where not all members spoke the language in which the meetings were being conducted.

A number of EB members in areas of high political tension asked to be excused before the election, citing fear of possible election day violence. In Tetovo for instance, 50 individuals, including ten election board presidents, asked to be excused for health reasons. In Brvenica in the same area, 5 out of 18 election boards said they would refuse to work on election day unless police were permanently present in the polling station – which is not provided for in the law.

A team from the SEC travelled twice to Tetovo to resolve the issue but did not feel they had the competence to address the security concerns of EB members. Instead they pointed out that personnel must fulfill their duties or face potential dismissal from their public service jobs.

The SEC ran a short voter education campaign in national media focusing on voter mobilization, information on how to vote and warnings not to commit electoral violations. In addition, two national NGOs also ran intensive voter education campaigns on TV and with flyers.

Candidate Registration

A total of 1,540 candidates on 18 lists were registered in an inclusive process. One coalition was led by the governing VMRO-DPMNE and consisted of 19 parties. A second coalition was led by SDSM and consisted of eight parties, who ran under the title the Sun-Coalition. The two largest ethnic Albanian parties, DUI and DPA ran individual campaigns. The SEC held a lottery for position on the ballots on 9 May.

The SEC approved two lists with candidates who had been sentenced to prison for more than six months, which is in contravention of article 7 of the Electoral Code.³

³ Article 7.2 of the Electoral Code states that: “Every citizen...shall have the right to be elected as Member of Parliament...provided that he/she... has not been given a final court decision for imprisonment of at least 6 months.”

Voter Registration

Public inspection and revisions of the voter list took place between 22 April and 1 May. Although the inspection was highly publicized, only 715 changes were made to the list, including 354 deceased persons being removed. The voter list contains a total number of 1,779,116 voters, a 2 per cent increase from 2006.

The Ministry of Justice has responsibility for updating the voter list from information given by other authorities. No detailed audit of the list has ever been conducted. The process for changing residence registration details is lengthy, evidently resulting in many people choosing not to inform the authorities when they move. As a result of internal migration and emigration, some areas have more names on the list than residents, which raises questions about the quality of the list.

Security Environment

The security environment varied significantly between the predominantly ethnic Albanian northern and western areas and the rest of the country. While the government authorities committed to ensure a democratic election, free of violence and intimidation, and all contesting parties signed a code of conduct, there were serious violent incidents in the north and west of the country in the run up to and on election day. This increased tensions and resulted in the intimidation of both voters and election administration officials.

Police appeared unable to prevent continued political attacks in ethnic Albanian areas during the campaign period and actions in response to campaign related incidents was limited. Between 11 and 26 May, the Ministry of Interior received information about attacks on 14 party headquarters and two municipal branch offices during the campaign.⁴ As of 27 May, no investigations had been made into these incidents, of which all but four were attacks on DUI offices. However, four investigations have begun for other security incidents. In a high profile incident on 12 May, where DUI leader Ali Ahmeti's convoy was shot at, the alleged perpetrators are under detention and awaiting trial. Police also arrested three DUI activists following an incident after a large DUI rally in Tetovo on 29 May, but later released them to calm a tense situation where DUI supporters blocked the Tetovo-Skopje highway and took a police officer hostage.

In addition to incidents reported to the police, the OSCE/ODIHR EOM received numerous reports from political parties and local citizens of further alleged incidents. For example, DUI reported 24 incidents during the campaign period, many of which do not appear to have been passed to the authorities. There were numerous other reports of vehicles driving through villages late at night, often carrying armed men, as well as allegations that Kosovo Albanians were illegally crossing the border to create problems on election day.

Election Campaign

The official campaign period lasted 20 days, ending at midnight on 30 May when the 24-hour campaign silence period began. The coalition of VMRO-DPMNE, SDSM's Sun Coalition, DPA and DUI organized the most active and visible campaign, extensively using posters, billboards and paid advertising. Numerous rallies were held throughout the course of the campaign, the

⁴ DUI suffered ten attacks, DPA two, and VMRO-DPMNE and SDSM one each.

largest events attended by tens of thousands of supporters. There was only low key activity by the other 14 candidate list submitters.

The tone during the campaign was sometimes harsh with personal attacks and accusations increasingly seen towards the end of the campaign period, including some questioning of the election administration. In another instance, in response to the opposition party's critical comments about the police role in the run-up to the election, the Minister of Interior (who is the lead candidate for VMRO-DPMNE led coalition in Tetovo) announced that the ministry would press charges of slander against the leader of the SDSM Radmila Sekerinska for her statements about the ineffectiveness of the police force.

High visibility campaigns advertising government policies before the start of the campaign stirred public criticism and were discontinued on 16 May. While paid advertisements were ended, government programmes, such as free medical checks in public spaces, hiring of staff and the opening of rural healthcare centers, continued throughout the campaign period. The State Commission for the Prevention of Corruption considered this practice to be inconsistent with the Law of Prevention of Corruption, but the Minister of Health contended these activities were part of the annual governmental plan and thus not covered by the law regulating government activity during election periods.

On election eve, posters appeared in election district one that seemed intended to confuse voters. The posters called on voters to vote "Social Democratic", using the ballot number of the Social Democratic Party of Macedonia" (SDPM) and the first name of the lead candidate of the SDSM Sun coalition candidate, Radmila. (The lead candidate for SDPM in this district is named Rada). The SDSM held a press conference stating that this was interference in their campaign, and the SEC publicly condemned the action as an effort to manipulate voters. The posting on the eve of the election was timed so that any reaction would take place during the election silence period.

Media

During the campaign, media provided voters with a wide range of political views, giving the electorate an opportunity to receive information and allowing them to make an informed choice.

The Broadcast Council monitored the broadcast media and oversaw their compliance with applicable laws. By law, it can impose warnings and temporarily ban commercial advertisements. In addition, the Council adopted specific guidelines for equitable access to media coverage of political parties during the campaign. However, as they were not passed by parliament before its dissolution, they have no legal force. MTV-2 received two warnings for its "pre-dominant political coverage of DPA in its informative programs", but no change as a result of this warning was observed. To date, the Council issued a number of warnings and non-binding recommendations to national and regional TV stations. While the Broadcast Council's monitoring identified a lack of balance on MTV-1 news coverage of the campaign, it has not imposed any sanctions.

Most political parties fully exercised their right to free airtime on the public broadcaster. Free airtime was only available on the Macedonian language MTV-1, and not on the Albanian language MTV-2. Both public broadcast channels also organized 14 debates in both the Macedonian and Albanian languages. Neither the leaders of the two coalitions nor the leaders of

DPA or DUI participated in these debates, although the leader of the Sun Coalition publicly requested a debate with the president of VMRO-DPMNE.

The OSCE/ODIHR EOM monitored the media from 30 April through the end of the campaign period. The monitoring showed a lack of balance in the news coverage of the campaign by both public TV channels MTV-1 and MTV-2, which devoted the majority of their coverage to the parties. MTV-1 allocated 24 per cent of its political and election prime time news to the coalition of VMRO-DPMNE, with DPA receiving 8 per cent and the opposition Sun coalition receiving 19 per cent. Coverage was mainly positive in tone. The bias of the public television channels towards governing parties was strengthened further by extensive coverage of the government. MTV-1 allocated some 32 per cent of prime time news to cover government activity, which may be considered to go beyond the necessary coverage of government activities.

Public MTV-2 mainly focused on the activities of ethnic Albanian parties and showed a strong bias in favor of DPA who received some 42 per cent of its political and election prime time news coverage with an overwhelmingly positive tone. By contrast, the opposition DUI party received only 19 per cent of such coverage with a mainly neutral tone.

There were discernable differences in campaign coverage on the monitored private broadcasters. While A1 and Kanal 5 offered their viewers balanced coverage of the main political parties, TV Sitel was clearly biased in favor of the VMRO- DPMNE led coalition. TV Alsat-M focused mostly on the activities of ethnic Albanian parties, slightly favoring DUI.

The print media monitored by OSCE/ODIHR EOM presented a variety of views. While Vreme, Dnevnik and Utrinski Vesnik, were providing more coverage favoring the Sun coalition, Vecher was clearly biased in favor of the coalition led by VMRO-DPMNE, and heavily criticized the Sun coalition. A similar trend was observed in Albanian language media, with Koha favoring DPA and Lajm favoring DUI.

Complaints and Appeals

Election contestants had limited access to effective remedies and recourse to appeal for alleged violations prior to election day, partially due to legislative inconsistencies but also due to a narrow reading of the competencies of the complaint and appeal bodies (including SEC). Judges of the Primary and Appeals Courts continue to be largely unfamiliar with their role with regard to campaign violations, and the Supreme Court limited appeals from election administration to those which were explicitly authorized in the Code.

In the case of an appeal of the SDSM-led Sun coalition against registration of the candidate list of the SDPM, which included lead candidates with names very similar to leading SDSM candidates, the Supreme Court rejected the appeal on the grounds that there was no explicit right to such an appeal in the Election Code. Although prosecutors could later bring criminal charges against SDPM officials for forgery and false submission, the names of the candidates in question remained on the ballot papers.

There are a small number of complaints pending from election day. The OSCE/ODIHR EOM will continue to observe the complaints and appeals process.

Participation of Women

The Election Code provides that every third place on the candidate lists has to be occupied by a woman. Political parties met this requirement; of 1,540 candidates, 35 per cent were women. There is also an increasing gender balance in election administration. In 30 MECs more than half of the members were women. In all other MECs women represent at least 30 per cent. Almost 40 per cent of MECs are chaired by women. OSCE/ODIHR media monitoring has indicated that on five of the six national television stations on average 7–15 per cent of coverage was devoted to women candidates. However Channel 5 stood out with 50 per cent of its news coverage devoted to women candidates.

Other Ethnic Communities

In addition to the minority Albanian community, other ethnic communities are Turks, Serbs, Roma, Vlachs and Bosniaks. They are all represented by several ethnically based political parties. Members of other communities are trying to play a more influential role in an effort to broaden a national dialogue beyond the bi-ethnic debate between ethnic Macedonians and ethnic Albanians. In this context, 6 of these parties have joined pre-election coalitions with the largest parties in order to improve their political position.

Domestic Observer Groups

Ten non-party domestic observer groups registered a total of 4,892 observers with the SEC: The largest single observer group was MOST with 3,500 registered observers. They were present in 65 per cent of polling stations visited by IEOM observers. In addition, political parties fielded a large number of party observers on election day.

Due to the security concerns MOST withdrew 86 observers from Tetovo, Gostivar and the greater Skopje area. In addition, 11 of their observers were forcibly ejected from polling stations in the Tetovo area.

MOST conducted a parallel vote tabulation (PVT) on election night covering 30% of all polling stations to cross check the accuracy of the results tabulation by the election administration. Due to the irregularities encountered MOST did not release (PVT) results in the first and sixth electoral districts.

Election Day and Vote Count

During election day, violence and use of firearms was prevalent in specific municipalities in the north and west of the country. One person suffered fatal injuries in an incident in Aracinovo, and the election day violence claimed several injuries. In Gostivar two PS closed when ballot boxes were stolen by armed persons and all EB members ejected from the PS. Voting was also closed in Cucer Sandevo municipality in the morning after approximately 30 unknown persons entered the PS, intimidated EB members and stole the election material. In two separate incidents, IEOM observers and two SEC members were extracted from PS by police (Aracinovo and Poroj). The violence was condemned by President Branko Crvenkovski. In the afternoon, the situation somewhat stabilized, with less violent incidents observed and a more visible police presence.

Prime Minister Gruevski announced that re-voting would take place in the areas affected by violent incidents. The SEC announced that it would annul the results in at least 22 PS, including all 8 PS in Aracinovo, and raised the possibility of further annulments.

While the opening of PS was assessed in generally positive terms, the voting process was less positive, assessed as bad or very bad in 8 per cent of the observed vote. This negative assessment was disproportionately high in many ethnic Albanian areas, where voting was considered bad or very bad in 21 per cent of observed areas (as opposed to ethnic Macedonian areas which were assessed negatively in 3 per cent). Although polling was conducted in an overall calm atmosphere, tension or unrest was observed inside of 3 per cent of PSs visited throughout the country. In predominantly ethnic Albanian areas, that figure rose to 9 per cent.

A number of procedural errors were observed on election day. Family voting was notable in PS observed (18 per cent), rising in predominantly ethnic Albanian areas (35 per cent). Other serious problems included: multiple voting (11 cases), ballot box stuffing (30 cases), and proxy voting (41 cases). Intimidation was noted in 18 cases, including physical assault on EB members. Unauthorized persons were observed in 9 per cent of PSs visited, and in 1 per cent of PS they were interfering and directing the process. The absence of police was noted at many PS during the voting (22 per cent), contrary to law.

The count was assessed as 'bad' or 'very bad' in 15 per cent of PS visited, with a notable difference between predominantly Albanian areas (32 per cent) and other parts of the country (9 per cent). Problems during the count included: presence of unauthorized persons (16 per cent), intimidation of EB members (7 per cent), tension and unrest (16 per cent) and inaccurately recorded figures (15 per cent).

IEOM observers monitored tabulation in 71 of 84 MECs. The tabulation process was evaluated as good or very good in all but two MECs. Overall, tabulation was conducted in an orderly and transparent manner, with authorized representatives and non-party observers present in all MECs. However, where computerization of the results took place in a separate room, only IEOM observers were allowed to view the digitalization of the data. The only reports of deliberate falsification of results were for Tetovo MEC, where many problems had occurred earlier in the day.

The SEC announced a voter turnout of 58 per cent. Of 2,741 PS results tabulated on the SEC database, 75 showed abnormally high turnout figures. Two polling stations in Poroj, for instance showed 99 to 100 per cent turnout with almost all votes cast for DPA.

*This statement is also available in Macedonian and Albanian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGMENTS

The OSCE/ODIHR opened its election observation mission in Skopje on 30 April 2008 with 11 experts, later increased to 13, and 20 long-term observers deployed in the capital and around the country. On election day, 289 short-term observers observed in an International Election Observation Mission (IEOM), including a 19-member delegation from the OSCE Parliamentary Assembly (OSCE PA) and a 13-member delegation from the

Parliamentary Assembly of the Council of Europe (PACE) and 214 observers from the OSCE/ODIHR. In total, there were observers from 42 OSCE participating States. The IEOM observed the voting in over 1,100 and counting in 111 polling stations throughout the country (out of 2,976 polling stations countrywide), the transfer of EB results to MECs and the tabulation of results in 71 MECs after polling stations closed.

Ms. Pia Christmas-Møller (Denmark), Vice-President of the OSCE Parliamentary Assembly and Head of the OSCE PA delegation, was appointed as Special Co-ordinator by the OSCE Chairman-in-Office to lead the OSCE short-term observers. Mr. Mevlüt Çavuşoğlu (Turkey) headed the delegation of the Parliamentary Assembly of the Council of Europe. Ambassador Robert Barry is the Head of the OSCE/ODIHR Election Observation Mission.

The IEOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, the State Election Commission for providing accreditation documents, and to other state and local authorities for their assistance and co-operation. The IEOM also wishes to express appreciation to the OSCE Spillover Monitor Mission to Skopje for their support throughout the mission, and resident embassies of OSCE participating States and other international institutions for their co-operation and support.

For further information, please contact:

- Mr. Jens-Hagen Eschenbächer, OSCE/ODIHR Spokesperson, in Warsaw (+ 48 22 520 0600), or Mr. Drew Hyslop, OSCE/ODIHR Election Adviser, in Warsaw (+ 48 22 520 0600);
- Mr. Andreas Baker, Presidential Adviser, International Secretariat of the OSCE PA, in Copenhagen (+45 60 10 83 80);
- Mr. Vladimir Dronov, Head of Secretariat, Interparliamentary Co-operation and Election Observation, PACE (+33388412709).

OSCE/ODIHR EOM Address (until 13 June 2008):

46, Gjuro Gjakovic Street, Skopje 1000
tel.: +389 2 3290119
fax: +389 2 3290963
email: office@odih.org.mk