

**INTERIM REPORT No. 2
26 February–10 March 2009**

I. EXECUTIVE SUMMARY

- The official campaign for both the presidential and municipal elections began on 2 March with vigorous and highly visible political activity throughout the country. Parties and candidates are holding numerous rallies, and billboards and posters are much in evidence. Local issues dominate much of the campaign.
- Presidential candidates and party leaders are calling for fair and democratic elections and are publicly urging their followers to avoid the kinds of incidents that tarnished the 2008 early parliamentary elections. Most campaign rhetoric has been civil and measured. Thirty-six political parties have signed a code of conduct for this election. The OSCE/ODIHR Election Observation Mission (EOM) has received reports of a few election-related incidents of a minor nature.
- The OSCE/ODIHR EOM continues to receive numerous and widespread allegations of pressure on or intimidation of citizens, especially of public-sector employees. The OSCE/ODIHR EOM has followed up on these allegations and has found some to be credible.
- Preparations for the elections appear to be generally on track, despite the fact that the State Election Commission (SEC) is hampered by a lack of qualified professional staff. Training of Municipal Election Commissions (MECs) was not completed on schedule and training of Election Boards (EBs) is ongoing. Ballot printing is underway but delayed. The SEC's voter-education campaign has not yet begun, but is expected to be launched in the coming days.
- The media have been providing extensive coverage of the campaign and contestants in news and other programs. Two private broadcasters aired debates among the seven presidential candidates. Public television is providing free airtime to presidential and mayoral candidates. Thus far, few parties have used paid political advertising extensively.
- The Administrative Court has ruled on 12 lawsuits related to candidate registration. Several lawsuits initiated by the SEC and the Broadcasting Council (BC) prior to the start of the official campaign are still awaiting action by the first instance court.
- Several new convictions have been handed down in court cases against individuals charged with offences during the 2008 election. Some interlocutors have alleged politically motivated bias in the handling of these cases, a claim the Government strongly denies.
- Only 14 women are among the 374 candidates for mayor. There are some 33 mayoral candidates from smaller ethnic communities; most of them belong to ethnically-based political parties. Legal requirements for representation of ethnic groups and for gender representation in the election administration appear to have been met.
- A nationwide police security plan has been formulated by the Ministry of Interior to maintain public order on election day.

II. THE CAMPAIGN ENVIRONMENT

The OSCE/ODIHR EOM observed a number of instances of campaigning before the start of the official campaign period on 2 March, including the presentation of some presidential candidates' slogans, the holding of well-publicized party conventions, and the display of some posters. However, interlocutors generally did not consider this to be an issue of concern or a subject for complaints. The SEC and the BC considered taking action in regard to the party conventions and the media coverage they engendered, but decided not to, in part because they received no complaints. Legal provisions on what party and candidate campaign activities are allowed before the start of the official campaign period are vague.

Since the start of the official 19-day campaign period on 2 March, political parties and presidential candidates have engaged in a vigorous program of rallies. During the reporting period, the OSCE/ODIHR EOM observed around 50 rallies, at which party leaders, presidential and mayoral candidates, and candidates for municipal councils frequently appeared together. Despite the high level of activity by presidential candidates, the focus of interest around the country appears to center more on local than on national issues. Most OSCE/ODIHR EOM interlocutors claim that these elections have not sparked a high level of interest among voters; several assert that it may be difficult to achieve a 40 per cent turnout for the second round of the presidential election.

The campaign is highly visible throughout the country, including extensive use of commercial billboards and of posters, which are at times posted in non-designated places. In contravention of Article 79.1 of the Electoral Code, activists of some parties have engaged in removing posters of their competitors, but to date this has not led to violent incidents. Some candidates and parties have indicated to the OSCE/ODIHR EOM that they would not use billboards and posters and would rely on person-to-person campaigning, attributing this in part to constrained financial means. Most parties and candidates appear to be campaigning predominantly among their own ethnic communities or, in many cases, exclusively among their own ethnic communities.

Most party leaders and presidential candidates have told the OSCE/ODIHR EOM that they do not expect to see a repeat of the kinds of violent incidents that negatively affected the 2008 early parliamentary elections. The leaders have made well-publicized statements calling for calm and democratic elections. Most participants in both the presidential and municipal elections have made discernable efforts to use civil and measured campaign rhetoric, although the OSCE/ODIHR EOM has witnessed the use of some nationalist or ethnically divisive language.

Thirty-six political parties have signed a "Code of Conduct for Free and Fair Presidential and Municipal Elections" initiated by the National Democratic Institute, a Washington-based international NGO, which has been disseminated by the media and is accompanied by a large-scale campaign for fair and democratic elections. In addition, contestants in several municipalities have agreed to their own codes of conduct. While OSCE/ODIHR EOM interlocutors across the country continue to express their commitment to holding democratic elections, a good election process frequently appears to be equated with an environment free of violence, without adequate attention to the other elements necessary for a democratic election process.

The most recent in a series of election-related meetings among the leaders of the four main political parties took place on 1 March. The party leaders tasked the coordinators of their parliamentary groups with ensuring cooperation among their parties to ensure democratic

elections; however, the coordinators have yet to meet. The 1 March meeting did not appear to yield any new agreements, although at previous meetings the party leaders agreed that the use of cameras and camera phones in polling stations should not be allowed, in order to maintain the secrecy of the vote and as a safeguard against intimidation and vote buying. The leader of the Democratic Party of Albanians (DPA) left the 1 March meeting of party leaders in protest against what he claimed was a biased law enforcement directed against some DPA activists accused of involvement in incidents during the 2008 early parliamentary elections.

In another worthy effort to promote a civil campaign atmosphere, two presidential candidates have taken initiatives to bring their opponents together for joint meetings.

Nonetheless, the OSCE/ODIHR EOM has observed some tensions during the campaign. For instance, in Gostivar, Debar, and the Skopje municipality of Šuto Orizari, candidates have leveled strong accusations against each other. A few election-related incidents have been reported to the OSCE/ODIHR EOM during this reporting period, including a scuffle between activists of independent presidential candidate Ljube Boškoski and supporters of the governing Macedonian Internal Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO–DPMNE), minor damage to two Democratic Union for Integration (DUI) offices in the Gostivar area, alleged threats to New Democracy party activists in Gostivar and a reported altercation between members of two Roma political parties.

The OSCE/ODIHR EOM continues to receive numerous, troubling allegations from all over the country of pressure on or intimidation of citizens in connection with the elections. Most prominent among these are allegations of pressure on public-sector employees, especially those with short-term contracts, to support the governing parties. Among other allegations, such individuals are reportedly required to provide lists of names and contact details of other citizens who pledge to support the candidates of the main governing party. The OSCE/ODIHR EOM has followed up on these allegations and has found some to be credible. Several interlocutors have asserted that the continued politicization of the public sector, which employs over 100,000 people, and personnel changes based on political affiliation, make public-sector employees particularly vulnerable to pressure, both at national and municipal levels. Other reports allege that owners of businesses fear being subjected to tax inspections if they support opposition parties. Some EB members are reportedly afraid to serve for fear of violence or intimidation, while other citizens are reportedly afraid to give evidence in election-related court cases for fear of retribution.

Prior to the announcement of the elections, the Government engaged in expensive and high-profile publicity campaigns in support of its policies and programs. Although these were discontinued when the elections were called, as required in Article 84-a of the Electoral Code, opposition parties and media representatives assert that the campaigns were so widespread and pervasive that they are having a continuing effect on the campaign and have made much of the media dependent on government advertising revenues.

Since the announcement of the elections, the State Commission for Prevention of Corruption has actively reminded state and local bodies to refrain from new investments or contracts, new hiring of personnel, or use of public funds and extraordinary payments during the election period, as prescribed by the Law on Preventing Corruption. The Commission has received two cases of alleged vote buying, and has forwarded the cases to the Public Prosecutor.

To ensure the proper role of police in maintaining public order during election day, regional police security plans have been submitted to the Ministry of Interior and have been incorporated

into a police elections security and safety master plan. The plan is aimed at applying preventative measures, with a higher profile presence of police in areas that have seen election problems in the past. All police – including plain clothes officers – and police vehicles should be clearly marked on election day. The Alpha Units, special units specializing in fighting organized crime but who had been active in many predominantly ethnic Albanian parts of the country during the election irregularities last year, have been restricted to the Skopje area with one team dispatched to Kumanovo, ostensibly to respond to criminal activities. The plan also covers the escort and security of ballots, as well as the security of polling places, MEC offices and the SEC office. The plan is supported by a police training program on the role of the police during elections.

Prosecutions of and court cases against persons charged with offences in connection with the 2008 election are continuing. Several new convictions have been handed down, including seven prison sentences, bringing to about 25 the total number of individuals convicted for offenses in connection with the 2008 elections. Some interlocutors – including the leaders of two opposition parties – told the OSCE/ODIHR EOM that they believe that cases are being handled differently depending on the political affiliation of the accused; the Government has strongly denied this assertion. Interlocutors have also pointed out that one of the major obstacles in processing some cases is that witnesses are afraid to testify or uphold previous testimonies.

Campaign-financing regulations were improved by the latest amendments to the Electoral Code but still lack effective enforcement and auditing mechanisms. In addition, some contributions to election campaigns (providing goods or services below market prices) are exempt from the limits set by Code, which effectively negates the limits on campaign donations.

A disturbingly high number of candidates and political party leaders have asserted to the OSCE/ODIHR EOM that they expect to see efforts to commit electoral fraud on election day.

III. THE ELECTION ADMINISTRATION

Generally, preparations for the 22 March 2009 presidential and municipal elections appear to be on track, despite the fact that the SEC continues to be hampered in its work by lack of sufficient, qualified support staff. With only a few exceptions, candidates and leaders of political parties have continued to express confidence in the honesty and impartiality of the SEC and lower levels of the election administration. The SEC continues to operate transparently and in a spirit of consensus.

The SEC has adopted a Handbook for the Education of Electoral Bodies. While this is a much-needed document, it is not as useful as it might be as a practical reference guide, since in many instances it merely repeats information in the law rather than elaborating detailed election procedures. The Handbook is sometimes inconsistent, or at odds with some previous SEC instructions, for example in regard to mobile voting, and has gaps in explaining what EBs should do in some circumstances. The compulsory training of EBs is ongoing; training of MECs was concluded, but behind schedule.

Printing of ballot papers is underway, although somewhat delayed, with the printing of ballots for the presidential election and some municipal elections already concluded. Although the ballots for many municipal contests had yet to be approved by the SEC during the reporting period, the SEC is confident that all election material will be ready and delivered to MECs and EBs on time.

The voter list excerpts which will be used by EBs on election day were signed by the SEC by 7 March. The OSCE/ODIHR EOM continues to receive expressions of concern that the presence on the voter lists of large numbers of citizens who are out of the country could lead to attempts at manipulation on election day. Although efforts have been made to identify these voters, and there are now asterisks by the names of voters registered by the authorities as residing out of the country, this apparently comprises only a portion of those actually abroad. Concerns about the voter lists are compounded since there are no clear estimates of how many citizens are currently out of the country.

Although under the law the SEC is responsible for conducting voter education, it had yet to launch its voter education campaign as of 10 March. The SEC has informed the OSCE/ODIHR EOM that an advertising agency has been contracted and that a media campaign will be launched by mid-March. On election day, voting instructions will be displayed in and around polling stations.

Following the changes in the formation of EBs, with only three of five members selected randomly from the pool of civil service employees, very few EB members will be working away from their places of residence. The SEC told the OSCE/ODIHR EOM that only around 100 persons are affected, most of whom are registered within a few kilometers from the polling station where they will work and that therefore these EB members should be able to vote.

Following a recommendation from the major political parties, the SEC adopted an instruction prohibiting the use of cameras and mobile phones for taking photographs inside polling stations. Election administrators, however, are skeptical that usage of telephones can be restricted in practice.

IV. THE MEDIA

The Broadcast Council guidelines for the period preceding the official campaign stipulated that broadcast media should present election-related activities only within their news programs and should not broadcast other election-related coverage, for example, interviews with candidates. Broadcast media generally complied with these guidelines, particularly after the BC initiated warnings and lawsuits against some broadcasters.

The OSCE/ODIHR EOM analyzed two weeks of media coverage preceding the start of the official campaign period (16 February–1 March). Although there is no legal requirement during this period for equal allocation of airtime, all monitored broadcast media provided the Government with the biggest single portion of the news coverage (at least one third of the time dedicated to political actors). The governing VMRO–DPMNE and the opposition Social Democratic Union of Macedonia (SDSM) received significantly more coverage than other political parties in the news of public MTV1 and private broadcasters TV Sitel, TV Alfa and Kanal 5. The news programs of TV A1 and TV Alsat-M provided almost equal amounts of coverage of VMRO–DPMNE, SDSM, DUI and DPA. Public MTV2 – which broadcasts mainly in Albanian – focused its coverage on DUI (18 per cent) and DPA (10 per cent), while the coverage of the Government in the news of this broadcaster was 44 per cent. Public television portrayed government parties in mainly positive terms, while SDSM was portrayed more negatively.

Since the start of the official campaign period on 2 March, the national broadcast media have been providing extensive campaign coverage. All seven presidential candidates are receiving media coverage; however, thus far the newscasts tend to give more time to the candidates who

are considered to be frontrunners, despite requirements for equal time. Outside the news, the media present electoral and campaign information in a wide range of programs. MTV1 is providing free presentations of the presidential candidates, and it has also granted three minutes of free airtime to each mayoral candidate who wishes to use it. The national broadcast media air special election programs, such as profiles of the presidential candidates. In a positive development, two private broadcasters have each aired debates among all seven presidential candidates. Reportedly, however, the governing party candidate has said he may not participate in further debates.

Overall, the national TV channels tend to focus their coverage on the presidential election, rather than on municipal contests. However, national broadcasters Alsat-M and MTV2 organized programs featuring mayoral candidates running in predominantly ethnic-Albanian municipalities, and national TV Telma aired a debate among candidates for Mayor of Skopje. The campaign coverage in the local media was rather limited in the first week of the campaign, but some local media said they plan to air electoral programs, including debates among mayoral candidates, in addition to election-related news coverage.

Few parties have thus far used paid advertising in the media extensively. VMRO–DPMNE clearly dominates the paid political advertisements aired on TV A1, Kanal 5 and Sitel. SDSM has been running campaign advertisements primarily on Alfa TV, while DUI is dominating campaign advertisements on TV Alsat-M.

V. COMPLAINTS AND APPEALS

The Administrative Court has adopted, within the legal deadlines, 12 decisions regarding lawsuits related to candidate registration. The court upheld four lawsuits and rejected six, while two were withdrawn by the plaintiffs. Five of the six rejected lawsuits were dismissed on procedural grounds, which could indicate that some candidates are not fully aware of all procedural requirements. Administrative Court judges participated in several trainings organized to facilitate transfer of experience in resolving election-related cases from the Supreme Court to the Administrative Court.

Court hearings before the Skopje Court of First Instance I, initiated by the BC against several broadcasters for breach of Article 74.1 of the Electoral Code (in connection with broadcasting violations before the official campaign began) have mostly been rescheduled for mid-March or have yet to be scheduled due to delays in gathering documentation. In addition, two lawsuits initiated by the SEC for campaigning prior to the start of the official campaign period are still awaiting action by the first instance court. Such delays in court action on time-sensitive election cases undermine both enforcement of election rules and the right of election participants to an effective remedy.

The SEC has adopted instructions regarding how it should resolve complaints brought before it.

VI. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

Only 14 women are running for mayor out of 374 candidacies (3.7 per cent); they are running in 11 municipalities. Only four of the parties represented in the Parliament, VMRO–DPMNE, SDSM the Liberal Democratic Party and the Liberal Party, chose to nominate female mayoral candidates. However, the smaller Party of United Democrats of Macedonia (PODEM) has five female mayoral candidates. The requirement that each gender account for at least 30 per cent of the membership of MECs has been adhered to, and no formal complaints were filed in this

respect. According to SEC data, 57 MECs (67 per cent) have more than three women among the ten members and deputy members, and 30 MECs (35 per cent) are headed by a woman.

The United Nations Development Program will conduct training of EB members in about two dozen municipalities aimed at preventing family and proxy voting. Several local NGOs are also organizing voter education to discourage family voting in different parts of the country, including Prilep, Tetovo and Sveti Nikole.

OSCE/ODIHR EOM long-term observers have reported generally low attendance of women at campaign events, especially in the western parts of the country. Many campaign events are exclusively male. In general, women do not appear to hold many decision-making positions of power within political parties, and political parties do not appear to be making a special effort to attract women voters.

Legal requirements for “adequate and equitable” representation of ethnic communities in MECs have been met. In all 32 municipalities with a local minority population of 20 per cent or more, either the president or the vice-president are members of the respective group. Some 33 mayoral candidates come from smaller ethnic communities. They mostly belong to parties representing their ethnic group; only five such candidates are running on the lists of one of the majority parties. In addition, there are six independent candidates for mayor from smaller ethnic communities. There are signals of a tense atmosphere in some municipalities in which different parties of the same ethnic group are competing. The leaders and the mayoral candidates of the two competing coalitions of Roma parties issued a joint public statement in which they commit to fair conduct during the election period.

VII. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities. The Head of Mission and other Core Team members have met the President, ministers, state officials, the seven presidential and several mayoral candidates, party and candidate representatives, the election administration, court officials, representatives of the media and civil society, and diplomatic missions. LTOs deployed throughout the country continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers. A briefing for members of the diplomatic community and international organizations accredited in the former Yugoslav Republic of Macedonia was held on 26 February. The OSCE/ODIHR EOM will be further strengthened by some 250 short-term observers for election day observation.