



Office for Democratic Institutions and Human Rights

**FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

**PARLIAMENTARY ELECTIONS  
15 SEPTEMBER 2002**

**OSCE/ODIHR Election Observation Mission**

**FINAL REPORT**



Warsaw  
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**I. EXECUTIVE SUMMARY**

The 15 September 2002 parliamentary elections in the former Yugoslav Republic of Macedonia were conducted largely in accordance with OSCE commitments and international standards for democratic elections. Some actions by the Ministry of the Interior and the outgoing principal governing party in the period after election day and before final completion of the election process, however, raised serious concern.

This first post-conflict election was an integral component of the Ohrid Framework Agreement that ended the crisis in 2001, and was widely perceived as a test for the return of the country to stability. In this respect, the successful conduct of these elections was a major contribution to restoring the basis for peace and a regular democratic process, and represented a notable political accomplishment. For the second time in successive parliamentary elections power has been transferred democratically from government to opposition.

In view of the challenging political background and in light of recent election observation conclusions, the 2002 parliamentary elections reflected the following principal achievements:

- The new election laws adopted in June 2002 effectively addressed some shortcomings observed previously, and overall provided an adequate legislative basis for elections;
- Election commissions generally conducted their work in a neutral and professional manner, and the State Election Commission (SEC) in particular operated transparently and in a collegial way. The SEC issued instructions which clarified the interpretation and improved the uniform application of the election laws;
- The political campaign was relatively restrained;
- The policing of campaign rallies, other electoral events, and election day was appropriate;
- The media were broadly pluralistic and voters were offered a wide range of information on the activities of contestants. Public regulatory bodies monitored and reported on political advertising and coverage of the campaign on television, but these reports did not lead to enforcement.

The election campaign period was marred at times by violent incidents, including attacks on and the killing of police officers and hostage taking not explicitly related to the election, attacks on party offices, as well as threats to and attacks on media representatives. In addition, certain actions by the authorities contributed to heightened tension during the campaign. Violent incidents, threats, and apparently selective application of law enforcement proceedings against candidates have no place in a democratic electoral process. Nevertheless, the election process itself worked well and demonstrated considerable resilience in the face of these pressures.

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<sup>1</sup> This report is also available in Macedonian. However, the English version remains the only official document.

Other shortcomings became evident during the electoral process, and in the period immediately thereafter:

- State television channels did not provide fair and equal coverage of the election. There were numerous violations by both State and commercial channels of the rules regarding political advertising and election coverage;
- The election laws still contain ambiguities and inconsistencies, especially with respect to the provisions on complaints and appeals, the determination and announcement of election results, and the voting rights of non-resident citizens;
- The method of appointment of election administration bodies requires further consideration; and
- Undue pressure was brought on the SEC after election day by the Minister of the Interior and other representatives of his Ministry and of the governing party VMRO-DPMNE. Their conduct violated OSCE commitments on elections to be free of intimidation and the separation of State and political activities.

Election day was characterized by a high turnout of voters (73.4%), few and isolated incidents of violence, and in general an orderly voting process, except for a significant incidence of group and proxy voting in certain ethnic minority areas. The vote count was largely free of problems.

A number of factors contributed to the effective conduct of these elections, in particular:

- As noted above, the professionalism of the SEC, which guided the electoral process through a difficult general environment;
- The large number of international and domestic non-partisan observers, which increased transparency and public confidence in the elections; and
- The significant difference in the margins of votes won by the main competing parties, which reduced pressures in the post-election period, in particular with respect to the determination of results.

The absence of any of these factors could expose remaining shortcomings in the election system and pose a greater challenge than on this occasion. The OSCE/ODIHR stands ready to work closely with the authorities in addressing the concerns and recommendations contained in this report.

## **II. INTRODUCTION AND ACKNOWLEDGMENT**

Following an invitation from the Minister of Foreign Affairs, the OSCE/ODIHR deployed an Election Observation Mission (EOM) to monitor the 15 September 2002 elections to Parliament. Mr. Julian Peel Yates (UK) was appointed Head of the EOM, which began operating on 22 July 2002.

On election day, the OSCE/ODIHR joined with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament to form the International Election Observation Mission (IEOM). This report consolidates the findings of 54

international experts, long-term observers and mid-term observers, who were present in the capital and eleven regional centers for some eight weeks and who observed election preparations, the campaign, election day and the post-electoral process.

The report also consolidates the findings of 869 short-term observers from 41 OSCE participating States, including a contingent of 86 observers seconded by the European Commission, who monitored voting on election day under the umbrella of the IEOM. The Embassies in Skopje of OSCE participating States and the missions of inter-governmental and non-governmental organizations contributed generously to the overall number of short-term observers. On election day, observers paid some 3,629 visits to 2,523 polling stations out of the total of 2,973 throughout the country.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the State Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The OSCE/ODIHR also wishes to express appreciation to the OSCE Spillover Monitor Mission to Skopje, NATO Amber Fox and Task Force Fox, and the Council of Europe Information Office in Skopje, as well as other international organizations and embassies accredited in Skopje for their support throughout the duration of the mission.

### **III. POLITICAL BACKGROUND**

The 15 September parliamentary election was the third since independence in 1991. It was of particular significance after the difficult last term of Parliament, which faced the refugee crisis resulting from the Kosovo war in 1999 and the security crisis of 2001. The political system was disturbed by these events and Parliament fragmented, with the eight parties in 1998 increasing to 16 earlier this year. Composition of the Government also changed periodically, in particular with the temporary establishment of a “unity government” (May-November 2001) representing the four parties which signed the Ohrid Framework Agreement (OFA). The current parliamentary election was an integral component of the OFA. Furthermore, it was widely seen as a test for the return of the country to a regular democratic process and overall stability.

Past election observations by the OSCE/ODIHR concluded that the election laws provided an adequate basis for the effective conduct of elections. At the same time, difficulties were observed due to ambiguities and inconsistencies in the relevant statutes. With respect to the conduct of elections, previous reports noted improvements but documented continuing problems that prevented unqualified endorsement of the processes. In particular, there was failure to prevent irregular and fraudulent activities. In addition, elections had often been conducted in an atmosphere of tension and there was intimidation and violence against voters, election officials and others. Many of the worst abuses occurred during repeat or second-round elections.

### **IV. LEGAL FRAMEWORK**

The Assembly consists of 120 representatives. For the 2002 parliamentary elections, three new election laws were enacted: the Law on Election of Members of Parliament of 2002

(“Parliamentary Election Law”), which came into effect in July 2002; the Law on the Voter List (“Voter List Law”); and the Law on Election Districts (“Election District Law”).

The new election laws were part of a larger package of legislation intended to implement the OFA. Agreement was reached among the four OFA signatory parties with encouragement and support from the international community. The Parliamentary Election Law represents a considerable advance over the previous legislation. Numerous improvements have been made to provisions that were identified as problematic in recent elections. At the same time, however, significant deficiencies remain.

The Parliamentary Election Law provides for a new method of election based on multi-district proportional representation. Registered political parties and other submitters (coalitions of parties or “groups of voters”) may contest the election in the districts by nominating closed candidate lists. The new method simplifies the election process by eliminating the requirement for second rounds; it also has the potential to help reduce inter-communal political tension by dividing election contests among six regions, and to enhance the representation of smaller minorities and parties. The formal threshold for winning seats in Parliament was eliminated.

To carry out the new law, six election districts with comparable numbers of registered voters were established through the Election District Law. The six constituencies created under the law do not reflect any established regional boundaries. The districts are nearly equal in the number of registered voters with almost 280,000 each. Two of the districts (No. 3, in the central and northeast areas; and No. 4, in the south and southeast) are overwhelmingly ethnic Macedonian in their composition; two more (No. 1, in the area of the capital, Skopje; and No. 5, in the southwest) are predominantly ethnic Macedonian; one (No. 6, in the northwest) is predominantly ethnic Albanian; and one (No. 2, in the northeast) is ethnically balanced, also including numbers of Roma and ethnic Serbs.

The chief remaining issues of concern include: reliance on the judiciary for membership of election commissions; vague provisions relating to the role of security forces during elections; ambiguous and inconsistent provisions for the annulment of results, repeat elections, complaints and appeals; the voting rights of non-resident citizens; and non-enforcement of financial regulations.

## **V. ELECTION ADMINISTRATION**

The Parliamentary Election Law establishes a four-level administration system: the State Election Commission (SEC), six Regional Election Commissions (REC); 34 Municipal Election Commissions (MEC); and 2,973 Election Boards (EB).

The SEC, under the responsive and capable leadership of its President, Mrs Mirjana Lazarova-Trajkovska, made considerable contributions towards creating an autonomous election administration. The SEC operated in a transparent and generally collegial way, holding regular open plenary meetings and communicating with the public through a press office and web site. Regrettably, after election day, the SEC members whose appointments were made under the aegis of the principal governing party were replaced for some days by their deputies for

apparently tactical party reasons, and the collegiality that had been present hitherto was lost to post-election confrontation. The collegial approach was restored, however, when the two original members resumed their positions shortly before the SEC completed its work. International observers were able throughout to attend meetings of SEC working groups and other non-public activities.

In general, the RECs and MECs also operated in a transparent manner. The review by the SEC of the results tabulated by the RECs and MECs before determination of final results did, however, identify a considerable number of discrepancies in their work in this regard.

The SEC adopted necessary and useful instructions to address ambiguities and other deficiencies in the new Parliamentary Election Law. Many of these instructions addressed recommendations made by the OSCE/ODIHR and others from the international community. Some of the most important instructions adopted by the SEC concerned the deployment and role of the police; ballot validity; advanced and mobile voting; and voter identification. Additionally, the OSCE Spillover Monitor Mission to Skopje together with the Ministry of the Interior (MoI) provided much welcome training for some 3,500 police officers regarding their role during the election process.

Appointments to the RECs and MECs were made on time and were generally accepted. However, in accordance with transitional provisions in the Law, only the four OFA signatory parties had the right to select full members, although other submitters of candidate lists were entitled to have non-voting representatives on these commissions as well as on the EBs. For this election the provision helped to ensure that the election commissions and boards had members from both ruling and opposition parties. For future elections, however, the ambiguous provisions for selecting full members of election commissions may omit some parties with strong popular support.

The absence of representatives of other list submitters on the SEC was somewhat problematic, in that it prevented input and participation by those who were not included in its membership. Important decisions of the SEC were made without the benefit of consultation with these election contestants. Some errors may have occurred as a result, such as with respect to the printing of the name of the lead candidate of one of the unrepresented parties on the ballots in one district. Such errors could lead to successful complaints to the courts, which could later threaten the election process or results.

While the law provides for secretariats for the SEC and RECs, such services could not be established fully in time for this election. Thus, many administrative tasks had to be assumed by commission members with relatively little technical support from the administration. This risked causing serious difficulty when the SEC had to prepare the results and deal with related complaints, many of which were apparently submitted for the purpose of overwhelming the SEC with submissions, obstructive behavior within the SEC itself, and attempts by the MoI and ruling party figures to attack the credibility of the elections (see section XI below, on Developments After Election Day).

A further difficulty in establishing the election commissions related to the method of appointment of their members. Each commission included a substantial complement of judges

from courts at various levels who were appointed “with the agreement of” or “upon proposal of” the political parties. The appointment of no fewer than 140 judges based on recommendations by political parties raises serious questions about the future role of judicial appointees in election administration, and undoubtedly contributed to the number of judges who sought to avoid election duty. Raising further concern, two of the Supreme Court judges appointed to the SEC were only named to the Court by Parliament earlier the same day. Overall, at least 244 judges from various courts were appointed to the SEC, RECs and MECs.

EB nominations were mainly made on time, but the requirement that EB presidents and vice presidents should “as a rule” be law graduates could not be met because the required number could not be found, particularly in rural areas, and some qualified persons were reluctant to serve in this capacity.

Finally, the international community provided an extraordinary level of material and expert support to the election process, including complete equipment kits for polling stations, voter education and information programs, voter outreach programs, logistics officers for election commissions, and training and procedures manuals for election administration personnel. International donors included the European Commission, the US Agency for International Development (USAID), and the UK Foreign and Commonwealth Office. The International Foundation for Electoral Systems (IFES) implemented many of these programs.

#### **A. REGISTRATION OF CANDIDATE LISTS**

List submitters were required to register their candidate lists with the RECs. Registration of candidate lists was accomplished without significant problems, partly since the law allowed list submitters 48 hours to make corrections and adjustments to their submissions.

Only one complaint was filed concerning list registration. Upon complaint by the Democratic Party of Albanians (DPA), the SEC overturned the decision of District No. 5 REC not to register their list due to alleged late filing. The SEC decided that a timely submission had been made.

The SEC published the candidate lists for all the district elections on schedule, on 16 August. Altogether, 38 parties, party coalitions and independents registered candidate lists in one or more of the six electoral districts. The number of lists approved in each district was: district No. 1, 31; No. 2, 28; No. 3, 23; No. 4, 22; No. 5, 28; and No. 6, 21.

#### **B. VOTER LIST**

Under the new Voter List Law, the Ministry of Justice (MoJ) is responsible for registering voters. For an interim period, the State Bureau for Statistics (SBS) continues to carry out technical operations related to the Voter List (VL). After updating the list with data from other departments (mainly the MoI), the MoJ made the VL available for inspection for citizens in the second half of July. During this period, the public was able to check the VL in local offices of the MoJ, and request corrections if necessary.

Public inspection of the VL was successful, with nearly 80,000 citizens checking the list. Subsequently, political parties and candidates were able to obtain an electronic copy of the



corrected VL. Only one appeal was received by the SEC concerning the VL, from a citizen whose request to be added was denied by the MoJ; the SEC ordered the name to be added.

The VL was completed by the MoJ and submitted to the SEC on schedule, and approved by the SEC on 24 August. No complaint was made to the SEC concerning the list, although the head of an organization representing ethnic Macedonians abroad made a submission concerning certain deletions. The total number of registered voters was 1,664,296, some 30,000 voters more than for the last election in 2000.

While the VL was subject to public inspection and request for correction, it may still contain inaccurate information concerning the residence of voters who did not check their registration. This would primarily be the result of a large number of citizens who have emigrated, and whose names and former addresses may continue to appear in the VL based on previous residential registration.

In early August, information began to emerge, attributable in part to statements by the Minister of the Interior, that a large number of passports were being issued by his Ministry (MoI) to ethnic Macedonians abroad. Later in August, the Minister of Justice disclosed that he had ordered the removal of some 3,200 names from the VL. These were names of individuals who had been issued passports by the MoI, and whose data was provided to the MoJ for inclusion in the VL as the period for corrections ended.

Enquiries determined that these names, whose residences were listed at the address of MoI headquarters in Skopje, had been incorporated in VL data and assigned to several nearby polling units. The intent of these actions was unclear, and the MoI continued to maintain that the names were validly proposed for inclusion in the VL. The names were, however, deleted upon order of the Minister of Justice and the SEC subsequently approved the VL without them.

## **C. ADVANCE (SPECIAL AND MOBILE) POLLING**

### **1. Special Voting**

The law provides that military personnel on duty, prisoners and internally displaced persons (IDPs) cast ballots at their current location one day in advance of regular voting. However, it does not specify whether these categories of citizens voting outside their place of permanent residence should receive a ballot corresponding to the district where they are from, or the district in which they are temporarily located. The SEC decided to provide these voters ballots from their place of origin.

Based on information from the MoJ (and the State Bureau of Statistics), the SEC was required to provide for voting by 862 persons in prison or custody at 10 correctional institutions; around 8,000 military personnel on duty at 93 military bases, headquarters or units; and a total of 4,351 internally-displaced persons (IDP), who would vote in five different municipalities. Special voting had to be conducted by the EB nearest to these locations.

This operation became a difficult challenge, especially in view of the SEC's interpretation of the Election Law that the number of ballot papers printed and distributed should be exactly the same

as the number of voters registered. The SEC intended thereby to minimize the potential for ballot-box stuffing or ballot-swapping. This approach, however, eliminated flexibility in distributing ballots where they were needed.

As a consequence, the SEC had to design a complex system of delivery of these ballots from the printing house in Prilep directly to the location where the polling would be conducted, and of return of ballots from these locations to the districts in which they would be applied. The printing factory had to prepare ballot packs for soldiers, prisoners and IDPs based on the special excerpts of the VL. These special ballot packs were then sent, through the relevant RECs and MECs, to the EBs conducting special voting. In addition, since separate ballot packs for all EBs had already been prepared by the printer, a number of ballots corresponding to the special voters from EBs had to be physically separated from the regular packs.

Observation data collected on advance voting day tend to show a poorer performance of the EBs than on election day, with 16% of polling observed rated “poor” (against 2.5% on election day), and a significant incidence of group voting. The case of the IDP voting in Kumanovo IDP center “Kamp Kristal” raised particular concerns, since voting had to be interrupted after two hours, due to both the inefficiency of the EB conducting the vote and disruptive behavior by some voters and party activists, preventing each others’ supporters from casting ballots.

## **2. Mobile Voting**

In addition to the voting for special voters, some EBs had to conduct advance mobile voting for sick and disabled voters. The SEC was concerned that this would require opening sealed packs of ballot papers before the regular election day, creating the possibility of tampering or pilferage. Moreover, potentially all of the EBs in the country would have to conduct mobile voting, if requested by voters, even outside their areas.

As a result, the SEC issued an instruction greatly limiting the number of voters who could request this service, and the MECs took actions to reduce demands, through discouraging applications. To the extent that applications for mobile voting were limited in this way, access to the polls for handicapped, disabled and sick voters may have been unduly restricted.

In the event, there were quite large differences between districts, with the highest figures in Districts No. 3 (1062), No. 4 (1194) and No. 5 (659), and lowest figures in the Former Crisis Areas, i.e. Districts No. 2 (32) and No. 6 (145), out of an average of approximately 278,000 voters per district. Some of the larger figures may result from the presence of health care facilities in those areas, or the relative success of party activists in seeing to it that their supporters submitted proper requests. Nonetheless, the number of voters submitting such requests, at just over 1% of the number of registered voters nationwide, is not unusual.

## **VI. THE ELECTION CAMPAIGN**

All major parties campaigned actively, with rallies, media advertising and door-to-door canvassing being the main forms of promotion. While inflammatory rhetoric was used at times,

rallies of political parties were held in a notably peaceful and orderly manner. This was all the more remarkable in the context of general security concerns and deep divisions resulting from the crisis of 2001. As in the past, party competition took place largely within ethnic communities. For this election, the main parties signed a Code of Conduct facilitated by an international non-governmental organization, the National Democratic Institute (NDI).

The coalition of the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE) with the Liberal Party (LP) stressed Government achievements, in particular in the field of de-nationalization. This coalition combined general party campaigning with the dedication of various facilities by the government, including religious sites. The inauguration of a large, illuminated cross on Vodno Mountain overlooking Skopje was an important campaign event, which featured in advertising by the VMRO-DPMNE/LP coalition. The building of the cross was substantially financed by government agencies. The Social Democratic Union of Macedonia (SDSM) and the Liberal Democratic Party (LDP) ran coalition lists under the name "Together For Macedonia" with a number of small parties. Their campaign focused on economic issues, in particular unemployment and corruption, and accusations against the Government in relation to its role in the 2001 crisis.

The platforms of ethnic Albanian parties were focused on the improvement of ethnic Albanian rights, mainly through the implementation of the OFA. The established ethnic Albanian parties, the Democratic Party of Albanians (DPA) and Party for Democratic Prosperity (PDP), competed with two newcomers, the Democratic Union for Integration (DUI) under former National Liberation Army (NLA) commander Ali Ahmeti and the programmatically more radical National Democratic Party (NDP). The DUI's rallies blended the profile of the party as a new element with imagery of the NLA. The DPA highlighted its role in the government, while at the same time presenting itself as a radical alternative. Attempts to create pre-electoral coalitions among ethnic Albanian parties failed, but no potential combination for post-electoral alliances was excluded.

The election campaign period was marred at times by violent incidents, including:

- The killing of two ethnic Macedonian police officers on 26 August, and the killing of an ethnic Albanian police officer on 12 September;
- The shooting incident on the eve of election day in Celopek, in which police officers were again targeted;
- The taking of five ethnic Macedonian hostages on the highway between Tetovo and Gostivar on 29 August. They were released on 31 August;
- Attacks with explosives on DUI offices in Skopje on 27 August, 28 August, and 2 September, and on a NDP office in Skopje on 27 August;
- The destruction with an incendiary device on 10 September of the car of journalist Ljupco Palevski, who had published an article the same day alleging that the government planned to use the MoI's special forces, the "Lions", to disrupt the election process;
- The attempt on 8 September by formations of former members of MoI special forces to prevent access to an SDSM rally in Prilep. The obstruction ended after some hours. The previous night, some of the same persons physically attacked the leading candidate of the SDSM list running in the district;

- Numerous acts of vandalism committed against offices of various parties throughout the campaign period; and
- On numerous occasions, road blocks erected by ethnic Albanians between Tetovo and Kicevo, in connection with political demands not directly related to the election campaign.

Actions by some authorities also contributed to the heightened tensions during the campaign:

- During the campaign, the Minister of the Interior repeatedly called for the arrest of Ali Ahmeti based on a war crimes-related arrest warrant, should he try to attend campaign rallies in Skopje. Due to this arrest warrant, Mr. Ahmeti was effectively prevented from attending DUI campaign rallies in Skopje and a DUI rally on 13 September in Skopje was cancelled;
- The president of the New Democracy party, who headed the party's list in the third election district, was investigated during the campaign period for alleged tax evasion by his company the previous year. Various stages of this investigation were widely publicized through State media;
- On 5 September, the MoI announced that it would file criminal charges against journalists who "diminish the reputation of the government"; and
- On 6 September, the MoI announced that it would press charges against three persons, including a former Minister of Defense and SDSM candidate Vlado Buckovski, for misappropriation of funds.

Violent incidents linked to the elections, threats against media and their representatives, and apparently selective application of law enforcement proceedings against candidates have no place in a democratic electoral process.

## VII. THE MEDIA

The 1991 Constitution guarantees freedom of expression and access to information. Article 51 of the Parliamentary Election Law states that "the media in the Republic of Macedonia are obliged to provide under equal conditions equal access on their programs for the presentation of the election programs of the candidates for Members of Parliament, political parties and groups of voters". The same article instructs the Broadcasting Council (BC) to draft Rules for Equal Access to Media Presentation to be approved by Parliament no later than 40 days before election day. Articles 52-56 contain additional requirements on public opinion polls, paid political advertisement, special obligations for the public broadcaster and disposal of election posters.

The laws and regulations on equal access to media and on freedom of expression generally comply with international standards and OSCE commitments. The media provided considerable information to the citizenry on election issues and political activities. There was a reasonable degree of differentiation among media outlets, presenting various cultural and political viewpoints, helping to enable voters to make an informed choice.

During the election campaign, some new media outlets appeared. The third channel of the Public Enterprise MTV on August 20 started to broadcast 12 hours per day in the languages of

the national minorities (9 hours in Albanian, and 3 hours in the Turkish, Roma, Serbian, Bosnian and Vlach languages); the Albanian language weekly *Lobi Ditor* issued a daily edition of the magazine, distributed free of charge; and the daily *Global*, with an opposition editorial policy, started a few days before the elections.

The BC's Rules, approved by Parliament, set the regulations for campaign coverage in the media, mainly concerning the electronic media, with the exception of three articles relating to print media. The rules set specific obligations for the Public Broadcasting Enterprise to inform citizens about the whole electoral process and on the manner of voting (Article 8), and define the regulations for various types of programs.

While the legal framework met international standards, freedom of the media from coercion was not always respected. On 10 September, the publishing house *Global*, an opposition bilingual newspaper, was attacked by armed activists, causing minor damage. Earlier the same day, the editor and circulation manager of *Global* had received telephone threats for publishing an article denouncing the MoI's special forces, the "Lions". Also on 10 September, the editor's car was destroyed with an incendiary device. On 4 September, the MoI had issued an announcement informing the public that "certain individuals [were] ... preparing scenarios which would damage the reputation of the current government in the pre-election period." The announcement further warned that "the MoI will press charges against the editors-in-chief of the media that would publish (broadcast) such scenarios." These attacks on the freedom of the press led to condemnations by the Association of Journalists and other local NGOs, as well as international NGOs.

The public broadcaster Macedonian Radio and Television (MRTV), as in previous elections, failed to provide balanced coverage of parties' activities during the campaign. Despite specific obligations of public service, *MTVI* carried extensive coverage of Government officials and the ruling parties during the entire election campaign. In the news programs broadcast from 18:00 to 24:00, for example, 56% of time devoted to politics covered the Government or the activities of the VMRO-DPMNE/LP coalition, often including speeches of politicians. This coverage was generally positive. By contrast, the SDSM-led coalition "Together For Macedonia" received just 12% of news airtime, mostly neutral.

The private TV station *Sitel* maintained a partisan attitude, largely favoring the Socialist Party of Macedonia, which obtained 47% of airtime in its news coverage, mostly positive. However, the private station *AI* showed a more balanced attitude than its competitors, although with more critical stories on ruling parties.

The print media offered various political orientations. The State owned daily *Nova Makedonija* mainly supported the Government and ruling parties with 52% of its space providing mostly positive coverage. The daily *Dnevnik* focused its coverage mainly on the two biggest coalitions, VMRO-DPMNE/LP 31% and "Together For Macedonia" 28%, both presented in a balanced manner. *Utrinski Vesnik* presented critical stories about the Government and the ruling parties. The Albanian language newspaper *Fakti* focused on the four main ethnic Albanian parties.

The Broadcasting Council monitored the election campaign on 111 electronic media outlets and held two press conferences during the campaign period and one after election day, announcing the main results; these public reports helped to increase confidence in the regulatory body.

According to the BC, several media outlets violated the Rules for Equal Access to Media Presentation developed by it and enacted by Parliament. The BC also reported that many TV stations breached the limit on duration of paid political advertising, some stations did not appropriately mark as “paid airtime” the paid programs, and one station aired a non-election related TV program presented by a candidate. The private station *Sitel TV* publicized in its news programs an opinion poll for the forthcoming elections, which was considered unscientific and non-representative. Some political parties claimed, and filed complaints with the Council, that certain media did not provide airtime for paid political advertising under equal conditions and manner of payment, as required by the Rules. There were indications that some programs marked as paid political advertising were not paid for, and the BC announced it would ask for the receipts of payments.

At the regional level, some radio stations were closed down, their concessions withdrawn or the allocated frequency reassigned during the election period. These measures were questionable in terms of their timing and selectiveness shortly before the election. Complaints were filed by *Radio Tumba* in Kumanovo, *Radio Pink* in Delcevo, and *Radio Bitola*.

The media generally respected the 24-hour election campaign silence period. However, the BC announced that 11 TV stations breached the election silence and decided to initiate legal measures against Television 4 (a local TV station in Skopje) for broadcasting political advertising on election day. These violations did not seriously disturb the election process and the Council decided not to use the severe measures of closure for a 48-hour period for the other 10 TV stations (Article 48.4 of the Parliamentary Election Law).

## VIII. VOTING AND COUNTING

Election day was characterized by a high turnout of voters (73.4%), relatively few incidents of violence, and in general an orderly process. International observers paying some 3,629 visits to 2,523 polling stations throughout the country reported a “poor” conduct of the polling for only 2.8% of their visits.

Measures to safeguard the integrity of voting were implemented properly in most cases. In 93% of observations, voters were properly checked for indelible ink and asked to sign the voter list, and in 93% of observations voters were marked with indelible ink. Some voters were properly turned away when they could not produce a valid ID, their name was not on the voter list, or they refused to have the indelible ink checked on their index finger. However, “family”/proxy voting was observed in 20% of visits, violating the secrecy of voting.

Campaign materials within 100 meters of polling stations were observed in 15% of visits and inside polling stations in only 1%. Significantly, campaign activities were noted in only 1% of visits inside or within 100 meters of polling stations. Unauthorized persons were noted in polling stations during relatively few visits, including police in less than 1% of cases, local

administration officials in 0.3% of visits, and party supporters in 1.6%. In very few such cases (2%) were these unauthorized individuals interfering with the work of the EBs.

During 6% of visits, tension or disturbances were noted in polling stations. The most serious instances included armed civilians, the ringleader of whom was identified as a former member of the "Lions," threatening EB members in Lesok, shortly before the ballot box was stolen from the polling station there and a bystander was wounded by a firearm, and polling suspended; a number of alleged "Lions" at five polling stations in Volkovina near Gostivar; party activists shooting in the air near Lipkovo; teenage party activists obstructing the entrance to a polling station in Velgoshti; and polling interrupted in a polling station near Gostivar because of threats.

Domestic non-partisan observers were noted during 44% of visits to polling stations, predominantly from the NGO MOST. Partisan observers for parties, coalitions and independent candidates were seen in almost all visits.

The vote count was evaluated as "poor" in only 7% of 350 polling stations observed, and significant problems noted in 3%. Generally, procedures devised to ensure the integrity of the count were observed, unauthorized police were noted inside polling stations in very few cases (0.3%) and other unauthorized persons in 5%. Such unauthorized police or other persons were found to be interfering in the proceedings in 3% of cases, and disturbance or tension was noted outside polling stations in 6% of the observations. Domestic observers were noted in 41% of polling stations where the vote count was observed. Significantly, in an overwhelming majority of cases observed (99%), the vote count was completed without undue delays and no incidents were reported during the transport of the results to the MECs.

## **IX. COMPLAINTS AND APPEALS**

Relatively few election complaints were submitted prior to election day. One complaint regarding the registration of a candidate list is described above. Two other complaints were also noteworthy:

- Shortly before the election, the head of a domestic NGO, Macedonian Helsinki Committee, claimed that the Minister of the Interior should not be a candidate while continuing to perform his official duties. The claim was based on a provision of the Parliamentary Election Law and also the 1995 Law on Internal Affairs. The SEC was not required to consider a complaint from a private organization, but issued a statement indicating that it was for the competent authorities to clarify the status of State officials. No further complaints were made on this matter. It would certainly be welcome if officials, especially of the MoI, would separate their governmental duties from political and particularly electoral interests. But the laws on the responsibilities of officials running as candidates, including the Parliamentary Election Law and the Law on Internal Affairs, are ambiguous.
- Another complaint was submitted to the Constitutional Court outside the regular election complaint procedure. This action was brought by the Democratic Alternative (DA) party

concerning the appointment of members to election commissions. The DA argued that the provision regarding the selection of parties for election body membership, as provided for in a transitional article in the Parliamentary Election Law, contained a drafting error relating to parties which contested the previous election jointly in a coalition.

By 19 September, when the SEC finished tabulating the results of the elections and announced preliminary results, 54 complaints had been filed by various election contestants. Thirty-three of these 54 appeals were considered by the SEC in a working-group session during the evening of 18 September, a few hours before complete results of the election were announced. All 54 complaints submitted at the tabulation stage were rejected by the SEC in closed meetings, with only concise minutes being recorded.

Nineteen of the complaints at this stage were submitted in the afternoon of 18 September by a single election contestant, the VMRO-DPMNE/LP coalition. Most of these latter complaints were identical in form and were based on alleged discrepancies in the vote counting at numerous polling stations; in none of those cases had the parties' members on the EBs or MECs filed objections. In addition, by this time both the VMRO-DPMNE member on the SEC and the judicial member proposed by the party had been replaced by their deputies, who had been selected in the same way. The deputies took a much more confrontational line, insisting that the reason objections had not been properly filed in the 19 cases was that their members had not been permitted to participate in the work of the EB. The deputies also raised various procedural issues in an apparent attempt to delay the proceedings, and requested recorded votes on each decision.

The most unusual complaint received by the SEC was submitted on 17 September by VMRO-DPMNE. The complaint raised suspicions concerning the ballot paper, ink and pens used in the voting, and called for a chemical analysis. The allegation was that some technique involving these factors had caused the preference of voters to be changed. At the same time that the complaint was filed, leading members of the party were making this and other difficult-to-substantiate claims as part of their public campaign to undermine public confidence in the election results (see section XI on Developments After Election Day).

The SEC decisions on nine of the 53 complaints described above were appealed to the Supreme Court, and by 23 September the Court denied all the appeals. Consideration of these appeals was based on the complaints, supporting materials and the SEC minutes, and was carried out by three special panels of five Supreme Court judges each, chosen at random for the purpose. The appellate proceedings are not open to the public, and follow a so-called "administrative" procedure in which representatives of the participants in the appeal are not usually invited and the results of the Court's actions are ordinarily not published but rather communicated privately to the participants. Occasionally, as in this case, the Court issues a general press release.

Observers, including international observers, were not permitted to be present during these proceedings, nor would the Court release any information or documentation concerning its work, with the Court President in a letter characterizing such request by the EOM as "interference" in the work of the Court and "pressure on an independent judiciary". Curiously, however, during the period the appeals were pending, the President of the Court accepted the request for a private



meeting with the Minister of the Interior, who was a leading VMRO-DPMNE candidate and actively involved in a variety of political and legal actions related to the elections process and its outcome.

On September 19-20, while concluding preparation of the final results, the SEC received 10 further complaints. By this time, the SEC's own examination of the tabulations performed at the REC level had revealed some errors, and seven of these complaints were accepted, in whole or part. The SEC decisions on these complaints were largely upheld by the Supreme Court.

Finally, on 22 September, the SEC decided to order repeat voting in two polling stations, one at Lesok in which the polling was forcibly interrupted (see above) and another at Orkuse near Gostivar which did not open at all. Repeat voting was not ordered in a special polling station established for IDPs, at which administrative confusion and adverse voter reaction had prevented completion of the voting. The latter decision was appealed to the Supreme Court by the VMRO-DPMNE/LP coalition, but the appeal was denied on procedural grounds. No further complaints or appeals were submitted after 29 September, when the re-runs were held.

## **X. RESULTS**

The results of the elections in terms of allocation of the 120 seats in the new Parliament were as follows: the "Together For Macedonia" coalition led by the SDSM, 60; the VMRO-DPMNE coalition, 33; the ethnic Albanian parties DUI, 16, DPA, 7, PDP, 2, and NDP, 1; and the Socialist Party of Macedonia, 1. 14 parties are represented in the new Parliament.

The Parliamentary Election Law distinguishes initial results (Article 98.1), total results (Article 98.2) and final results (Article 99.1). According to the Law, initial results had to be released within 24 hours after completion of the election. Initial results are a summary of the results as they have been counted by the EBs; they only refer to votes and not seats. In order to be able to release these initial results, the SEC set up a computerised results reporting system whereby the results, as they came from the polling stations were compiled (but not consolidated) at the MEC level and sent to the SEC.

The SEC used these results (sent electronically during election night from the MECs) and managed to issue initial results on time. On Monday 16 September, initial or provisional results were given out at 18:00 hrs (one hour before the deadline). These were also posted on the SEC website. The published figures included the number of votes obtained by each party by electoral district.

When the electoral material reaches the RECs, the results are consolidated according to the Law, and a second set of results was also sent electronically to the SEC. The SEC also checked the figures coming from the MEC level against those from the REC level to see if they matched. Corrections and double checking against the EB minutes forms would then be required in order to issue the "total results", for which the deadline was Wednesday 18 September at midnight.

The issuance of the total results ended in a race against the clock. The SEC had to adjudicate a substantial number of complaints regarding the electoral process (more than 50) and carry out

additional administrative tasks before issuing the results. Meanwhile, the outgoing governing party VMRO-DPMNE replaced its SEC permanent members by their deputies, who sought to delay the adjudication process and perhaps prevent the SEC from issuing results on time (see below). Total results were finally given out in time by the SEC spokesperson at 20:15 hrs on Wednesday 18 September.

Additional complaints regarding the results' consolidation at REC level were adjudicated in a plenary session on Saturday 21 September, hence allowing the SEC to issue complete results and seat allocation per electoral district. Given the tight timeframe and the particular circumstances in which these results had to be issued, it is remarkable that the SEC was able to fulfill its duties on time.

After complete results had been issued, the SEC had to decide on possible re-runs. The Law lacks precision on this issue and the SEC members agreed that there would only be re-runs in cases where the seat allocation might be affected. However, it seems that this principle was only partly applied, since the SEC decided not to have a re-election in the IDP center "Kamp Kristal" in Kumanovo, although it might have affected the seat allocation. The SEC gave two different explanations for not having a re-run there: first, some ballots were cast by voters before voting was interrupted and had been added to the results of the district where they belonged; second, that it was voters themselves who were preventing the voting, and accordingly the conditions were not met for re-voting.

## **XI. DEVELOPMENTS AFTER ELECTION DAY**

On election night the Prime Minister, Ljubco Georgievski, graciously accepted defeat on behalf of his party (VMRO-DPMNE) and congratulated the opposition on its victory. However, in the days to follow elements of VMRO-DPMNE and the Government, particularly the MoI, began to cast doubt on the credibility of the electoral process. While relying in part on proper legal channels to make complaints, party representatives and the Minister of the Interior also exercised undue pressure on the State election administration. The MoI launched several investigations, which appeared to be motivated by partisan interest rather than evidence or reasonable suspicion. Those investigations seem to have been conducted by a small number of MoI officials close to the Minister. The following are the most notable events after election day.

### **A. SEARCH OF PRINTING HOUSE**

On 17 September, plainclothes and uniformed police, some of them heavily armed, arrived at the factory in Prilep which had printed the ballots for the elections. The police were led by the Deputy Head of the State Security and Counter Intelligence Department of the MoI (SSCID), who announced that he was working under direct instruction by the Minister of the Interior, Ljube Boskovski, and demanded that the police be allowed to enter and search the factory for evidence concerning printing of the ballots. The factory director denied them entry, as they initially had no search warrant, and subsequently produced a defective warrant.

After consultation with the State Electoral Commission, the company director continued to deny entry until 23:00 hrs. The police and SSCID representatives then entered and searched the

factory until 04:00 hrs on 18 September, taking with them a number of original documents. These events were observed by the EOM and a field team from the European Union Monitoring Mission (EUMM), but they were not allowed to be present at all stages of the search. The police also tried to search the apartment of one of the EOM long-term observers in Prilep, who was subsequently escorted back there by a Field Liaison Team of NATO Task Force Fox.

## **B. PRESSURE ON SEC PRESIDENT AND MEMBERS**

Also on 17 September, Minister of the Interior Boskovski declared that the elections had gone well, but that a number of some 300,000 to 400,000 extra ballots had been printed. On the following afternoon, when the SEC was in the final stages of dealing with complaints and preparing results, Mr Boskovski made various calls to the SEC President, demanding a meeting, which she declined until 20:15 hrs, coinciding with the announcement by the SEC spokesman of final results.

Mr Boskovski brought with him to the meeting Messrs Marjan Gjorcev, VMRO-DPMNE campaign manager (and the then Minister of Agriculture), Vojo Mihailovski, VMRO-DPMNE Secretary General, the aforementioned Deputy Head of SSCID, and General Mitevski, Director for Public Security, among others. The Head of the EOM, Mr. Julian Peel Yates, and the Head of the OSCE Spillover Mission, Ambassador Craig Jenness, also participated in the meeting, at the request of the SEC President. Minister Boskovski, Mr. Gjorcev and other VMRO-DPMNE members vigorously accused the SEC President of bias, and made various allegations of fraud with respect to the printing of ballots. Mr Gjorcev complained that the VMRO-DPMNE complaints were often voted down by margins of 5 to 4 in the SEC, with the President casting the deciding vote (against the votes of the governing VMRO-DPMNE and DPA sponsored members).

Mr Boskovski and his entourage persisted in making their points, referring to alleged printing of excess ballots, or destruction of election materials and alleged bias, for over two hours. The Head of the EOM and Ambassador Jenness urged those present to respect the rule of law, and pursue complaints through the proper legal channels, noting that appeals against SEC decisions lay to the Supreme Court.

## **C. OTHER ACTIONS BY THE MOI**

In the following days, officials of the MoI took a variety of other actions which put considerable pressure on the electoral process and posed a threat of abuse of state power in support of partisan objectives. Some of these included:

- On 18 September, the Deputy Head of the SSCID appeared at the SEC and demanded the minutes for the preceding days be handed over to him. He produced no warrant and his request was denied, but an arrangement was made by the SEC to hand over copies to that agency subsequently.
- On 20 September, Minister Boskovski met with the President of the Supreme Court, Prof. Dr. Simeon Gelevski. The issues discussed were not disclosed, but the timing suggested that the Minister wished to discuss the forthcoming Supreme Court sessions regarding

appeals by VMRO-DPMNE. Some members of the Court subsequently indicated their disquiet to the press, and Dr. Gelevski later issued a statement, which did not, however, address the concerns directly.

- Ultimately, the MoI made criminal referrals to the State Prosecutor concerning alleged destruction of election materials by SEC President Lazarova-Trajkovska and the head of the printing house. These referrals were not, however, acted upon.

The conduct of the Minister of the Interior, some other MoI officials, and of representatives of the governing VMRO-DPMNE party after election day cast a shadow on an otherwise generally well-conducted electoral process, which may have been the intent of those involved. The undue pressure brought on the SEC President by persons representing government agencies, including the police, and governing party representatives violated OSCE commitments (see Copenhagen Document, paragraph 5.4). The actions of the Minister of the Interior and the others involved constituted an attempt to influence the election process through intimidation, and represented an abuse of state power for partisan purposes. The EOM found no evidence to substantiate the allegations made.

## **XII. PARTICIPATION OF NATIONAL MINORITIES AND WOMEN**

### **A. NATIONAL MINORITIES**

The precise ethnic composition of the country is disputed and will not be known until the results of the census planned for later this year are issued. Constitutionally-recognized minorities include Albanians, Turks, Serbs, Roma, and Vlachs. Party competition takes place largely within ethnic communities, with few parties adopting entirely non-ethnic, civic platforms. Most minorities were represented by at least two parties, which demonstrated pluralism, but reduced electoral impact.

Some smaller minority parties joined the SDSM-led coalition “Together For Macedonia”, which included parties from the Roma, Bosniac, Vlach, Turk and Serb communities. Some of their candidates were placed in promising positions on the coalition candidate list. Another coalition, of parties representing Serbs, Vlachs, Muslims and Egyptians competed in the elections, but they did not win any parliamentary mandates. Overall, the number of deputies from minority communities increased from 27 to 30.

### **B. WOMEN**

All list submitters complied with the Parliamentary Election Law, which requires that at least 30% of the candidates on lists be of each gender. In fact, 32.1% of candidates were women, but they were generally not in promising positions on the lists. On the major lists, only 6 women held the first position, and in the first to the fifth positions, there were fewer than 5% women.

Partially as a result of the new provision, however, the representation of women in the new Parliament increased significantly from 9 to 21. Nevertheless only one out of 26 ethnic Albanian members of the new Parliament is a woman.

The membership of women in election commissions was also low. While the President of the SEC was a woman, fewer than 30% of the SEC, REC and MEC members were female, and many of them were in deputy positions, without voting rights.

### **XIII. DOMESTIC OBSERVERS**

A number of domestic organizations deployed non-partisan observers for the election. The NGO “MOST” deployed the largest contingent, with some 3,000 observers. Smaller groups of observers were deployed by the NGO Citizens for Citizens (C4C) and the Macedonian Helsinki Committee.

### **XIV. RECOMMENDATIONS**

#### **A. LEGAL**

- The provisions in the Parliamentary Election Law regarding the appointment and composition of election commissions should be amended so that the selection of judges is not done in a way – such as the present method “with the agreement of” or “upon proposal by” the main political parties – which results in their political neutrality being open to question.
- A means should be explored to permit representatives of list submitters who do not have the right to appoint representatives to the SEC to participate in a limited manner in its work, including through regular formal consultations or expanded meetings. In connection with this recommendation, the complaint procedures of the Election Law should also be amended by requiring such election participants to file objections against its actions with the SEC as a prerequisite to bringing a judicial appeal.
- Further effort should be made to clarify the complaint and appeals provisions of the Parliamentary Election Law and related Laws (see Annex A), and to clarify how they relate to particular actions by election bodies – especially with respect to annulling the results at polling stations, tabulating the results of the elections, and announcing preliminary and final results.
- The provisions of the election laws and Constitution should be reconciled with respect to the voting rights of non-resident citizens, and if possible consideration should be given to enabling citizens who are temporarily outside their areas of residence to vote as absentees.
- While an instruction of the SEC made more explicit the role of the police with respect to safeguarding polling stations and certain other election operations, the Election Law should be made clearer on where the police should be deployed, during which election activities they should be present, and when and how they should respond to a request for assistance.

- The standards for annulment of the results in polling stations in certain circumstances, set forth in Article 100 of the Parliamentary Election Law, should be further limited to prevent unnecessary repeat elections. The 24-hour period for appeal under this Article should be reconciled with the 48-hour period under the related Article 106.
- The power of the SEC under the Election Law should be enhanced by a more general grant of rulemaking authority that would enable it to address a broader range of issues in election administration, to promote continuity and to develop standards on an ongoing basis.
- The procedure used for judicial appeals of complaints from election commissions should be made more transparent, including through public hearings or at the least making the record of such appeals publicly available.

## **B. ADMINISTRATIVE**

- The practice of printing exactly the same number of ballot-papers as the number of registered voters should be re-examined. This practice may help to protect the SEC against some legal challenges, but it also greatly reduces its ability to respond to supply problems; design workable arrangements for advance voting, including special voting (currently for military, prisoner and IDP voters) and mobile voting (currently for sick or disabled voters); and replace spoiled ballots.
- Consideration should be given to including in the class of special voters persons who are long-term residents of medical, retirement or life care facilities rather than treating them as voters to be handled through mobile voting.
- While the number of spoiled ballots (about 2%) was not high, consideration should nevertheless be given to providing a more obvious means than circling the ordinal number of the candidate list for the voter to indicate his/her preference. Additional rules concerning the validity of ballots should also be developed.
- Additional measures should be taken to deter violations of procedures by election officials and to punish those who are responsible for irregularities. Consideration should be given to establishing administrative (civil) penalties which could be applied by the SEC, increasing the referral of potential criminal cases to the competent authorities, and to improving related criminal proceedings.
- Additional funding and technical support should be provided to the SEC to enable it to establish an autonomous secretariat and develop a range of programs to improve future election administration.
- Further efforts should be made to strengthen the capacity of election administration bodies, especially the SEC, so that they are not forced to rely on outside input, including from other state bodies and international donors, during critical periods in the election process.

- An important part of continuing development of election administration should be to expand public education and voter information to combat practices such as group and proxy (or “family”) voting, which deviate from the principle of personal voting, violate the secrecy of the ballot, distort the vote, and contribute toward lowering the status of women in society.
- Geographic areas (including specific polling stations) where problems have repeatedly occurred over successive elections should be identified and a variety of measures, including replacing election officials whose performance has been unsatisfactory and if possible assigning supervisors to these areas, should be undertaken to improve election conduct in these areas.

**C. MEDIA**

- State media should fulfill their obligations of public service by providing fair and balanced coverage, especially during the election period.
- Enforcement of the Rules for Equal Access to Media Presentation should be mandatory and not subject to the discretion of government bodies. At the same time, the measures against TV stations which breach the election campaign silence should not necessarily end with the closure of the station for a period of 48 hours under the Parliamentary Election Law.
- Paid political programs and advertising should be permitted only under equal conditions of access and manner of payment.

**D. FINANCE**

- Improved means should be found to monitor election-related spending by political parties and other election contestants such as through additional disclosure, reporting and auditing requirements, and to ensure compliance with legal limitations.

**E. INTERNATIONAL**

- The International Community should continue to provide substantial support and assistance to reform of election law and administration, and related areas, in order to consolidate the success of the election system during these elections. In particular, assistance should be provided to facilitate the establishment of the new secretariat for the SEC and place election administration on a more continuous basis.

## **ANNEX A: COMPLAINTS AND APPEALS**

### **General**

Previous election observation reports have noted the existence of multiple and potentially conflicting channels of appeal both within the election administration system and beyond it, the judiciary. This problem involved the existence of separate channels for complaints through the SEC and other election commissions, with the former being appealable to the Supreme Court and the latter to the Courts of Appeal.

The new Parliamentary Election Law continues to provide list submitters two different channels of complaint and appeal for election complaints – under Art. 106 through the SEC to the Supreme Court, or Art. 107 through the RECs to the Courts of Appeals. In both cases, the expedited procedure created through Art. 108 would apply.

With respect to complaints by list submitters, the SEC indicated that it would distinguish between complaints regarding “voting, summing up and determining the results of the voting” from other “irregularities”, since Art. 106 (available only to list submitters) contains that specification. In effect, this would create a separate channel for list submitters to pursue complaints about activities on election day and immediately thereafter. This exclusive channel would go through the SEC, with appeal to the Supreme Court, and provide a swifter and more authoritative procedure to resolve such important complaints.

With respect of the jurisdiction of election bodies to consider complaints, the SEC has general authority under Art. 32 (1) & (13) to “take care of the legality of the preparation and conduct of the elections”, and “decide upon complaints”. The RECs have the responsibility under Art. 33 (1) & (10) to “take care of the legal conduct of the elections in the election district” and “decide on complaints in the work of the Municipal Election Commissions”. The MECs, for their part, are under Art. 34 (1) supposed to “take care of the legal conduct of elections”, but do not apparently have the power to consider complaints concerning operations of the Election Boards.

### **Objections**

The Law is not entirely clear in this regard, but it appears that in order to complain to the SEC or a REC, or pursue an appeal from these bodies to the appropriate court, a list submitter must first record objections in the relevant lower body which took the action against which the complaint was filed. For example, to complain about an action by an EB, a submitter must attempt to enter an objection into its minutes or, if that is not successful, submit them shortly thereafter to the relevant MEC. (See Arts. 78, 89 & 90, which overlap considerably but do not appear to be inconsistent.)

To complain about an action by a REC, a submitter must under Arts. 92 & 94 submit an objection for inclusion in the minutes of the REC or sometime thereafter to the SEC. Strangely, the Law does not appear to provide a similar requirement concerning objections to the actions of the MECs.



## Special Complaints

The Parliamentary Election Law and other laws also provide some special procedures related to certain types of complaints. Some of these are presented here:

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### ANNULMENT OF RESULTS

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The provisions of the Parliamentary Election Law on annulment of results at polling stations in the event of certain irregularities there have been a focus of previous ODIHR comments on the new Election Law. Specifically, Art. 100 of the Law requires the SEC to annul such results in two broad categories of situations – those which, if they occur, would lead to annulment regardless of whether the voting there could affect the results of the elections in the entire district; and those others which would lead to annulment only if they could affect the results in the district. ODIHR has argued that this provision is unduly broad and could result in unnecessary repeat elections in polling stations and delay in the final results of the elections and the awarding of parliamentary mandates.

It would appear that Art. 100 imposes an affirmative responsibility on the SEC to annul results if it receives sufficient evidence that one of the specified conditions has occurred at a polling station. In addition, it would seem that this matter could be the subject of a complaint brought by a list submitter to the SEC itself, or possibly also by a non-list submitter through a REC to the SEC.

One potential inconsistency exists with respect to complaints seeking annulment of the results at polling stations on the grounds specified in Art. 100. Appeals to the Supreme Court against decisions of the SEC under Art. 106 must be made within 48 hours, but appeals against decisions under Art. 100 must be made within 24 hours. This inconsistency could be addressed through interpreting the 24-hour limit only to apply to decisions related to annulments based on the factors mentioned in Art. 100, but not to annulments or other remedies on a different basis.

In both cases, complaints to the SEC or RECs, it would also appear necessary for a complainant to record objections in the minutes of the EB for the polling station or, failing that, with the relevant MEC (see above). And a complainant who failed to succeed in resolving these issues through complaint to a REC would also have to record objections there and appeal through the REC to the SEC.

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### ANNOUNCEMENT OF RESULTS

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Presumably one of the actions of the SEC that a list submitter could challenge through appeal to the Supreme Court would be the announcement of election results. Such a challenge, like the annulment of results at polling stations considered above, could also delay the finalization of results, awarding of parliamentary mandates, and even the convening of a new parliament. Art. 63 (1) of the Constitution provides that a new Assembly should be convened no later than twenty (20) days “after the election was held”.

Unfortunately, the Parliamentary Election Law contains three different characterizations of the decision of the SEC on the results and the completion of the elections; see Arts. 91 (1) - (2) & 99 (1). Thus challenges to the outcome would have a legally unpredictable effect on the ability to convene a new Parliament.

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### **CAMPAIGN VIOLATIONS**

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Complaints by list submitters concerning campaign violations by other submitters are not made to an election commission but rather to the courts. Art. 50 describes a procedure in which such violations may be the subject of complaint to the competent Primary Court and appeal to the relevant Court of Appeal. This procedure is expedited, but can still take nine days or more to complete, which limits its usefulness especially near the end of the campaign period.

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### **BROADCASTING**

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The Broadcasting Council is mandated to monitor broadcasts during the campaign and immediately before and during election day. If the Council finds a violation, the Telecommunication Office may suspend the licence of a radio station for a period of 48 hours. (See Art. 48 of the Parliamentary Election Law.)

In addition, the Broadcasting Council was mandated by Art. 51 of the Law to develop rules for equal access to the media for list submitters during the election campaign. These rules were subsequently approved by Parliament. Complaints made to the Broadcasting Council concerning violations would be dealt with under other statutes pertaining to the Council, and through its internal regulations.

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### **NOMINATIONS**

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Earlier in the elections process, nominations of candidate lists were considered by the RECs for elections in each district. Complaints against decisions of the RECs in this regard could be made to the SEC, and appeal was available to the Supreme Court. (See Art. 45 in both regards.) In fact, one successful complaint was made, to the SEC against a decision of the REC in District 5 to deny registration of its list on account of alleged late submission.

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### **VOTER LIST**

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Under the separate Voters List Law, any citizen could complain to the SEC, and if necessary appeal to the Supreme Court, regarding the failure of the authorities to make requested corrections to the VL. These procedures were available prior to the announcement of elections, and also after the draft VL was prepared for the elections. (See Arts. 16 & 21 of that Law.) For these elections, only one complaint related to correction of the VL was submitted to the SEC, which ordered the relevant agency (the MoJ) to add the voter's name.

## ANNEX B: MEDIA MONITORING

The Election Observation Mission monitored the election campaign with quantitative and qualitative analysis on three national TV stations: the public broadcaster MRTV1 and the private stations TV A1 and TV Sitel. The monitoring started on 1 August, two weeks before the official opening of the election campaign, and was carried on every day from 6 p.m. to midnight until election day. The purpose of monitoring was to measure the implementation of the provisions for equal access and the balance of coverage of the parties' activities, and therefore the extent to which the public was offered the chance to exercise an informed choice on election day.

The EOM also monitored the most important daily newspapers in the Macedonian and Albanian languages: *Dnevnik*, *Utrinski Vesnik*, *Nova Makedonija*, *Makedonija Denes* and *Fakti*.

### *Electronic Media*

The pre-election campaign period (August 1-14) was characterized by generally low-key coverage of the campaign. 252 hours of broadcasting on three national TV stations: MTV1, A1 TV and Sitel TV were monitored. Ten per cent (about 25 hours) of these were devoted to political and election related issues, mainly with news programs, but also with live coverage of the celebration of the 99<sup>th</sup> anniversary of the 1903 Ilinden uprising, and paid political programs.<sup>2</sup> Chart 1 shows the amount of information (in minutes) given by the three national TV on political issues.

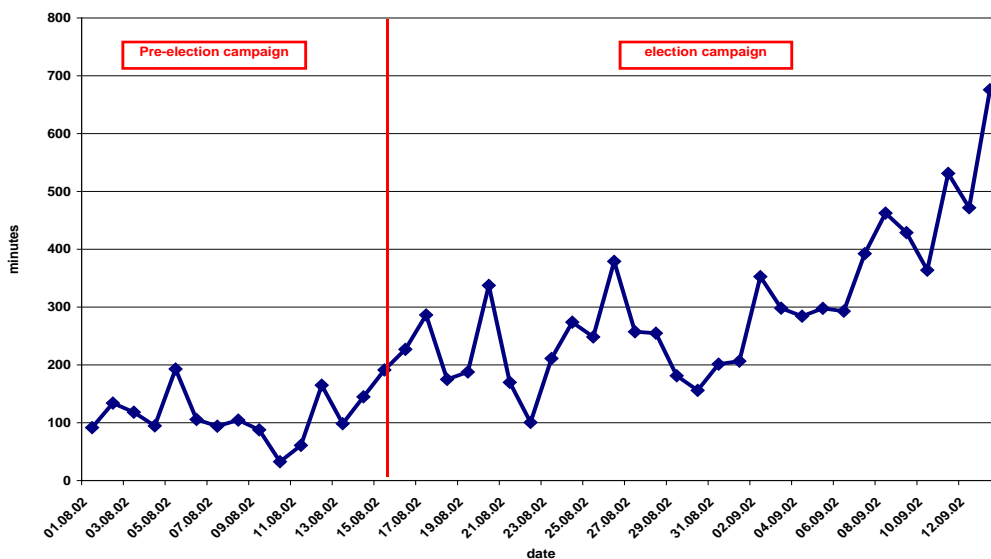


Chart 1: Political communication on *MTV1*, *A1 TV* and *Sitel TV*

<sup>2</sup> The Rules for Equal Access to Media Presentation, drafted by the Broadcasting Council and approved by Parliament on July 11 2002, allow political contenders to purchase airtime for political advertising “[...]under equal conditions of access and manner of payment” (Article 14). Thus every paid political program “[...] should be appropriately and visibly marked [...]” (Article 20) as paid political advertising.

During the first two weeks of August, the public broadcaster MTV1 gave extensive coverage to government activities, often in a positive light. The first channel of the public enterprise devoted 52% of its programs in this period to members of the Government.

During the official election campaign (15 August – 15 September), 540 broadcast hours were monitored on the prime time of the three national TV stations. Twenty-two per cent (about 93 hours) of these hours were devoted to political and election-related issues. The attention of the media toward politics significantly increased with the official opening of the campaign. Different types of programs covered the election campaign. The public broadcaster MTV1 broadcast one hour per day of free presentation (repeated the next day on the second channel) during the first week of the election campaign (16-22 August) for a total of 14 hours. Thirty-eight parties submitted a request to participate in the free presentations and no complaints were made by any of them. The private stations did not have the obligation to transmit free presentations; instead many commercial TV stations offered paid airtime to the parties, either for paid programs or advertisements. Paid airtime occupied a considerable amount of time in the televisions' schedules: table 1 shows that 56% of time devoted to politics in Sitel TV was paid by political parties, 39% in A1 TV and 23% in MTV1.

**Table 1: distribution of time among different types of programs (%)**

<b>TYPES OF PROGRAMME</b>	<b>MTVI</b>	<b>A1</b>	<b>SITEL</b>	<b>TOTAL</b>
News	44%	61%	41%	46%
Paid Political Program	25%	26%	46%	32%
Paid Advertisement	5%	13%	10%	8%
Informative Program	21%	0%	3%	12%
Other Program	5%	0%	0%	2%
Total	100%	100%	100%	100%

### ***News programs***

The public broadcaster MTV1 again gave extensive coverage of government activities and ruling parties' campaigning, often in a positive light. Concerning all the news programs monitored daily from 6:00 pm to midnight, the first channel of the public enterprise devoted 56% of its programs to members of the Government or ruling parties' coalition members, while the percentage of airtime devoted to the SDSM-led coalition reached only 12% of airtime. The ethnic Albanian party DPA, part of the governing coalition, received 4% of airtime while the other three ethnic Albanian parties (DUI, PDP and NDP) reached just 1% of the news airtime.

The daily news of the private station A1 TV had more balanced coverage of political activities, even if some critical stories of government and ruling parties were recorded. Despite the decision of VMRO-DPMNE to boycott this station, the coverage of government and ruling parties' activities was substantial, with 35% of the news programs. The opposition coalition received 21% of news airtime. Negative tone in reporting was recorded for the government, VMRO-DPMNE, DPA and DUI.

The private TV station Sitel maintained a partisan attitude, largely favoring the Socialist Party of Macedonia, which obtained 46% of airtime in its news coverage. The influence of the ownership

was evident, since the owner and editor Dragan Ivanov is the son of the president of the Socialist Party and Member of Parliament Ljubisav Ivanov-Zingo. A number of critical stories on ethnic Albanian parties were also recorded.

**TABLE 2: DISTRIBUTION OF TIME AMONG POLITICAL SUBJECTS IN THE NEWS (%)**

<b>COALITIONS</b>	<b>MTVI</b>	<b>A1</b>	<b>SITEL</b>
Government	45%	22%	15%
Glavata Gore	11%	13%	8%
Za Makedonija	12%	21%	13%
SPM	2%	3%	45%
DPA - RP	4%	4%	0%
DUI	1%	4%	3%
PDP	1%	3%	1%
NDP	1%	1%	1%
Other	11%	24%	12%
President	5%	6%	3%
Speaker of Assembly	6%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

***Paid political advertising***

MTV1 devoted 66% of its paid political advertising to the ruling coalition and 23% to the opposition. On A1 TV, the SDSM led coalition purchased 45% of the paid political advertising, while the ruling parties, as announced, did not ask the station to air paid programs. The biggest share of paid advertising on Sitel TV was again given to SPM with 46% of the time.

**TABLE 3: DISTRIBUTION OF TIME AMONG POLITICAL SUBJECTS IN PAID PROGRAMS (%)**

<b>COALITIONS</b>	<b>MTV1</b>	<b>A1</b>	<b>SITEL</b>
Glavata Gore	66%	0%	42%
Za Makedonija	23%	45%	7%
SPM	0%	0%	46%
Other	11%	55%	5%
<b>Grand Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

***Print Media***

All the 5 newspapers monitored from August 15 substantially covered the election campaign, offering various viewpoints to the voters in terms of editorial policy. Table 3 shows the space (%) given to each political subject.

TABLE 3: DISTRIBUTION OF SPACE AMONG POLITICAL SUBJECTS (%)

<i>COALITIONS</i>	<i>Dnevnik</i>	<i>Fakti</i>	<i>Makedonija denes</i>	<i>Nova Makedonija</i>	<i>Utrinski Vesnik</i>
Government	17%	13%	15%	24%	19%
Glavata Gore	14%	3%	17%	28%	23%
Za Makedonija	28%	5%	20%	21%	27%
SPM	3%	1%	3%	2%	2%
DPA - RP	5%	27%	4%	4%	2%
PDP	3%	10%	1%	2%	3%
DUI	5%	24%	3%	3%	4%
NDP	1%	14%	1%	0%	0%
Other	22%	2%	32%	11%	16%
President	2%	1%	4%	4%	3%
Speaker of Assembly	2%	0%	1%	1%	2%
Grand Total	100%	100%	100%	100%	100%

### *General remarks*

The election campaign monitoring showed unbalanced gender coverage in both print and electronic media: only 2% of airtime devoted to political subjects reported about women candidates on the three TV stations monitored. The only three women mentioned substantively in the TV programs were: Sekerinska, R. (SDSM); Samoilova-C., G. (Minister of Culture); and Mitreva, I. (SDSM). Gender balance in the newspapers showed essentially the same trend, with some more coverage for two other women politicians, Trpkova, E. (ND); and Arifi, T. (DUI).

The media monitored appear still to be polarized on an ethnic basis, with Macedonian language media covering mainly ethnic Macedonian political parties' activities, while Albanian language media cover more extensively the four main ethnic Albanian parties' activities. The three media monitored at national level devoted about 6% of coverage to ethnic Albanian parties, while ethnic Macedonian parties received 94% of the time. Conversely, the Albanian language daily Fakti devoted 82% of space to the activities of ethnic Albanian parties.

The three TV stations which were monitored all broadcast the five State Election Commission spots for voters' education, prepared in cooperation with the International Foundation for Election Systems (IFES).