



**Election Observation Mission**

## **PRESIDENTIAL AND PARLIAMENTARY ELECTION**

### **Preliminary Report**

## **REPUBLIC OF SERBIA**

**SEPTEMBER 21, 1997**

### **INTRODUCTION**

Upon receipt of an official invitation to the OSCE Chairman-in-Office from the Federal Minister for Foreign Affairs, the OSCE sent an Assessment Mission to Belgrade between 21-26 August, 1997. The OSCE established an Election Observation Mission immediately following the initial assessment. The Mission observed the election preparations, campaign and balloting during the period August 27 – September 21, 1997.

The following is a preliminary report covering the last stages of the pre-election period and election day, and no final conclusions can be drawn until the vote count, aggregation and verification procedures have been completed. A final report will be issued upon the completion of the election process.

Mr. Anthony Welch was appointed as the OSCE On-site Co-ordinator for the Election Observation Mission. In addition to long-term observers, 156 short-term observers from 22 OSCE participating States were deployed in advance of election day.

The OSCE Parliamentary Assembly participated in the observation mission with 39 parliamentarians from 19 OSCE participating States. Ms. Bjorg Hope Galtung of Norway led the Parliamentary delegation.

The OSCE does not subscribe to the view that the presence of its observers, as such, adds legitimacy to the election process. It is the observers' methodology and the resulting conclusion that form the basis of opinion on the election process.

The OSCE Election Observation Mission would like to acknowledge the co-operation on the part of the authorities during its time in Belgrade. The authorities did their utmost to respond to all requests for clarifications of the election regulations.

### **Gonzalez Report**

The Chairman-in-Office appointed the former Spanish Prime Minister Felipe Gonzalez as his Personal Representative. Mr. Gonzalez's Report has served as a point of reference during the Observation Mission.

The Gonzalez Report emphasised the need for greater trust and proper communication between the authorities and parties in power, on the one hand, and the political forces of the opposition represented in parliament on the other.

As Mr. Gonzalez concluded, there are "...in particular, deficiencies (of a structural nature) in the electoral system that make it possible to falsify or circumvent the sovereign will of the citizens, problems in the administration of justice that are calling into doubt, in the eyes of the citizenry, the independent operation of the justice system, and finally the obstacles confronting the independent information media and the serious difficulties standing in the way to free and fair access to the public media."

## **PRE-ELECTION PERIOD**

### **The Election Law**

The government did offer the opposition an opportunity for discussion on re-framing the electoral law. However, the opposition did not believe that the proposed format would provide the basis for serious dialogue for amending the election law.

Confidence in the election process will not be re-established until the opposition parties have the opportunity to state their concerns about substantive changes to the electoral process.

The law that was eventually passed with the majority support of the ruling coalition in the National Assembly was partially amended in line with the Gonzalez Report, but the law remains vague and therefore open to abuse.

Many of the election procedures are based on oral agreements between state institutions, with no possibility to regulate their implementation uniformly on a Republic-wide basis. For example, there are no clear written procedures pertaining to the printing, packing and distribution of the ballot papers, the voting of the conscripts in the army, and the delivery of the election materials after the closure of polls.

One of the amendments to the new electoral law which caused concern was the increase in the number of electoral units from 9 to 29. Such an increase favours the largest party because according to the regional proportional system, the smaller the election unit, the higher the threshold required for parties to win one seat. This has contributed to the climate of mistrust.

### **The Boycott**

A number of opposition parties chose to boycott this election claiming that the conditions laid down in the Gonzalez Report had not been fulfilled. In particular, their complaints focused on lack of dialogue over deficiencies in electoral practice and bias in the state controlled media.

Although the intention of the boycott was to focus on deficiencies in compliance with the Gonzalez recommendations, the outcome has been to further weigh the electoral framework in favour of the ruling coalition. The effect of the ethnic Albanian boycott is particularly evident in the three election units of the Kosovo region.

## **Selection and Composition of Election Commissions**

The present system of appointing the election commissions in general favours the ruling party. Election officials representing an equitable balance of political parties should be appointed as full members of commissions at an early stage in the process, rather than a few days before election day.

A contributing factor to the lack of confidence in this election is the reappointment of a considerable number of election officials who administered the contested 1996 elections, including the Chairman of the Republican Electoral Commission.

### **The Election Register and Ballot Issues**

The late invitation to observe the election has reduced the Mission's ability to monitor the entire pre-election administration leading up to election day. In particular, the Mission was unable to fully substantiate claims of manipulation of voting registers and the printing of election ballots. There are no clear written procedures pertaining to the printing, packing and distribution of the ballot papers, a situation which lends itself to accusations of manipulation and fraud. Observers were able to document certain inconsistencies in the voter register which could have been due to administrative error rather than deliberate fraud.

### **Media**

The Gonzalez Report raised concern about equal and balanced access to the state media as well as the obstacles confronting the independent information media.

The Mission found that the agreement concerning political party broadcasts for the contesting political parties was respected. In addition, the print media allowed for the expression of a wide diversity of opinion.

However, the ruling party exploited the advantages of incumbency, including the extensive coverage of non-official events by state television for campaign purposes. There was not always a clear distinction between the ruling party's election campaign and issues of state, and the order and content of television news items heavily favoured the ruling party. In addition, coverage of opposition campaign events was frequently reported selectively, distorting the party's campaign message.

The Election Observation Mission would like to refer to the attached report on the media by the European Institute for the Media.

### **Domestic Observers**

The Republic Electoral Commission's refusal to accredit independent non-partisan observers runs contrary to the spirit of the 1990 OSCE Copenhagen Document, which supports the participation of both foreign and domestic observers in order to enhance the electoral process. The last minute decision of the Republic Election Commission to permit party observers in the polling stations cannot negate the need for non-partisan domestic monitors.

### **Military Voting**

The military represents up to five per cent of the electorate. In the election law there are no clear procedures for military voting of conscripts in the barracks.

## **ELECTION DAY**

Despite the vagueness in some of the voting day procedures as described in the Election Law and regulations, those responsible for administering the election in the polling stations performed their duties thoroughly and professionally. Polling procedures on election day were carried out for the most part in a very efficient manner. The Election Observation Mission notes the achievement of the Polling Place Commissions for carrying out this important civic duty in a responsible manner.

The atmosphere in the polling stations was reported as being calm and there were no visible signs of intimidation. However, despite the overall positive image of the election day, it must be noted that an election is not a one day event, and the assessment must cover the entire election process.

## **CONCLUSIONS**

### ***Pre-Election Period***

The Election Observation Mission has concluded that the process leading up to election day was flawed for the following reasons:

- ❑ the lack of clear written regulations governing each aspect of the election process;
- ❑ the biased coverage of the state media in favour of the ruling party as well as problems of licensing regulations governing the independent media;
- ❑ the lack of confidence in the neutrality of centrally appointed core members of the election administration at all levels;
- ❑ the lack of confidence in the role of the judiciary in the electoral process.

### ***Election Day***

On Election Day the observers reported that the implementation of voting procedures in the polling stations was good and in most places according to the law.

### ***Post-election day issues***

The following serious concerns must be addressed to restore confidence in the election process in the Republic of Serbia:

- ❑ clear written regulations governing each step in the election process;
- ❑ the state media should become truly de-politicised and obstacles to independent media coverage lifted;
- ❑ amendments in the election law to ensure equitable participation in election commissions at all levels from the very beginning of the process;
- ❑ a free and independent judiciary with regard to election processes.