



**INTERNATIONAL ELECTION OBSERVATION MISSION
REPUBLIC OF SERBIA – FEDERAL REPUBLIC OF YUGOSLAVIA
ELECTION TO THE NATIONAL ASSEMBLY
23 December 2000**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Belgrade, 24 December 2000 - The 23 December 2000 election to the National Assembly of the Republic of Serbia marks considerable progress in meeting the Federal Republic of Yugoslavia's commitments as a participating State of the OSCE and an applicant member of the Council of Europe. The election was conducted largely in line with accepted international standards for democratic elections. Fundamental freedoms were respected during the pre-election period. In the course of only three months, many structural flaws of Serbian elections, identified in the 1996 "Gonzales Report", were addressed.

The outgoing National Assembly of Serbia adopted a new election law with a broad political consensus, addressing a number of issues raised previously by international observers. A multiparty election administration implemented the law transparently, impartially and, through regulations, managed to overcome many of the flaws in the legislation inherited from the past.

However, improvements are still required, in particular with regard to the allocation and political party control of elected representatives' mandates. The absence of an intermediate election administration level between the Republic Election Commission (REC) and Polling Station Boards seriously complicated the work of the REC and delayed the announcement of preliminary results. Further, the law should be amended to ensure that those who were unable to vote on 23 December can exercise their right in the future, in particular citizens of Serbia temporarily living outside the republic, disabled people, and soldiers. Moreover, there is a general need to update and correct the voter registers.

The media environment has improved significantly since the September elections, providing a diversity of political views. The legal provisions for free air-time were respected, and political parties were able to present their platforms and freely express their opinions in a variety of media. Nevertheless, outside the free air-time, the State-owned media provided favorable coverage to the DOS Coalition.

For the first time and despite an absence of provisions in the electoral law, the REC accredited domestic non-partisan observer organizations, giving thousands of citizens unimpeded access to observe the electoral process.

In a significant improvement over past elections, polling was conducted in a generally calm atmosphere and remarkably in accordance with the law and regulations. In particular, provisions to prevent fraud were observed rigorously, and voters were able to express their

will freely. In another departure from past practices, the vote count was also conducted accurately.

In general, the preparations in Kosovo were marked with uncertainty. The final number of voters and the list of polling stations were determined only five days before election day. The IEOM did not deploy observers to Kosovo.

The 23 December election is an important step forward in Serbia's transition to democracy. The newly elected legislature, and the Government which will be appointed, will be faced with many difficult challenges. This election, combined with the Federal Republic of Yugoslavia's return to the OSCE and other international organizations, opens the door for recovery both politically and economically.

The OSCE as a whole – the Parliamentary Assembly, the Office for Democratic Institutions and Human Rights and other institutions – and the Council of Europe with its own institutions are prepared to work with the legislatures, the Governments and civic society of Yugoslavia to address the remaining challenges.

The International Election Observation Mission (IEOM) for the 23 December 2000 election to the National Assembly of the Republic of Serbia is a joint effort of the Organization for Security and Cooperation in Europe – including the OSCE Office for Democratic Institutions and Human Rights (OSCE ODIHR) and the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe, and the Congress of Local and Regional Authorities of Europe.

Mr. Adrian Severin, President of the OSCE PA and Special Representative of the OSCE Chairperson-in-Office for the election in Serbia leads the OSCE Election Observation Mission. Mr. Björn von der Esch leads the Council of Europe delegation. Mr. Nikolai Vulchanov heads the OSCE/ODIHR Election Observation Mission.

PRELIMINARY FINDINGS

Political Background

Following the 24 September elections in the Federal Republic of Yugoslavia (FRY), Serbia has entered a period of transition where power is being transferred to the Democratic Opposition of Serbia (DOS). After adopting a new election law, a transitional Government was formed including the four main political parties and groupings, and the National Assembly of Serbia was dissolved, providing the ground for an early parliamentary election.

Since September, the coalition of 18 former opposition parties (DOS) has become the strongest and most visible political force in Serbia. Although, the 18 parties represent a wide political spectrum, they have sustained their unity in order to dismantle the former regime. After more than a decade in power, the Socialist Party of Serbia (SPS) finds itself in

opposition. While the SPS has moderated its hard-line nationalistic rhetoric, the Serb Radical Party has maintained its ultra-nationalistic policy.

On 10 November, the Federal Republic of Yugoslavia was welcomed into the OSCE as a new member, the 55th participating State. The FRY has also joined the United Nations Organization and entered into accession discussions with the Council of Europe.

Legislative Framework

The new Election Law marks some progress over previous legislation, though it has shortcomings. It provides for a single election constituency, including Kosovo. This remedied the deficiencies noted in previous OSCE/ODIHR election observation reports for Serbia and reduced the impact of an election boycott by a majority of the population in Kosovo. However, in dispensing with a multi-constituency system, political parties based on regional support and parties representing national minorities will struggle to overcome the 5% republic-wide threshold.

The Election Law was adopted by the outgoing Parliament by a broad consensus. However, it was adopted hastily and is a compromise document. The law provides for a two-tiered election administration only, consisting of the Republic Election Commission and Polling Boards. Without an intermediate level of election administration, pre-election preparations were more challenging and the announcement of preliminary election results was delayed.

The legal provisions for allocating and terminating the mandate of elected representatives are problematic. These permit parties to select *ex post* which candidates from their lists will receive mandates. Furthermore, parties can terminate prematurely mandates of representatives elected on their lists. Effectively, these provisions make elected representatives less accountable to voters and more accountable to political parties.

The law does not provide a clear basis for determining the calculation of the 5% threshold for participation in the allocation of mandates, giving rise to varying interpretations and controversy. Additionally, in an attempt to limit opportunities for fraud, the law excluded all voting by mail, mobile boxes and outside Serbia, *de facto* disenfranchising citizens of Serbia temporarily residing in Montenegro or abroad, incarcerated or disabled.

Nevertheless, the law takes into account concerns from previous experiences of election manipulation and irregularities in Serbia, introducing new voting procedures to improve the security of the process and to raise the confidence of voters and political participants. In the end, these shortcomings did not have an impact on the outcome of the election, though they should be remedied before other elections are held in Serbia.

Election Administration

The appointment of multiparty election commissions at all levels, improved considerably the transparency, impartiality and accountability of the election administration. Individual political interests could no longer dictate REC decisions. In contrast to previous elections, a resolve to administer a democratic election was apparent within the REC and government structures.

The REC enacted far-reaching regulations to address many of the Election Law's shortcomings. To some extent, multiparty Working Groups created by the REC at municipal level compensated for the lacuna in the law for an intermediate level election administration. However, the REC decision establishing the Working Groups lacked sufficient legal base and details concerning their role and competence.

While the Election Law failed to provide for election day observers, the REC welcomed domestic and international observers, accrediting *inter alia* the Center for Free Elections and Democracy (CeSID) – a preeminent NGO specializing in electoral matters in Serbia, for the first time permitting election observation by domestic organizations.

The REC and the Supreme Court received relatively few election complaints.

Campaign

Seven political parties and one coalition were registered, including the DOS Coalition under the name of Federal President Vojislav Kostunica and the SPS under the name of Slobodan Milosevic. One coalition's list was rejected after they failed to correct deficiencies.

In an effort to increase women's participation, the majority of parties within DOS pledged to include 30% women on their party list of candidates. In the end, they managed to include only 14%. Other party lists included fewer women, with the SPS having only 4.8%. The outgoing Parliament included less than 5% women.

The election period was marked by violent incidents in southern Serbia, which became a major campaign theme. Otherwise, the campaign was subdued and restrained outside the media. The fundamental freedoms of assembly, association and expression were respected and parties campaigned in an atmosphere free from intimidation.

DOS was most visible, holding many meetings with voters throughout Serbia. The SPS did not hold many public meetings, asserting the "security situation did not permit it". Similar concerns were expressed by the Serbian Renewal Movement (SPO).

The Resistance movement (OTPOR) maintained the highest profile during the election, aggressively campaigning to get out the votes and urging that the democratic transition should be completed.

Media

The media in Serbia has improved considerably following the September elections, offering the public a plurality of more balanced political opinions for an informed choice on election day. The parties of the former regime had ample opportunities to present their opinions and election platforms in the State-run and private media. However, the main public TV channel *RTSI* and *Studio B* gave the DOS Coalition more time and more favorable coverage than other parties, particularly during news broadcasts.

Once the REC registered their candidate lists, all parties and coalitions were able to use the free air-time provided in the law for campaigning. *RTSI* broadcast election programs, used by participants to comment freely on their own and others' political platforms.

The newspapers “*Politika*” and “*Vecernje Novosti*”, previously supporting the Milosevic regime, have undergone an editorial reorientation. They devoted over one third of their space to the DOS and President Kostunica, and both criticized the parties of the previous regime. “*Blic*” also supported DOS. “*Danas*” tried to have more critical approach towards the authorities.

The authorities decided not to implement the Public Information Law (1998) that was used frequently as a tool to stifle the independent media.

Voter Registers

The transitional Government of Serbia did not have sufficient time to implement new legal provisions for a centralized voter register, though a good faith effort was undertaken to start the process. On 11 December, the REC announced 6.5 million registered voters. Neither the absence of a new register, nor inaccuracies in the existing registers prevented voters from exercising their right to vote on election day. In addition, a process introduced in the new law to mark voters’ index finger with indelible ultra-violet ink minimized opportunities for multiple voting.

Approximately 150,000 were reported to be on voter registers in Kosovo, including some ethnic-Albanians. In general, the preparations in Kosovo were marked with uncertainty. The final number of voters and the list of polling stations were determined only five days before election day. The IEOM did not deploy observers to Kosovo.

Election Day

In a significant improvement over past elections, polling was conducted in a generally calm atmosphere and remarkably in accordance with the law and regulations. Thus, in 96% of polling stations visited, observers reported a “very good” or “good” overall impression. In an overwhelming majority of observed polling stations, Polling Board members followed rigorously provisions to prevent fraud – voters signing registers properly (99%), very few voters receiving ballots on behalf of other persons (0.6%) or in possession of more than one ballot (0.6%), checking voter identification documents (83%) – mostly rural areas failing to do so, and spraying (95%) and checking (97%) ultraviolet ink on voters’ index finger. In less than 1% of the observations, voters were noted with more than one ballot. Domestic observers were present in 76% of polling stations visited.

With regard to a polling station environment conducive to a free vote, an insignificant number of reports were received about campaign material on display (3%), campaign activities (1.2%), intimidation of voters (0.8%), and tension or unrest (1%). Police presence inside a polling station was noted only in five cases (0.3%), and other unauthorized persons were noted in only 2% of polling stations visited. However, group or “family” voting was noted in 24% of polling stations visited, and voters marking their ballots not in secrecy in 8.5% of cases.

The IEOM observed the vote count in 108 polling stations. Not a single case of intimidation was reported and in only one polling station there was some tension. Unauthorized persons were present in 10% of the vote counts observed, but no case were they interfering in the

process. The general atmosphere during the vote count was reported “very good” or “good” in 95% of cases observed. However, in one case the vote count protocol was not completed in ink, and two cases some members of the Polling Board refused to sign the protocols.

The REC informed the IEOM that, in southern Serbia bordering Kosovo, 21 polling stations did not open because of security concerns.

*The statement is also available in Serbian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGMENTS

This statement of preliminary findings and conclusions is issued before the announcement of official results and before a full analysis of the IEOM findings. The OSCE/ODIHR will issue a comprehensive report on this election approximately one month after the completion of the process.

The OSCE/ODIHR Election Observation Mission (EOM) was established on 28 November in Belgrade with 12 international experts and in 12 regional centers with 24 long-term observers representing 15 OSCE participating States. The EOM monitored the pre-election preparations and campaign, the media, and election complaints and appeals. On election day, the IEOM deployed more than 320 observers, including 26 parliamentarians from the OSCE PA, seven parliamentarians from the Council of Europe, and four representatives from the Congress of Local and Regional Authorities of Europe. Observers visited some 1,500 polling stations across Serbia.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, the Republic Election Commission, republic and local officials, political parties and members of the civil society of the Republic of Serbia for their assistance and cooperation during the course of the observation.

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