

**INTERIM REPORT No. 1
13–25 February 2009**

I. EXECUTIVE SUMMARY

- Elections for president, mayors and municipal councils will be held on 22 March 2009. In the event that no presidential candidate receives a majority of the votes of all registered voters, a second round between the two leading candidates will be held within two weeks.
- Seven candidates will contest the presidential election. A total of 374 mayoral candidates and 703 councilor lists have been submitted for the election of 84 mayors and municipal councils and the mayor and municipal council of the city of Skopje.
- The elections are being held under an Electoral Code which was recently amended to include several recommendations put forward by the OSCE/ODIHR, including improved provisions on resolving complaints and on campaign financing.
- The elections will be administered by a three-tiered election administration, comprising the State Election Commission (SEC), 84 Municipal Election Commissions (MECs) and the Election Commission of the City of Skopje, and 2,976 Election Boards (EBs).
- The SEC in its current composition was appointed on 4 December 2008. It appears to be operating transparently and impartially, and to enjoy the confidence of most political parties. Although the SEC lacks adequate human resources and premises, its preparations for the elections are generally on track.
- Training of MECs and police are underway. The composition of EBs was changed to include two party-nominated members. The Electoral Code requires “adequate and equitable” representation of ethnic groups and women at all levels of the election administration.
- On 22 February, the leaders of the four largest political parties held the most recent in a series of meetings, in which they agreed to work together for a democratic election and to seek to avoid the types of irregularities that have marred some past elections.
- A few politically related incidents have been reported in various places and the OSCE/ODIHR Election Observation Mission (EOM) has received some troubling allegations of intimidation.
- The official campaign period does not begin until 2 March and there are strict regulations on active campaigning before that time. The Broadcasting Council has initiated fines and issued warnings against several television stations which violated its strict guidelines on media coverage before the official campaign.
- Only a small proportion of individuals charged with offences in connection with the 2008 election have been convicted. MEC and EB members accused of election violations in 2008 have been removed from these bodies and police officers found to have been involved in election offenses are reported to have been disciplined.

- The OSCE/ODIHR EOM opened its office in Skopje on 13 February, with a 12-member core team and 24 long-term observers who are deployed to 11 cities throughout the country.

II. INTRODUCTION

Presidential and municipal elections will be held on 22 March 2009, in line with constitutional and legal provisions. Following a Needs Assessment Mission and an invitation from the Ministry of Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an EOM on 13 February. The OSCE/ODIHR EOM, led by Mr. Peter Eicher, consists of a 12-member core team based in Skopje and 24 long-term observers (LTOs) who were deployed on 19 February to 11 cities around the country. The OSCE/ODIHR EOM is drawn from 25 participating States. Participating States have been requested to second 300 short-term observers to observe opening, voting, counting and tabulation.

III. BACKGROUND

The five-year term of incumbent President Branko Crvenkovski expires in May 2009. The President is Commander-in-Chief of the Armed Forces and President of the Security Council, as well as holding some other powers, including nominating the Prime Minister, making ambassadorial appointments, and nominating some judges. Although not precluded from running for a second term, the incumbent President announced that he would not seek reelection and plans to return to the leadership of his party, the Social Democratic Union of Macedonia (SDSM).

The terms of the 84 mayors and municipal councils, in addition to the mayor and municipal council of Skopje (which comprises ten municipalities) will expire at the end of March 2009. The SDSM currently holds power in 34 municipalities, the most of any party.

The presidential and municipal elections will take place less than a year after the 1 June 2008 parliamentary elections, which the OSCE/ODIHR EOM concluded “as a whole [...] did not meet key OSCE commitments”, especially due to violence and irregularities. After those elections, the election coalition led by the Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO–DPMNE) formed a governing coalition with the ethnic-Albanian Democratic Union for Integration (DUI) and the Party for European Future (PEI); the coalition holds a majority of 82 seats in the 120-seat Parliament. Most interlocutors expect the upcoming municipal elections to be more hotly contested than the presidential election.

IV. THE POLITICAL ENVIRONMENT

The 22 March elections are seen as a key test for the country’s hopes for further steps towards Euro-Atlantic integration, a goal supported by all major political parties. The Prime Minister has convened several meetings of the leaders of the four main political parties represented in Parliament – VMRO–DPMNE, SDSM, DUI and the Democratic Party of Albanians (DPA) – to promote a democratic election process. In a commendable display of goodwill by party leaders, these meetings resulted in inter-party agreements on a number of contentious electoral issues. The most recent meeting, on 22 February, resulted in agreements on the role of police on election day, inter-party coordination and procedural safeguards to ensure the integrity of the vote.

Most OSCE/ODIHR EOM interlocutors have emphasized that an appropriate role by the police and other law-enforcement agencies in preventing election-related violence will be crucial for

the conduct of democratic elections. The Interior Ministry on 18 February presented an overall security plan for the upcoming elections. The plan builds directly on the experience of the 2008 elections. It will be implemented by eight regional police offices, in coordination with the commanders of the local police stations, and will feed into an overall police deployment plan still to be finalized.

A total of seven candidates are running for President: Imer Selmani (New Democracy), Mirushe Hoxha (DPA), Nano Ružin (Liberal Democratic Party), Gjorge Ivanov (VMRO–DPMNE), Ljube Boškovski (self-nominated), Agron Buxhaku (DUI) and Ljubomir Frčkovski (SDSM). Six of the candidates are supported by political parties, but only two of them are active members of the nominating parties. Four of the candidates are academics and university professors.

The official 20-day election campaign starts on 2 March and runs until 21 March. Article 2.13 of the Electoral Code provides a broad definition of the election campaign as a public presentation of candidates during the pre-election period. Generally, political parties and candidates have thus far adhered to campaign-related provisions, although many candidates and party leaders have been active in making statements to the media, a few of which have been immoderate or insulting. High-profile government campaigns promoting governmental policies were discontinued once the elections were called.

Allegations of intimidation and pressure by the authorities have been brought to the attention of the OSCE/ODIHR EOM by numerous interlocutors, including candidates and candidate representatives, political party leaders, and citizens. Particularly troubling are allegations of threats of loss of government employment, pensions or housing for some of those supporting opposition candidates, including during the signature collection process.

The OSCE/ODIHR EOM to date has noted a few violent incidents that are apparently election-related, including an attack on a political party office in Čair, damage to party flags outside a party office in Makedonska Kamenica, and a fight between DPA and DUI activists in Tetovo.

According to data provided by the Ministry of Justice, only 18 persons have been convicted out of over 200 charged with offences in connection with the 2008 elections. A number of other cases are underway. In addition, MEC and EB members accused of election violations in 2008 have been removed from these bodies and police officers found to have been involved in election offenses are reported to have been disciplined.

V. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

The legal framework for both presidential and municipal elections is consolidated under a comprehensive Electoral Code adopted in 2006. In October 2008, Parliament adopted a number of amendments to the Electoral Code. The amendments addressed several recommendations put forward by the OSCE/ODIHR, such as improved provisions on resolving complaints and on campaign financing. However, some other OSCE/ODIHR recommendations were not implemented or only partially implemented. The Electoral Code still contains provisions which are imprecise and lack detail, and therefore leave room for conflicting interpretations or inconsistent procedures.

The President is elected directly for a term of five years and can only be reelected once. To win the election in the first round of voting, a candidate must receive the votes of a majority of the total number of registered voters. This provision makes it unlikely that a candidate can be elected in the first round. If no candidate meets this requirement, the two leading candidates go into a second round within two weeks. The candidate who receives the most votes in the second round

is elected, provided at least 40 per cent of registered voters cast their votes. Otherwise, the entire election process has to be repeated.

Municipal councilors are elected by a proportional representation system with closed lists, without a turnout requirement. A mayoral candidate is elected in the first round if he or she wins more than 50 per cent of the votes cast, provided that at least one third of the voters registered in that municipality turned out to vote. If there is no first-round winner, a second round takes place within two weeks between the two candidates who received the highest number of votes. The winner is the candidate who receives the majority of votes. There is no voter turnout requirement in the second round.

VI. THE ELECTION ADMINISTRATION

The Electoral Code establishes a three-tiered election administration for all elections, comprising the State Election Commission (SEC), 84 Municipal Election Commissions (MECs), the Election Commission of the City of Skopje, and 2,976 Election Boards (EBs).

The recent amendments to the Electoral Code necessitated the appointment of a new SEC by the Parliament to oversee the administration of the elections; however, all but three members served in the SEC's prior composition. The SEC Chairman and two members are nominated by parliamentary opposition parties, while the Deputy Chairman and three members are nominated by the majority parties. The SEC operates transparently, with its sessions open to accredited observers, party and candidate representatives, and the media. It holds frequent sessions and appears to operate in a spirit of consensus. The SEC appears to enjoy the confidence of most political parties. Although the current SEC was in office for barely a month when elections were called, and despite its lack of adequate human resources and premises, preparations for the elections are generally on track and on schedule.

MECs and EBs were formed within the deadlines stipulated by the Electoral Code, by random selection among civil servants and observing the principle of "adequate and equitable" minority and gender representation in the election administration. A new instruction was adopted by the SEC on 24 February 2009 to reinforce this requirement. The recent amendments to the Electoral Code provide for party representation in EBs, with one member nominated jointly by the two largest political parties in the Parliament, and one jointly nominated by the two main opposition parties. MECs also generally appear prepared for the elections. Of the 25 MECs visited by LTOs thus far, only the MECs in Pehčevo and Saraj complained of insufficient funds.

The SEC has begun a compulsory program for training of lower-level election commissions. Training of the police regarding its role in the election process is also well underway.

On 18 February, the SEC performed an exemplary lottery for candidate positions on the presidential ballot. The process was repeated by MECs in regard to the municipal ballots.

VII. VOTER AND CANDIDATE REGISTRATION

The Ministry of Justice is responsible for updating and maintaining the voter lists until 1 September 2009, when this responsibility will be transferred to the SEC. The voter lists were made available for public inspection from 20 January to 3 February 2009. A total of 195,323 citizens checked their data during this period and 1,525 changes were made. The voter lists were closed on 18 February 2009. There are 1,792,082 registered voters. Some interlocutors complain that this number is disproportionately high in relation to the total population of the country and that the presence of large numbers of citizens abroad who are nonetheless on the lists raises the

possibility of manipulation. The OSCE/ODIHR past recommendation to undertake a thorough audit of the lists has not yet been implemented.

The deadline for submitting candidate lists was 15 February. All seven candidatures for President submitted to the SEC were confirmed. A few prospective candidates did not succeed in collecting the 10,000 signatures required for registration as a presidential candidate. For the municipal elections, MECs and the Election Commission of the City of Skopje received a total of 374 mayor candidates and 703 candidate lists for municipal councilors.

The collection of signatures in support of candidates is quite restrictive and burdensome, since citizens may sign for only one candidate per race and since in order to sign they must appear in person at a local or regional office of the Ministry of Justice. The majority of presidential candidates informed the OSCE/ODIHR EOM that the role of political parties was critical in the process of collecting the required signatures. Several candidates or prospective candidates complained that the system was unfair to opposition candidates, in part because many citizens were reportedly afraid to visit a government office to register their support for an opposition candidate.

VIII. THE MEDIA

There is a diverse media landscape, consisting of some 150 TV and radio stations and a number of print media outlets, including 10 daily newspapers. Foreign TV channels are also accessible, either via satellite or via cable networks in urban areas. National private TV channels dominate the advertising market; television is the key media and source of political information.

The Electoral Code and the Law on Broadcasting Activity form the basic legal framework governing the campaign in the media. The Broadcasting Council (BC), the media supervisory body, is operating with only six of its nine authorized members, since the Parliament has failed to fill three vacancies, straining its ability to work effectively. On 16 January, the BC adopted regulations on how the media should cover the elections (Rulebook for Equal Access to the Media Presentation during the Election Campaign). The Rulebook was adopted directly by the BC, in contrast with previous elections, when this was Parliament's responsibility.

According to the Rulebook, the media should provide all presidential candidates with equal coverage. Coverage of candidates in the municipal elections by national media should be proportional, based on the total number of mayoral candidates and councilor lists submitted by each party. The BC expects local media to provide equal coverage of contestants in the municipal elections. Public media are obliged to allocate free time for candidates and may not offer paid political advertisements. Private broadcasters can air paid political advertisement up to a limit of 15 minutes per hour, with equal prices for all the contestants.

The BC has a mandate to monitor media coverage not only during the official campaign period, but from the moment the elections are called. In light of its extended mandate, the BC on 16 January issued guidelines for the period before the start of the campaign, according to which the media are only allowed to air limited election-related coverage in their news programs, and may not broadcast other election-related coverage, including for instance interviews with political leaders or potential or registered candidates.

In general, the limitations imposed by the guidelines were not welcomed by the media, but after the BC issued a number of warnings and initiated fines against broadcasters, the media generally respected the guidelines. As a result, the election-related coverage in the monitored broadcast media has thus far been limited. Although the guidelines are rather restrictive, the BC to date

appears to have implemented them impartially and in good faith, and its approach appears to have ended the problem of inequitable political coverage of candidates in the pre-electoral campaign period.

Since 16 February, the OSCE/ODIHR EOM has been conducting quantitative and qualitative analyses of the prime time broadcasts of two public TV channels (MTV-1 and MTV-2) and four national private channels (A1, Alsat-M, Kanal 5 and Sitel), as well as the evening news programs of TV Alfa. Five daily newspapers (*Dnevnik*, *Koha*, *Lajm*, *Nova Makedonija* and *Vreme*) are also being monitored.

IX. COMPLAINTS AND APPEALS

The SEC is the competent body to deal with complaints from candidates and voters regarding election procedures, including during voting, counting and tabulation. SEC decisions can be appealed to the Administrative Court. Complaints by candidates and parties regarding their rights during the official campaign period must be submitted to first-instance courts, whose decisions can be appealed to the Court of Appeals.

The SEC initiated two misdemeanor procedures before the Skopje Court of First Instance I, against the SDSM and the Macedonian Alliance, for campaigning outside the prescribed campaign period (breach of Article 74.1 of the Electoral Code).

The BC initiated several procedures before the Skopje Court of First Instance I, against Kanal 5, Sitel TV (two motions), TV Sitel 3, Alsat TV and A1 TV, also for breach of Article 74.1. All court sessions against broadcasters are scheduled for late February or early March. In addition, the BC issued several warnings to broadcasters for minor irregularities.

No formal complaints were lodged regarding the registration of presidential candidates. Two prospective mayoral candidates, from Gostivar and Čaška, appealed the decision of the respective MECs rejecting their candidacies to the Administrative Court. The Administrative Court overturned the decision of the Gostivar MEC and upheld the one of the Čaška MEC.

The SEC has not yet adopted rules or instructions regarding how it should resolve complaints and appeals.

The procedure for protection of candidates' rights provided by Article 73 of the Electoral Code remains unclear. Although the Code specifies that the Courts of First Instance (sometimes referred to as Basic Courts or Primary Courts) should deal with such cases, both of the First Instance Courts in Skopje told the OSCE/ODIHR EOM that the protection of candidates' rights was not within their competence.

X. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES

Only one of the seven presidential candidates, Mirushe Hoxha (DPA), is a woman. Of the 120 members of the current Parliament, 38 (32.7 per cent) are women, as are two Government ministers out of 22 (the Minister of Interior and the Minister of Culture). In the 2005 municipal elections, three women were elected as mayors; however, none of them is running for a new term. The Electoral Code includes mechanisms for equitable gender representation in the election administration, but the Parliament did not meet this requirement when appointing members of the SEC (just one of seven members is a woman). In the upcoming elections, one of every three places on candidate lists for municipal councils must be occupied "by the lesser represented gender". The network of women's organizations "Antico" has launched a public-

information campaign aimed at educating women about their electoral rights and against family voting.

The Electoral Code requires that members of minority groups be included on election commissions in all areas in which they form at least 20 per cent of the population. Election materials must also be in minority languages in such areas. Members of a number of minority communities hold elective office either as members of minority political parties or as members of national parties. The Democratic Party of Turks in Macedonia (DPTM) has its own mayoral and council candidates in three municipalities (Gostivar, Plasnica, Centar Župa), while the Democratic Party of Serbs in Macedonia (DPSM) has its own candidates in two municipalities (Staro Nagoričane, Čučer Sandevo), who are supported by VMRO–DPMNE. Fijat Canoski, the leader of PEI, which represents a small community calling themselves Macedonian Muslims, is a candidate for mayor of Struga. Parties representing the Roma community have two mayoral candidates in the Skopje municipality of Šuto Orizari.

XI. DOMESTIC AND INTERNATIONAL OBSERVERS

The Electoral Code provides for observation of the election process by associations of citizens, foreign associations, international organizations and representatives of foreign countries. The SEC adopted and issued a Code for Observers specifying the rights and responsibilities of all observers and the procedures for accreditation.

The civic organization MOST plans to have the largest domestic observation effort. MOST intends to deploy some 3,750 observers on election day and to conduct a parallel vote tabulation (PVT) for the presidential election and the election of mayor and municipal council members for the City of Skopje.

XII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened its office in Skopje on 13 February 2009. The Head of Mission has met with the Prime Minister, the Deputy Prime Minister for European Integration, the Minister of Justice, the State Secretary of the Ministry of Foreign Affairs, the President of the SEC, the President of the Broadcasting Council and other officials, as well as the Head of the OSCE Spillover Monitor Mission to Skopje, the European Union Special Representative, and Ambassadors of OSCE participating States. The OSCE/ODIHR EOM has conducted initial meetings and established regular contacts with the SEC and MECs, presidential and mayoral candidates, major political parties, civil society and the media.