



**Office for Democratic Institutions and Human Rights**

**REPUBLIC OF SERBIA**  
**PARLIAMENTARY ELECTIONS**  
**21 January 2007**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION**  
**REPORT**

**21-24 November 2006**



**Warsaw**  
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# REPUBLIC OF SERBIA

## PARLIAMENTARY ELECTIONS

21 January 2007

### OSCE/ODIHR Needs Assessment Mission Report

#### I. INTRODUCTION

In anticipation of an invitation from the authorities of the Republic of Serbia to observe the parliamentary elections scheduled for 21 January 2007, the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Serbia between 22 and 24 November 2006.<sup>1</sup> The NAM was headed by Mr. Nikolai Vulchanov, Deputy Head of the OSCE/ODIHR Election Department, who was accompanied by Mr. Konrad Olszewski, OSCE/ODIHR Election Adviser.

The purpose of the NAM was to assess the conditions and level of preparation for the parliamentary elections, in line with OSCE commitments, and to advise on the modalities for possible OSCE/ODIHR election observation activities with regard to the 21 January 2007 parliamentary elections. The OSCE/ODIHR has observed several electoral processes in the Republic of Serbia in the past, including the 2003 parliamentary elections and the 2004 presidential election.<sup>2</sup>

The NAM held meetings in Belgrade with representatives of the authorities, election administration, political parties, civil society and international community (see annex for list of meetings). The OSCE/ODIHR is grateful to the OSCE Mission to Serbia for the support provided during the NAM.<sup>3</sup>

#### II. EXECUTIVE SUMMARY

The 21 January 2007 parliamentary elections will be the first legislative elections in Serbia since the dissolution of the State Union of Serbia and Montenegro, and will be conducted in close proximity to the possible resolution of the future status of Kosovo.

The political landscape in Serbia is divided into two main groupings of political parties, one rooted in the past democratic opposition to the regime of Slobodan Milosevic, and the second with a self-proclaimed nationalist and radical character.

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<sup>1</sup> After the NAM, on 27 November 2006, the OSCE/ODIHR received a formal invitation by the Republic Election Commission to observe the forthcoming parliamentary elections.

<sup>2</sup> All previous OSCE/ODIHR reports on elections in Serbia are available at <http://www.osce.org/odihr-elections/14610.html>

<sup>3</sup> Due to time constraints, the OSCE Parliamentary Assembly was not able to participate in the OSCE/ODIHR Needs Assessment Mission.

The various coalitions of democratic forces have been able to maintain power since the collapse of the Milosevic regime, while the main opposition Serb Radical Party (SRS) remains the most popular party in Serbia according to public opinion polls. Some domestic analysts expressed their concerns that the SRS may at some point in the future have the necessary support to participate in forming a government. The current government led by the Democratic Party of Serbia (DSS) enjoys a thin majority in the Parliament.

The election law includes a number of safeguards to promote democratic election practices, including measures to enhance transparency and to protect the security of the ballot. However, the law fails to fully comply with OSCE commitments and international standards.<sup>4</sup> One of the key shortcomings is related to the allocation of seats to individual candidates that allows a party or coalition to arbitrarily choose which candidates from its list become members of parliament, without respecting the order of candidates on the lists. This limits the transparency of the system, and has the potential that voters do not know which candidates are likely to represent them in the parliament.

Moreover, the manner in which the law regulates the determination of the five per cent threshold is somewhat ambiguous. As a result, there is the potential for disputes concerning which list qualifies for the allocation of seats.

The election administration in Serbia is widely considered as professional, independent and transparent. According to the NAM's interlocutors, the irregularities identified in the work of a limited number of Polling Boards (PB) during the recent Constitutional Referendum are unlikely to be repeated during the parliamentary elections as political party representatives will be "policing" each other in all polling stations. The absence of an interim level of election administration between the Republic Election Commissions and PBs will again be addressed by the establishment of a number of *ad hoc* "working groups".

A plurality of public and private media outlets in the Republic of Serbia operate in a free environment, providing voters with a wide range of information about politics and political parties contesting elections. However, almost all of the NAM interlocutors representing political parties pointed out their access to the media as their main concern in the election context, complaining that some media are biased in favour of certain political parties while being too critical of others.

Most of the NAM interlocutors welcomed an OSCE/ODIHR election observation mission for the 21 January 2007 parliamentary elections in the Republic of Serbia. The need for long-term observation of the pre-election period was emphasised, while observation of election day procedures was viewed to be less essential<sup>5</sup>. However, the

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<sup>4</sup> In March 2006, the OSCE/ODIHR together with the Council of Europe Venice Commission published a comprehensive assessment of the legislative framework for elections in the Republic of Serbia. See <http://www.osce.org/odihr-elections/13440.html>

<sup>5</sup> The OSCE/ODIHR deployed a Limited Election Observation Mission to the 2004 Presidential Election, which did not entail the deployment of short-term observers on election day.

presence of short-term observers could add value, in particular with regard to cases of reported violations during the recent 28-29 October Constitutional Referendum.

On the basis of the NAM findings, the OSCE/ODIHR intends to deploy an election observation mission, and therefore requests the participating States to second 16 long-term observers to follow the election process in its entirety throughout Serbia, and 100 short-term observers to follow election day proceedings.

### III. FINDINGS

#### A. POLITICAL CONTEXT

The parliamentary elections will be conducted at a historical moment for the Republic of Serbia. The electorate will choose the first parliament of Serbia since the May 2006 referendum in Montenegro, and the subsequent dissolution of the State Union of Serbia and Montenegro. Furthermore, the elections will be the first after the adoption of a new Constitution in October 2006, and will be conducted in close proximity to a possible resolution of the future status of Kosovo.

The political landscape in Serbia is divided into two main groupings of political parties. One has its roots in the past Democratic Opposition of Serbia which successfully opposed the regime of Slobodan Milosevic in 2000, while the other continues to pursue the policies of a more nationalist and radical character.

The president of Serbia, Boris Tadic, was elected to office in 2004 on the ticket of the Democratic Party (DS) of late Prime Minister Zoran Djindic. The current government is led by Mr. Vojslav Kostunica of the Democratic Party of Serbia (DSS) in coalition with New Serbia (NS) and some smaller parties. The G 17 Plus Party resigned from the government just before the elections were called. The government enjoys majority support in the Parliament due to the tacit support of the Socialist Party of Serbia (SPS) of the late Slobodan Milosevic, and some individual Members of Parliament.

Various coalitions of democratic forces have been able to maintain power since the collapse of the Milosevic regime. However, the main opposition party – the Serb Radical Party (SRS) led by Mr. Vojslav Seselj, currently indicted by the ICTY and on trial for war crimes – appears to remain the most popular party in Serbia according to public opinion polls. Some domestic analysts expressed their concerns that the SRS may at some point in the future have the necessary support to participate in forming a government, which could reverse Serbia's stated intentions for European and NATO integration.

While the SPS, G17 Plus, and SRS will run independently in the forthcoming elections, the DSS will form a coalition with New Serbia and some local parties from central Serbia. The DS has formed a coalition with the Sandzak Democratic Party (SDP). According to the NAM's interlocutors, it is widely expected that the SRS, DS, and DSS will be represented in the next Assembly, whereas it was less certain that the new coalition led by the Liberal Democratic Party (LDP) of Mr. Cedomir Jovanovic,

SPS, G17 Plus or the Serb Renewal Movement (SPO) of Foreign Minister Mr. Vuk Draskovic, will be able to overcome the five per cent threshold.

## **B. LEGAL FRAMEWORK**

The parliamentary elections will be conducted according to the Law on Elections of Representatives (the election law), adopted in 2000 and last amended in 2004. Overall, the election law includes a number of important safeguards to promote democratic election practices, including measures designed to enhance transparency in the organisation and conduct of the election and to protect the security of the ballot. However, in some areas, the law fails to fully comply with OSCE commitments, international standards and best practices for democratic elections.

One of the main shortcomings in the law is related to the allocation of seats. Article 84 of the law allows a party/coalition to arbitrarily choose, after the elections have been held, which candidates from its list become members of parliament, instead of determining the order of candidates beforehand. This limits the transparency of the system, and results in the voters' lack of knowledge regarding which candidates are likely to be seated as a result of their support for a particular party.<sup>6</sup>

Such a method of awarding mandates to candidates is also at odds with Article 40a which provides "for every four candidates on the electoral list" to be of the gender less represented on the list. According to this provision, the number of candidates of the gender less represented on the list shall be at least 30 per cent of the total number of candidates.

Moreover, the law provides that mandates are only allocated to a candidate list if they receive five per cent of the "votes of voters who have voted". However, it is not clear whether these five per cent are determined by referring to the number of signatures on the voter list, by counting the total number of ballot papers in the ballot boxes (valid and invalid) or by some other means.<sup>7</sup> This could lead to disputes when a list receives a number of votes sufficiently close to the number of votes representing the value of the five per cent threshold after the count and tabulation of the votes has been completed.

In 2004, the law was amended to promote participation of national minorities by abolishing the five per cent threshold for "political parties of ethnic minorities and coalitions of political parties of ethnic minorities". However, the law does not include a definition of a "political party of ethnic minority", which is necessary to determine which political parties and coalitions are entitled to such a preferential treatment. Such a decision is left to the Republic Election Commission (REC).

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<sup>6</sup> Related to this is also the practise of stripping MP's of their mandates if they leave the list they were elected on, a practice in conflict with the 1990 Copenhagen Document.

<sup>7</sup> The OSCE/ODIHR and the Venice Commission recommended that the five per cent threshold is calculated based on the total number of valid votes cast.

### C. ELECTION ADMINISTRATION

The parliamentary elections will be administered by a two-tier structure: the Republic Election Commission (REC) and some 9,000 Polling Boards (PBs). The REC is a permanent body, composed of a chairperson and 16 “permanent” members (all of whom have an appointed deputy). In addition, after the approval of the lists of candidates, each list has the right to appoint a representative as an “extended” member of the REC with the same voting rights. A similar principle of permanent and extended membership is valid for the Polling Boards.

Most of the NAM interlocutors expressed confidence in the professionalism and independence of the election administration and its transparent conduct of the elections. Although many interlocutors acknowledged some irregularities in the work of a limited number of Polling Boards during the last local elections and the recent Constitutional Referendum, particularly in some minority populated areas, they stated that such irregularities are unlikely to be repeated during the parliamentary elections as political parties will be “policing” each other to ensure that no vote in their support is lost.

Unlike the presidential elections, the law on parliamentary elections does not provide for an interim level of election administration between the REC and PBs, which could lead to logistical and organisational problems. As in the past elections, the REC plans to establish *ad hoc* “working groups” which will provide *de facto* an intermediary level of co-ordination between the REC and the PBs. Working groups will be appointed by the REC in each municipality, similar to practices in the past.

According to representatives of the authorities and civil society, the estimated number of Serbian voters is 6.5 million. However, many interlocutors of the NAM suggested that this number could be significantly lower as the voter lists remained inaccurate. Apparently, limited progress has been achieved in the reform of the voter registration system since the last elections. Despite legal requirements, a central voter register has not been established, and there is no single government office responsible for the maintenance of a central register; voter lists are prepared by municipalities using different software, thus, unable to be linked to a centralized database.

The REC plans to organize polling in Kosovo’s municipalities where a Serb majority population resides. The total number of voters in Kosovo is estimated at 90,000 – 100,000. As with previous Serbia-wide polls, the elections will be organized without the active support of the United Nations Mission in Kosovo (UNMIK).

### D. MEDIA

In general, the plurality of public and private media outlets in the Republic of Serbia operate in a free environment, providing voters with a wide range of information about politics and political parties contesting elections. Domestically, journalism in Serbia is largely perceived as professional and independent.

However, almost all of the NAM interlocutors representing political parties pointed out access to the media as their main concern with regard to the conduct of the elections, expressing dissatisfaction with media coverage of their respective activities.

In general, party representatives complained that some media are biased in favour of certain political parties while being too critical of others.

The most relevant TV stations are State-owned TV RTS, private B-92 and Pink. The television will cover the campaign through news and special programmes, as well as free broadcast time and advertisements. The Broadcasting Council issued the Binding Instructions for all TV and radio stations, requiring, *inter alia*, that coverage of the campaign should be based on the “principle of objectivity, equal representation and protection of public interest”.

#### **E. INTERNATIONAL AND DOMESTIC OBSERVERS**

Most of the NAM interlocutors welcomed the presence of an OSCE/ODIHR observation of the parliamentary elections. They underlined that an observer mission should focus on long-term observation as well as on the coverage of certain geographical areas where problems were identified in the past.

The main domestic non-partisan observer organization, the Belgrade-based Center for Free Elections and Democracy (CeSID) is preparing for deployment of election observers to a significant number of polling stations, as well as a quick-count project.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Most of the NAM interlocutors welcomed an OSCE/ODIHR election observation mission for the 21 January 2007 parliamentary elections in the Republic of Serbia, recommending a special focus on long-term observation of the campaign environment, in particular the media. While observation of election day procedures was not viewed as essential, such a presence could nevertheless add value, in particular with regard to cases of violations during the recent 28-29 October Constitutional Referendum.

On the basis of the NAM findings, the OSCE/ODIHR intends to deploy an election observation mission for the forthcoming parliamentary elections, and therefore requests the participating States to second 16 long-term observers to follow the election process in its entirety throughout Serbia, and 100 short-term observers to follow election day proceedings.



## **ANNEX**

### **List of Meetings Belgrade, November 22-24, 2006**

#### **SERBIAN AUTHORITIES**

**Ms. Vesna Ilic - Prelic**, State Secretary of the Ministry of Public Administration and Local Self-Government

**Mr. Zoran Petrovic**, Assistant Minister, Chief of Administrative Supervision Department, Ministry of Public Administration and LSG

**Mr. Aleksandar Radovanovic**, Deputy Director of the OSCE & Council of Europe Department at the MFA

**Ms. Ivana Radenkovic**, MFA, OSCE & CoE Department

#### **REPUBLIC ELECTION COMMISSION**

**Mr. Mihailo Rulic**, President of the Republican Election Commission

**Mr. Dejan Djurdjevic**, Deputy President

**Mr. Marko Danilovic**, Secretary General of the Serbian Assembly

#### **POLITICAL PARTIES**

**Mr. Marko Djuriscic**, and **Ms. Vesna Marjanovic** Democratic Party

**Mr. Milos Aligrudic**, **Mr. Dusan Prorokovic** and **Mr. Nikola Lazic**, Democratic Party Serbia

**Mr. Branko Ruzic**, Socialist Party of Serbia

**Ms. Suzana Grubjesic**, G17 Plus

**Mr. David Babic** and **Mr. Milos Andjic**, Serbian Renewal Movement

#### **CIVIL SOCIETY**

**Mr. Zoran Lucic** and **Mr. Marko Blagojevic**, Center for Free Elections and Democracy

**Mr. Srdjan Bogosavljevic**, Strategic Marketing Agency

**Ms. Ljiljana Smajlovic**, Politika

#### **INTERNATIONAL COMMUNITY**

**Ambassador Ana-Maija Korpi**, Finish Ambassador to Serbia

**Mr. Ian Cambell**, United States Embassy

**Mr. Alexey Sokolov** and **Mr. Yuri Pilipson**, Embassy of Russian Federation

**Mr. Ivan Esquiva**, Representative of the OSCE Mission in Kosovo

**Mr. Michael Lynch**, NDI

**Mr. David Bell**, IRI

**OSCE Mission to Serbia and Montenegro**

**Ambassador Hans Ola Urstad**, Head of Mission

**Mr. Anthony Pahigian**, Deputy Head of Mission

**Mr. Karsten Friis**, Senior Political Officer

**Ms. Blanka Hancilova**, Political and Reporting Officer