



**INTERNATIONAL
ELECTION OBSERVATION MISSION**
Republic of Serbia
(Serbia and Montenegro)
Presidential Election
13 June 2004



Statement of Preliminary Findings and Conclusions

Belgrade, 14 June 2004 – In response to invitations from the authorities of the Republic of Serbia (Serbia and Montenegro), the OSCE/ODIHR and the Congress of Local and Regional Authorities of the Council of Europe deployed an International Election Observation Mission (IEOM) to assess the compliance of the electoral process with the 1990 OSCE Copenhagen Document and other international standards for democratic elections. This statement is based on the findings of 18 election experts from the OSCE/ODIHR who have been deployed since 18 May and an eight-member delegation of the Congress that joined the OSCE/ODIHR mission on 10 June.

The IEOM issues this statement before the official announcement of results, before election day complaints and appeals have been addressed, and before a complete analysis of election day findings. The IEOM wishes to express appreciation to the authorities of the Republic of Serbia and of Serbia and Montenegro for their co-operation throughout the observation mission.

PRELIMINARY CONCLUSIONS

The presidential election held in the Republic of Serbia (Serbia and Montenegro) on 13 June 2004 was conducted largely in line with OSCE commitments and Council of Europe standards for democratic elections. A broad variety of candidates provided voters with a genuine choice; overall, the election process was well administered. However, improvements to the system for the compilation of voter lists still need to be implemented, and the viability of the newly adopted law on campaign financing will need to be assessed.

A total of 15 candidates contested the presidential race, although only a few had any real prospects of winning. According to preliminary results, no candidate received an absolute majority of the votes, and a second-round contest, with the participation of the two leading candidates, is expected to take place on 27 June.

The campaign was carried out in a calm atmosphere and without the use of inflammatory language. Candidates campaigned widely, holding rallies throughout the country. Very few formal complaints were submitted by candidates regarding the conduct of the election.

The media provided adequate coverage of the campaign, and candidates were able to present their platforms freely. State-owned TV RTS 1 complied with legal provisions for the allocation of free airtime. While its coverage of contestants' campaigns was mainly neutral, it provided positive coverage of the current government's activities. Private broadcasters and newspapers focused mostly on candidates perceived as major contestants, and their coverage was generally neutral.

Shortly before this election, Serbia's electoral legislation was amended in line with previous OSCE/ODIHR and Council of Europe recommendations. Amendments included abolishing the requirement for 50 per cent voter turnout for an election to be valid. Previously, this requirement led to a cycle of failed presidential elections, leaving Serbia without an elected president for almost two years, and the speakers of the last two parliaments acted as presidents. The new provisions ensure that a president will be elected.

A new Law on Financing of Political Parties came into effect on 1 January 2004 and was applied for the first time in this presidential election. While the introduction of this law is a welcome step towards improving the transparency and accountability of party finances and campaign expenditures, its effective implementation remains uncertain. In particular, implementation of the law, including enforcement of sanctions, will have to be evaluated. Several candidates complained about the government's failure to release funds for campaign expenditures by legally prescribed deadlines.

Given that the requirement for 50 per cent voter turnout had been abolished, the accuracy of voter lists was not a disputed issue. However, a systematic approach is needed to improve the compilation of voter lists by developing a centralized voter register, as required by the parliamentary election law, to enhance confidence in future elections.

Election day observation indicated that polling was conducted in a calm and peaceful manner. No serious incidents or irregularities were reported by the media or election observers.

The OSCE/ODIHR and the Council of Europe are prepared to assist the authorities and civil society of Serbia in meeting the remaining challenges in the electoral framework and electoral process.

PRELIMINARY FINDINGS

Background

The Speaker of the Serbian National Assembly, Predrag Markovic, called the 13 June election of the president of the Republic of Serbia on 4 April 2004. It was the fourth attempt to elect a president since 2002. The previous attempts failed because voter turnout fell below the legally required 50 per cent threshold. The low voter turnout resulted largely from the non-participation of major political parties and from presumed voter fatigue.

The last parliamentary election, held in December 2003, led to the establishment of a new coalition government that includes the Democratic Party of Serbia (DSS), the Serbian Renewal Movement (SPO), New Serbia (NS) and G17 Plus. The government also enjoys tacit support of the Socialist Party of Serbia (SPS). The main opposition parties in the new parliament include the Democratic Party (DS) and the Serbian Radical Party (SRS).

Legislative Framework

On 25 February 2004, the newly elected National Assembly of the Republic of Serbia approved significant amendments to the legislative framework for elections. These amendments reflect previous OSCE/ODIHR and Council of Europe recommendations and include the abolition of the requirement for 50 per cent voter turnout for a presidential

election to be declared valid, which had led to a cycle of failed elections. The new legal provisions ensure the election of a president.

In addition, the legislation has been modified to allow citizens of Serbia and Montenegro who temporarily reside abroad and have registered permanent residence in Serbia, as well as those in detention centres, to cast their votes. Such provisions traditionally existed in Serbian legislation and were abolished, as a fraud-prevention measure, in 2000, after the collapse of the Milosevic regime. Moreover, provisions for mobile balloting have also been reintroduced to allow sick and elderly voters to cast their ballots at home.

A new Law on Financing of Political Parties was applied for the first time in this election. The law, which was passed by parliament in 2003 with a wide majority, entered into force in January 2004. It regulates campaign financing of elections and introduces a much more stringent framework for party and campaign finances, setting limits on party expenditure, property income, and voluntary contributions.

While the introduction of the new law is a welcome step towards increasing transparency and accountability in party finances, its effective implementation remains uncertain. As a result of varied interpretations of the law, presidential candidates did not know how much funding they would receive from the state budget to cover campaign expenditures. The Finance Ministry was criticized by some candidates for delays in disbursing funds.

The law does not clearly specify where responsibility lies for financial control, nor does it indicate which body is responsible for imposing sanctions for violation of the law. No clear line of communication exists between the Finance Ministry and the Republican Election Commission (REC), the institution charged with auditing the financial reports submitted by candidates within 10 days after election day. The lack of clarity in the law will need to be addressed, as will the division of responsibilities for its implementation between the REC and the Finance Ministry.

Election Administration

Following the last parliamentary election on 28 December 2003, parliament appointed a new REC on 25 February 2004 that reflected the new political composition of the Serbian National Assembly.

Since the REC was only recently appointed, and since the majority of its members were new to its proceedings and tasks, it sometimes had difficulties in carrying out procedures. It faced an increased workload resulting from the introduction of out-of-country voting and special provisions for out-of-polling-station voting. Nonetheless, no major complaints were submitted against REC decisions.

Representatives of candidates were appointed to extended election administration bodies at all levels and had the opportunity to participate in the conduct of the election. Municipal Election Commissions (MEC) generally performed their tasks in a professional manner. On a number of occasions, however, municipal authorities failed to allocate funds to respective MECs in a timely manner.

Although the law on parliamentary elections calls for the creation of a parliamentary Supervisory Committee to monitor fair and equal access to the campaign by all candidates, such a committee has not been appointed. Its absence has created uncertainty with regard to media-related complaints, as the REC declined to consider the substance of such complaints.

The adoption of legislative provisions to allow voting abroad, at diplomatic missions of Serbia and Montenegro, is a positive development. However, the small number of citizens who registered with the competent authorities was a disappointment. The short time between the adoption of the legislation and the election, as well as the limited information disseminated to eligible Serbian communities abroad, may have contributed to the poor response.

As a result, a total of 10,020 voters applied to vote abroad. However, due to a legal requirement that at least 100 voters register in any country to justify establishing a polling station, only 32 polling stations were set up in 17 countries, enabling some 8,000 voters to cast a ballot.

As the candidates were also entitled to nominate extended members of polling boards abroad, this had a considerable impact on the election administration budget, which had to cover their travel costs. In particular, less-popular candidates used this opportunity extensively, which was criticized by the media as an unnecessary burden on the election budget. The major political parties, however, chose not to send representatives from Serbia but recruited them locally instead, thereby saving travel and accommodation expenses.

The election was also held in Kosovo, where some 97,000 voters were registered. As in the past, the ethnic Albanian population did not participate in the election. Eligible voters temporarily residing in the Republic of Montenegro, including internally displaced persons from Kosovo, remained disenfranchised, as no provision was made for them to vote in Montenegro.

Voter Lists

The total number of voters registered for the 13 June poll was 6,532,263. This was a modest increase of 20,813 voters (0.3 per cent) over the December 2003 election. Due to recent amendments, voter turnout was no longer a decisive factor for the success of the election, so the accuracy of the voter lists was not a disputed issue. From the beginning of the year until the closing of the voter registers, the Ministry of Public Administration and Local Self-Government (MPALSG) continued to update and correct data; some 76,000 entries were deleted, and about 88,000 new entries were added.

Authorities admitted that shortcomings noted previously by the OSCE/ODIHR and Council of Europe still exist. A centrally managed database for voters' personal data, as foreseen by the parliamentary election law, has yet to be compiled. Moreover, a number of municipalities continue to use a variety of software for data processing, making verification of lists across municipal borders difficult.

According to the MPALSG, before a comprehensive review of the voter registers takes place, a legislative framework with clear demarcation of responsibilities is necessary. The Ministry informed the OSCE/ODIHR Election Observation Mission (EOM) that a new law on voter

registers is currently being drafted, and a comprehensive project for the computerization of municipal administrations is planned in the near future.

Candidate Registration

A total of 15 candidates were certified by the REC to contest the 13 June presidential election. They were, as listed on the ballot: Ljiljana Arandjelovic (United Serbia), Vladan Batic (Christian Democrat Party of Serbia - DHSS), Ivica Dacic (Socialist Party of Serbia - SPS), Milovan Drecun (Serbian Revival), Dragan Djordjevic (Party of Serbian Citizens), Branislav Ivkovic (Serbian People's Party - SNS), Mirko Jovic (People's Radical Party, Serbia and Diaspora, and European Bloc), Jelisaveta Karadjordjevic (Citizens Group "For a more beautiful Serbia"), Bogoljub Karic (Citizens Group "Ahead, Serbia"), Dragan Marsicanin (Democratic Party of Serbia - DSS), Zoran Milinkovic (Patriotic Party of the Diaspora), Tomislav Nikolic (Serbian Radical Party - SRS), Borislav Pelevic (Party of Serbian Unity - SSJ), Marijan Ristic (Peasants' Party), and Boris Tadic (Democratic Party - DS).

In addition, the REC rejected five applications for candidacy because they did not meet the legal requirements. The Supreme Court also turned down all subsequent complaints that it received from applicants whose candidature had been rejected.

Candidates were required to submit to the REC an application including at least 10,000 signatures verified by a notary to support his or her candidacy. Some found this procedure difficult. Several candidates who met with the EOM – especially those without the support of a major party – were critical of the procedure for collection and verification of signatures, and they described difficulties encountered during this process. Others argued that 10,000 signatures were not sufficient for an electorate of 6.5 million.

Electoral Campaign

In general, the campaign was conventional, with candidates holding rallies and meetings across Serbia, including on a small scale in parts of Kosovo. Candidates used television advertisements widely to relay their messages to the electorate, and billboards and posters were placed throughout the country. The messages did not contain inflammatory language.

Opinion polls, widely published during the campaign period, suggested that the frontrunners in the election were Tomislav Nikolic (SRS), Borislav Tadic (DS), and Dragan Marsicanin (DSS), who was also supported by the government coalition.

The participation in the presidential race of Bogoljub Karic, a wealthy media owner, sparked interest, and interlocutors expressed some concern that the principle of balanced coverage might be prejudiced. Mr. Karic, whose candidature was presented by a group of citizens, registered a new political party under the name "Ahead, Serbia" while the election campaign was under way. According to opinion polls, Mr. Karic's popularity increased continuously throughout the campaign.

The entry into the presidential race of Jelisaveta Karadjordjevic, a member of the royal family exiled after World War II, added a new facet to Serbian politics.

The pre-election period testified once more to the continuing divisions between the DSS and the DS. The campaign saw some heated arguments between these parties. In particular, the DSS was accused of “dirty” campaigning against the DS candidate when it called on the DS leadership to unveil the truth about last year’s assassination of Prime Minister Zoran Djindjic, implying that members of the former government were concealing facts about the murder. One of the main suspects in the Djindjic assassination surrendered to the authorities in May 2004. He was scheduled to testify in the Djindjic assassination trial on 10 June, just three days before the election. Many interlocutors raised concerns that this testimony could include allegations of involvement of some former government officials in the case, which could influence the campaign. However, the witness refused to give evidence to the court on 10 June, and a further hearing was scheduled for today.

In the run-up to the election, one candidate alleged to the EOM that the DSS candidate was abusing state resources. However, no formal complaint on this matter was filed with the relevant authorities. It must be noted that the DSS candidate officially withdrew from his position as Minister of Economy in early May.

An advertising initiative promoting the successes of the first 100 days of the new government was launched in the middle of the electoral campaign and continued in some newspapers even during the electoral silence period of 48 hours before election day.

Media

In order to assess media coverage of the campaign, the EOM began, on 19 May, qualitative and quantitative analysis of prime-time broadcasts on state-owned TV RTS 1; the private television stations BK TV, TV PINK, and TV B92; and the reporting in four daily newspapers: *Balkan*, *Kurir*, *Politika*, and *Vecernje Novosti*.

In general, the media provided adequate coverage of the campaign and offered voters a wide range of information about the contestants. Candidates did not face major obstacles in delivering their messages through the media. Television and radio presented candidates in regular news and current-affairs programming and in special election-related coverage. Furthermore, debates with candidates or their representatives were broadcast. Candidates placed paid advertisements in the electronic media and in newspapers. Get-out-the-vote campaigns appeared in the media during the last days of the pre-election period.

State-owned TV RTS 1 provided candidates with plentiful free airtime slots, in accordance with the legal requirements spelled out in the election law, the General Binding Instructions issued by the Council of the Republican Broadcasting Agency (RBA) established to regulate the media market in Serbia, and in accordance with RTS’s internal regulations. Also, RTS 1 news programmes provided generally balanced coverage of the candidates, both in terms of time and tone. However, the government was given 68 per cent of the coverage in RTS 1 news, the tone of which was overwhelmingly positive.

The private BK TV, owned by candidate Bogoljub Karic, aired extensive coverage of the campaign, allowing all candidates to present their messages in free-of-charge election programmes. BK TV news dedicated more time to coverage of Karic’s campaign (approximately 42 per cent of total time) than to the campaigns of other candidates. The tone of Karic’s portrayal on BK TV was overwhelmingly positive. TV PINK provided generally

balanced coverage of all the candidates in its news. TV B92 covered most candidates in its regular programming, although the frontrunners were given additional opportunities for interviews and participation in discussion programmes; TV B92 news broadcasts dedicated more time to Dragan Marsicanin (DSS) and Boris Tadic (DS) (37 per cent and 32 per cent, respectively) than to others. By providing SRS candidate Tomislav Nikolic with time on its programmes, TV B92 ceased a long-standing boycott of coverage of SRS activities.

Newspapers published wide-ranging information about all the candidates and their campaigns but focused predominantly on the leading candidates. In contrast to the broadcast media, candidates' portrayals in newspapers were generally more negative. Bias in favor of Karic, both in terms of space and tone, was apparent in *Balkan*. On the other hand, *Kurir* conducted a negative campaign against DS representatives and the former government coalition led by the DS.

Some political parties and candidates' representatives have expressed dissatisfaction with the media coverage of their candidates; however, formal complaints related to media conduct were rare. The Christian Democratic Party of Serbia (DHSS) informed the EOM of a formal complaint lodged with the RBA Council and the REC about the small amount of airtime allotted to its candidate on RTS. The complaint was not considered by the REC on the grounds that it was not competent to decide on this matter, while the Council informed the EOM that the DHSS had not officially filed the complaint with them. All this pointed to a continuing confusion over the effective supervision of the media during elections.

The media environment in Serbia remains characterized by two long-standing problems: (a) the allocation of broadcasting frequencies; and (b) the transformation of state-owned RTS into a public company. These issues remained unresolved during the period leading up to the presidential election, partly because of the unclear status of the RBA Council. As noted in previous OSCE/ODIHR and Council of Europe reports, the credibility of the RBA Council has been undermined since its establishment in April 2003, following breaches in the procedures for appointment of some of its members. The RBA Council issued the Binding Instructions for the current electoral campaign, but its ability to supervise broadcasters' activities and to take measures in case of breaches of conduct remains disputable.

Election Day

Election day observation indicated that polling was conducted in a calm and peaceful manner. No serious incidents or irregularities were reported by international and domestic observers.

The elections were monitored by the local organization Centre for Free Elections and Democracy which fielded observers in almost all polling stations in Serbia and abroad. In addition, international observers from the European Union Monitoring Mission, Slovakia, Russia, and Belarus were accredited by the REC to conduct election day observation.

MISSION INFORMATION AND ACKNOWLEDGEMENTS

Ambassador Stephen Nash (United Kingdom) heads the OSCE/ODIHR Election Observation Mission. Mrs. Bahar Cebi (Turkey) leads the Congress of Local and Regional Authorities delegation. This statement is based on the findings of 18 election experts from the OSCE/ODIHR EOM, based in Belgrade and five regional centres, who have been deployed since 18 May (one of these teams has been based in Kosovo) and an eight-member delegation of the Congress that joined the OSCE/ODIHR EOM on 10 June.

The OSCE/ODIHR did not deploy short-term observers on election day but focused on the pre-election period. The Congress deployed eight observers on election day.

Final reports, with recommendations, will be issued separately by the OSCE/ODIHR and by the Congress within approximately one month after the completion of the electoral process.

The IEOM wishes to express appreciation to the authorities of the Republic of Serbia and of Serbia and Montenegro, including the Ministry of Foreign Affairs, the Republican Election Commission, the Ministry of Public Administration and Local Self-Government, the Ministry of Finance, and other republican and municipal authorities for their co-operation and assistance during the course of the observation. The IEOM is also grateful for the support of the OSCE Mission to Serbia and Montenegro and the embassies of OSCE participating States accredited in Belgrade.

While this statement is issued in both English and Serbian, the English version remains the only official one.

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