

**INTERIM REPORT No. 1
30 May–9 June 2006**

I. EXECUTIVE SUMMARY

- The OSCE/ODIHR Election Observation Mission (EOM) opened its office in Skopje on 30 May, and 20 long-term observers have been deployed in international two-person teams to nine locations throughout the country.
- On 5 July, 120 Members of Parliament will be elected under a proportional system, 20 in each of the six election districts. There is no legal threshold that must be overcome to participate in the allocation of mandates.
- A total of 31 political parties and coalitions, as well as two groups of voters, submitted candidate lists for the upcoming elections. All lists were approved by the State Election Commission (SEC). Some 11 parties and coalitions will be competing in all six election districts, and the number of lists per district ranges from 19 to 29. A total of 2,920 candidates will be competing.
- A number of interlocutors have commented that the emergence of new political parties has split the support of previous key election contenders and has the potential to make post-election coalition-building difficult. Some concerns have been raised about the decision of one ethnic-Albanian party to place one person with two pending criminal indictments and another under investigation for war crimes on their candidate lists.
- The official election campaign will begin on 15 June. Some parties have been accused by opponents and representatives of civil society of having launched their campaign prematurely and in violation of the Election Code. The SEC has stated that it has no competence to launch proceedings, and the Election Code does not envisage sanctions for early campaigning.
- Under current regulations, broadcast media are required to provide equal conditions for access to all contenders. On 2 June, the OSCE/ODIHR EOM started its monitoring of the media's campaign coverage, including four television stations and a number of daily newspapers.
- A new Election Code was adopted in late March 2006, providing a more consistent basis for the conduct of elections. However, it appears that further clarification and interpretation of some legal provisions is needed. The Government on 7 June submitted to Parliament draft amendments of the Criminal Code, introducing stricter sanctions for election-related criminal offenses.
- The upcoming elections are administered by a three-tiered election administration, including the SEC, 84 Municipal Election Commissions and 2,976 Election Boards. The SEC was newly appointed in April. All MEC and most EB members were randomly selected from among civil servants, rather than nominated by parties, as previously.

II. INTRODUCTION

The President of Parliament announced on 20 April that parliamentary elections in the Former Yugoslav Republic of Macedonia will be held on 5 July 2006. Following an invitation from the Ministry of Foreign Affairs, the OSCE/ODIHR has established an Election Observation Mission (EOM) on 30 May. The OSCE/ODIHR EOM, headed by Ambassador Audrey Glover (United Kingdom), consists of a 13-member core team based in Skopje and 20 long-term observers based in nine locations throughout the country. Core team members and long-term observers are drawn from 21 OSCE participating States. Participating States have been requested to second 250 short-term observers to observe voting, counting and tabulation on election day.

III. ELECTORAL FRAMEWORK

The 120 Members of Parliament are elected according to a proportional system, with the territory of the country divided into six election districts whose boundaries are defined in the Election Code; 20 MPs are elected in each election district. There is no legal threshold that must be overcome to participate in the allocation of mandates.

The legal framework of the upcoming parliamentary elections is governed by a comprehensive Election Code adopted in late March 2006. The new Code consolidates election legislation and establishes an improved electoral framework. Although finalized only three months prior to the elections, it provides, together with other new or amended legislation, a more consistent basis for the conduct of elections. However, some interlocutors have already raised concerns and issues regarding the implementation and interpretation of the Election Code.

In addition, the State Election Commission (SEC) has regulated several aspects of the election procedures regarding, *inter alia*, the rights and obligations of observers, the balanced composition of election administration bodies and the nomination of their members, the training of election officials, activities of the police, and the opening of bank accounts by campaign organizers.

Although the Election Code and additional regulations are very detailed and comprehensive, it appears that further clarification and interpretation of some provisions is needed. For instance, although there have been allegations that early campaigning has violated the Election Code, no sanctions are provided for if this provision is violated and the SEC has stated that it has no competence to initiate legal proceedings in such cases.

In addition to the existing legal framework, the Government submitted draft amendments of the Criminal Code to the Parliament on 7 June, providing for stricter sanctions for criminal acts related to elections. Parliament debated the amendments on 9 June. While many parties welcomed these last-minute amendments, severe sanctions can only be a safeguard against electoral malpractices if there is sufficient will to implement them. Few persons have been sanctioned for election-related criminal practices committed during previous elections.

IV. ELECTION ADMINISTRATION

The Election Code establishes a three-tiered election administration for all elections, including the State Election Commission (SEC), 84 Municipal Election Commissions (MECs) and 2,976 Election Boards (EBs). The SEC was newly appointed by the Parliament on 14 April. In line with the new Election Code, opposition parties, in this case the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO–DPMNE), proposed the SEC President, while the governing parties proposed the SEC Vice-President (in this case, a nominee of the Democratic Union for Integration, DUI, was appointed). Though the Election Code does not specify how the remaining five members of the SEC are selected, in practice, they were nominated by the other major political parties.

For the first time, members of the MECs and EBs were randomly selected from among civil servants, using a computerized database, rather than nominated by political parties.¹ Each MEC and EB consists of five members and five deputies. The presidents and their deputies were selected from State and municipal administration officials, while the other members and their deputies were selected from public administration officials. Specific criteria regarding gender and ethnic balance had to be met in the appointment process.

The initial selections met the tight legal deadlines, but subsequently additional selections of members to both MECs and EBs had to be carried out in order to replace officials who had resigned with due reason or who had been registered as candidates. All MEC members and deputies have received mandatory training. Approximately 3,000 election officials will serve away from their home precincts on election day, and the SEC is currently discussing arrangements to ensure that they can vote.

Since the launch of the OSCE/ODIHR EOM, the SEC has held eight sessions, which are all open to observers and the media, and have been attended by members of the OSCE/ODIHR EOM. The SEC has adopted instructions, regulations and forms as envisaged by the Election Code and issued clarifications on the application of certain of its provisions.

Following the revision period envisaged by law, the Ministry of Justice has closed the voters' list for modification and on 9 June submitted all excerpts from the list, containing a total of 1,741,449 voters, to the SEC for approval and signing. Some interlocutors from political parties have expressed doubts about the accuracy of the voters' list.

V. CANDIDATE REGISTRATION

On 2 June, the SEC finalized the registration of candidate lists. Some 31 political parties and coalitions, as well as two initiative groups of voters, submitted candidate lists for one or more election districts. All candidate lists were approved by the SEC in an inclusive process. Overall, a total of 135 lists containing 2,920 names have been registered in the six election districts. Eleven parties and coalitions submitted lists for all six election districts. The number of candidate lists per election district varies from 19 to 29.

¹ As a transitional measure for these elections only, two members of each EB and their deputies were nominated by political parties, one member by the opposition and one by the governing parties.

The SEC on 7 June organized the drawing of lots which determined the order in which the candidate lists will appear on the ballot in each of the six election districts. Under the Election Code, at least one in three places on candidate lists must be reserved for the less represented gender.

VI. THE PRE-CAMPAIGN ENVIRONMENT

The parliamentary elections were due to be held by October 2006. The leading opposition party, VMRO–DPMNE, had for some time been calling for the elections to be brought forward, and in early 2006 the governing Social Democratic Union of Macedonia (SDSM) also came out in favor of early elections.

Politics is primarily divided along ethnic lines and, as in past elections, the key races will be among ethnically-based parties competing for votes within their own communities. The “Together for Macedonia” coalition, led by the SDSM, will face a coalition which the VMRO–DPMNE has formed with a number of smaller parties. The main ethnic-Albanian parties in the outgoing parliament, the Democratic Union for Integration (DUI), the SDSM’s coalition partner, and the opposition Democratic Party of Albanians (DPA), are the main contenders for the ethnic Albanian vote.

However, several new political parties have emerged. These include VMRO – People’s Party (VMRO–NP), which broke away from VMRO–DPMNE in late 2004. VMRO–NP held more seats than VMRO–DPMNE in the outgoing parliament but performed significantly less strongly in the 2005 municipal elections. The New Social Democratic Party (NSDP) was formed in October 2005 by former senior SDSM official Tito Petkovski, and has already built a network of branches around the country. The Democratic Reconstruction of Macedonia (DOM) party was formed in January 2006 by Liljana Popovska, formerly a senior official of the SDSM’s junior coalition partner, the Liberal Democratic Party (LDP). A number of interlocutors have commented that the emergence of new political parties has split the support of previous key election contenders and has the potential to make post-election coalition-building difficult.

Some concerns have been raised about the DPA’s decision to place one person with two pending criminal indictments and another under investigation for war crimes on their candidate lists.

The election campaign officially begins on 15 June. Early campaign activities by some parties, in apparent contravention of the Election Code, have led to comment from media and non-governmental organizations as well as mutual accusations among the parties. Such activities have included the holding of party conventions, which were used to promote the party program and candidates in the media. Other contentious activities included the placing of billboard posters and tours of the country by party officials. There has been controversy about what precisely constitutes campaign activities, as opposed to regular party activities.

VII. THE MEDIA

Voters have access to a wide variety of sources of information. The large number of media outlets includes some 153 registered broadcasters, as well as a diverse range of print media in the Macedonian language and in the languages of various national minorities.

Media coverage of the parliamentary election campaign is regulated under the Election Code. During the official campaign period, broadcasters are furthermore governed by the Rules for Equitable Media Presentation and by relevant provisions in the Law on Broadcasting Activities. As a general principle, according to the legal framework, the broadcast media are required to provide equal conditions for access to all contenders.

The Rules for Equitable Media Presentation were adopted by the Parliament on 22 May upon the proposal of the Broadcasting Council and govern both state and private electronic media. According to these Rules, the public broadcasting service MRTV offers free airtime for direct presentation to each registered list.

National broadcasters, both public and private, must ensure in their overall programming a balanced coverage of the contestants, in compliance with the principle of proportionality based on the number of lists registered in the electoral districts. Local broadcasters must provide coverage on an equitable basis, based on the number of registered lists in the area for which they have a concession.

Private broadcasters are required to provide equal conditions for paid political advertising, and time limitations are set for such advertisement. VMRO–DPMNE representatives have publicly expressed dissatisfaction with these limitations of advertising time, arguing that the limits set by the Broadcasting Council do not enable parties to properly present their programs.

The OSCE/ODIHR EOM has been conducting qualitative and quantitative analysis of selected media outlets since 2 June, in order to assess the coverage of the candidates and relevant political subjects. The monitoring activities focus on the prime time broadcasts of four national television stations: the first channel of public Macedonian Radio Television (MTV1) and three private channels (A1 TV, TV Sitel and Kanal 5), as well as on the most important daily newspapers in the Macedonian and Albanian languages. In addition, the OSCE/ODIHR EOM is also monitoring the main news in Albanian language on public MTV2 and the allocation of the free-of-charge slots on the third channel of MTV (MTV+).

Preliminary OSCE/ODIHR EOM media monitoring results indicate that the media have reported on the parties' preparations for the campaign, including parties' press conferences and presentation of candidates. Reports of political statements concerning campaign promises and mutual comments on parties' platforms are also part of the media agenda on the eve of the official start of the campaign. Paid political slots have already been placed in media broadcasts.

VIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened its office in Skopje on 30 May. The Head of Mission held a press conference on 31 May to introduce the OSCE/ODIHR EOM. The Head of Mission has held initial meetings and established regular contact with the Ministry of Foreign Affairs, the State Election Commission, the Ministry of Justice, the diplomatic community, the main political parties and civil society, including the domestic non-partisan observer organization MOST. Core team members and long-term observers have conducted initial meetings with election commissions, political parties, civil society and the media at the central and regional levels.