



INTERIM REPORT
18 December 2006 – 8 January 2007

I. EXECUTIVE SUMMARY

- The 21 January Parliamentary Elections in Serbia are the first elections since the dissolution of the State Union of Serbia and Montenegro and the adoption of the new Constitution of Serbia, and are conducted in close proximity to the possible resolution of the future status of Kosovo.
- The campaign has been intensive despite the holiday period. The vibrant rhetoric on the Kosovo issue that dominated the campaign during the referendum on the Constitution has, however, subsided.
- The lists of twenty political parties and coalitions have been registered for the election. The entry of the Coalition of Albanians from the Preševo Valley represents the first participation by an Albanian party or coalition since 1997; however, other Albanian parties in the area have decided not to participate.
- A regulation by the Republic Election Commission has modified the law by reducing the number of signatures required in support of an electoral list of a minority party or coalition from 10,000 to 3,000. This modification has drawn complaints by members of the Commission and prompted legal challenges in the Supreme Court.
- The number of polling stations established is 8,531, including 267 stations that will serve voters in Kosovo. Fifty-eight polling stations will be open for voting abroad in 35 countries, including Montenegro.
- The voter lists are being updated and are on display. However, some inaccuracies are expected to remain, particularly regarding voters who have moved or died outside of Serbia or have not recorded changes of residency from one municipality to another. Officials acknowledge that a significant number of Roma are still reluctant to register.
- The legally mandated Supervisory Board charged with monitoring the pre-election activities of the media and the parties has not been formed. Its tasks have been assumed by the Republic Broadcasting Agency whose neutrality and transparency of work are widely questioned. The preliminary data of media monitoring by the OSCE/ODIHR Election Observation Mission indicate that the main public television provided an overall balanced coverage of the main political contestants.

II. INTRODUCTION

On 18 December 2007, the OSCE/ODIHR deployed an Election Observation Mission (EOM) in response to an invitation from the Republic Election Commission.¹ The Core Team based in Belgrade, consists of twelve members. Sixteen Long Term Observers (LTOs) have been deployed to Belgrade, Novi Sad, Čačak and Niš to cover all municipalities throughout Serbia. The OSCE/ODIHR is preparing the deployment of Short Term Observers (STOs) to monitor election-day procedures.

III. POLITICAL DEVELOPMENTS AND THE ELECTION CAMPAIGNS

The Parliamentary Elections in the Republic of Serbia, scheduled for 21 January 2007, have special significance as they will be the first elections since the dissolution of the State Union of Serbia and Montenegro and the adoption of the new Constitution of Serbia. They are also being held in close proximity to the possible resolution of the future status of Kosovo.

In national elections since 2000, the parties and civil movements with roots in the previous anti-Milošević Democratic Opposition of Serbia (DOS) have had a level of popular support that exceeded that of parties with conservative nationalist ideologies typical of the past. Today, the pre-election environment is characterized by deep differences between the leading parties of the former DOS Coalition.

In the campaign, the former DOS parties still maintain a general consensus on the necessity of legal and market economy reforms and European integration of Serbia, but differ considerably on other issues such as the manner of cooperation with the Hague Tribunal and the degree to which there should be a break from institutional remnants of the Milošević era.

Other themes have also emerged in the campaign. Vuk Drašković's Serbian Renewal Movement emphasizes restitution of private property nationalized by the communist regime and the restitution of the parliamentary monarchy. The Liberal Democratic Party differs from the others insofar as it considers the independence of Kosovo as inevitable, and insists on the lustration and prosecution of war crimes. On the other side, the Serbian Radical Party, which displays prominently pictures of its leader detained by the ICTY, Vojislav Šešelj, strongly criticizes alleged failures by the incumbent government regarding the social-economic development and anti-corruption activities.

The expected resolution of the future status of Kosovo remains an important issue underlying the strategies used in the political campaigns. Calls for the retention of Kosovo within Serbia are reflected in party platforms, and are reiterated by party leaders at party conventions and in political speeches. Several party leaders have visited Kosovo during the campaign, including Mlađan Dinkić of G17 Plus, Ivica Dačić of the Socialist Party of Serbia, Velimir Ilić of New Serbia (representing the Democratic Party of Serbia/New Serbia coalition) and Prime Minister Koštunica of the Democratic Party of Serbia. However, the vibrant rhetoric on Kosovo that dominated the campaign during the referendum on the Constitution has been de-emphasized in the campaign for the 21 January elections.

¹ The OSCE/ODIHR Needs Assessment Mission Report is available at http://www.osce.org/documents/odihr/2006/12/22637_en.pdf

As of 8 January, 20 political parties and coalitions had been registered by the Republic Electoral Commission. Their ballot position reflects the order in which they were registered, namely: 1. Democratic Party – Boris Tadić; 2. G17 Plus – Mladen Dinkić; 3. Liberal Democratic Party/Civic Alliance of Serbia/Social Democratic Union/League of Social Democrats of Vojvodina – Čedomir Jovanović; 4. Serbian Radical Party – Vojislav Šešelj; 5. Democratic Party of Serbia/New Serbia – Vojislav Koštunica; 6. Movement Force of Serbia – Bogoljub Karić; 7. Serbian Renewal Movement – Vuk Drašković; 8. Alliance of Vojvodina Hungarians – József Kasza; 9. Party of United Pensioners – Jovan Krkobabić, and Social-democratic Party – Nebojša Čović; 10. Coalition List for Sandžak – Sulejman Ugljanin; 11. Socialist Party of Serbia; 12. Branko Pavlović – “Because it has to be better”; 13. Coalition “Vojvodina Parties” – Igor Kurjački; 14. Union of Roma in Serbia – Rajko [Đurić](#); 15. Reformist Party – [Aleksandar Višnjić](#); 16. Democratic Community of Serbia – [Obren Joksimović](#); 17. Coalition of Albanians from the Preševo Valley; 18. Socialdemocracy – Nenad Vukasović; 19. Hungarian Unity – Andraš Agošton, Pal Šandor; 20. Roma Party – Šajin Srđan.

The entry of the Coalition of Albanians from the Preševo Valley represents the first participation by an Albanian party or coalition since 1997. However, a number of other Albanian parties from southern Serbia have declined to participate in the elections raising concerns about potential tensions among the Albanian population. Likewise, similar conditions may emerge among the Bosniaks relative to the rivalry between the Bosniak Democratic Party and the Coalition List for Sandžak.

IV. THE LEGAL FRAMEWORK

The National Assembly of the Republic of Serbia consists of 250 members elected for four-year terms through a direct vote in a single nation-wide constituency. Mandates are distributed proportionally among parties/coalitions/citizen groups that collect more than 5 percent of votes of voters who voted in the election. This threshold does not apply to national minority parties and coalitions who may participate in the distribution of seats even if they have received less than 5 percent of the total number of votes.

Based on the joint assessment of the Law on Election of Representatives (LEF) conducted by OSCE/ODIHR and the Venice Commission of the Council of Europe, which was published on 23 March 2006, it was concluded that the LER “includes a number of important safeguards to promote democratic election practices”, and that “in particular, there are numerous measures designed to enhance transparency in the organization and conduct of the election and to protect the security of the ballot”. However, some areas of the LER remain problematic.

Among the deficiencies are the lack of provisions for an intermediate level of election administration between the REC and the polling boards, failure to provide for international and domestic observers, the absence of language defining national minority parties, inadequate provisions for authenticating signatures provided in support of electoral lists, and inadequate provisions for the settlement of election disputes.

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 the 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.

Some of the gaps in the LER have been filled by regulations of the REC. In its Guidelines for the Implementation of the Law on Election of Representatives, for example, the REC has provided for international and domestic observers and instituted Working Groups (WG) that perform functions commonly associated with intermediary election administration bodies.

V. COMPLAINTS AND APPEALS

Article 94 of the LER provides that electoral complaints can be lodged by a voter, candidate or authorized persons submitting a candidate list. Complaints are submitted to the REC, which has the power to take decisions by a majority vote of its full membership. All REC decisions on complaints can be appealed to the Supreme Court. Review of these appeals by the Supreme Court is not public.

In a move that has already become controversial, the REC also adopted a provision that decreased the number of signatures required in support of the electoral lists submitted by national minority parties and coalitions from 10,000 prescribed in Article 43 of the LER to 3,000. A complaint regarding the newly adopted regulation submitted by the Serb Radical Party was rejected by a majority vote of the members of the REC. Challenged in the Supreme Court, the REC's decision was upheld.

New complaints have been raised in recent REC sessions by members representing parties and coalitions competing in the election. Some of the complaints related to the registration of electoral lists supported by fewer than 10,000 signatures also challenged the recognition of these parties and coalitions as those of national minorities. Members representing the Alliance of Vojvodina Hungarians, which submitted the required 10,000 signatures, have questioned the legitimacy of the registration of a second Hungarian minority coalition that qualified with fewer signatures. By majority vote of the REC, these complaints were also overruled. In a decision dated 5 January, the Supreme Court stated that requiring 10,000 signatures of national minorities would be contrary to international provisions on minority rights, and expressed an opinion that in order to ensure equality, the numerical strength of the national minority and its economic, social and other living conditions should be taken into account when determining the number of signatures required. So far, the Supreme Court of Serbia has upheld all decisions of the REC in this regard.

VI. ELECTION ADMINISTRATION

The administrative structure for the organization of the elections is highly centralized under the leadership of the Republic Election Commission (REC). In the absence of any intermediary level between the REC and the Polling Boards (PB), 30 members of the REC are appointed as District Coordinators to supervise 183 *ad hoc* Working Groups established in each municipality.

The REC has 16 members including the Chairperson, a non-voting Secretary and a representative of the National Office of Statistics. However, the law provides that each party, coalition or group of citizens submitting a candidate list has the right to delegate one additional

member and deputy member to the Commission as soon as its list is registered. Currently the REC has 35 members, all of whom have the same rights. Deputies participate in the work of the REC but serve as non-voting members unless their regular members are absent. The same rules apply to the formation of Polling Boards. This inclusive and transparent method of appointment normally provides for an effective system of checks and balances promoting adherence to the legal requirements and contributing to the general trust in the work of the election administration. However, the EOM received, on a local level, some complaints by political stakeholders that they are underrepresented on working groups, and in some cases have been obstructed in their observations of the activities of working groups.

Sessions of the REC are open to accredited observers and journalists. Issues are debated openly and minority opinions are generally reflected in the coverage of the sessions. REC decisions, regulations and session minutes are available on its website.

The REC has established the locations and numbers for 8,531 polling stations, including 267 polling stations that will serve voters in 22 of the 29 Kosovo municipalities. For the purposes of this election, Kosovo is divided into two electoral administrative districts. However, their REC Coordinators will operate from Raška and Vranje, which are located in Serbia proper.

National minorities, as a rule, have access to information on the elections in their own languages. In Vojvodina, for example, campaign material and material prepared by election administrators is also provided in the languages of each national minority, regardless of its size.

VII. THE VOTER LISTS

The voter registers are maintained on a continuous basis by municipal authorities under the supervision of the Ministry of Public Administration and Self-Governance. By law, electronic formats of the municipal rolls are linked in a national electoral roll. The voter lists for all polling stations will be printed and supplied to the Polling Boards by the REC. The open period for review and correction of the voter lists by interested parties and voters ended on 5 January 2007. Additional changes can be introduced by a court decision through 18 January. Thereafter no modification of the voter list will be allowed.

Officials have admitted that there are difficulties in ensuring the accuracy of the lists, particularly in relation to the removal of names of voters who have died outside Serbia, and voters who do not register their changes of residency when they move from one municipality to another. Officials have also suggested that there are still significant numbers of Roma that are reluctant to register at all.

Military voters will vote at ordinary polling stations located nearest to the military installations where they are stationed. The Ministry of Justice is responsible for preparing voter lists for the 20 polling stations that will be established inside penal institutions. The Ministry of Foreign Affairs prepares the voter lists identifying the voters who have registered to vote abroad. For these elections, 58 polling stations will be open for voting in 35 countries, including Montenegro.

VIII. CAMPAIGN FINANCING

The financing of the campaign is regulated by the 2004 Law on Financing of Political Parties. Under the law, the submitters of electoral lists are entitled to public financing and have a right to compliment it with private financing. The amount of public funds allotted for the campaigns in this election is still being considered. Twenty per cent of this amount will be equally distributed among all submitters of electoral lists. The remaining 80 per cent will be distributed after the election among the parties, coalitions and citizens groups that are successful in winning seats in the National Assembly. Shares of this portion of the public funding will be awarded in proportion to the number of seats won. The campaign funds collected from non-public sources by any submitter of an electoral list may not exceed 20 per cent of the total amount of public funding. The law also sets limits for individual contributions and dictates that all campaign funds and expenditures must be deposited and paid by parties and coalitions from specifically dedicated bank accounts.

IX. THE MEDIA

The legal framework of the campaign in the media is governed by the LER and the Broadcasting Act. Under the law, all radio and television stations are required to ensure equality in informing the public about the parties and coalitions submitting electoral lists and their candidates.

The Broadcasting Act obliges the Broadcasting Institution of Serbia (RTS), the Broadcasting Institution of Vojvodina (RTNS), radio and television stations of local and regional communities and the civil sector to provide free-of-charge broadcasting for the “promotion” of political parties, coalitions and candidates participating in the election. Article 78 of the Broadcasting Act provides that the public media may not broadcast paid pre-election “promotion”. However, “promotion” is not clearly defined and the EOM has observed that main the public TV RTS 1 has been broadcasting paid campaign ads.

The Broadcasting Act establishes the Republican Broadcasting Agency (RBA) as the broadcasting regulator. On 16 November 2006, the RBA issued “General Binding Instructions to Radio and Television Stations (Broadcasters) Regarding Conduct in the Pre-election Campaign for the 2007 Parliamentary Elections”.

Under Articles 99 and 100 of the LER, a Supervisory Board should be formed by the National Assembly to oversee and supervise acts by political parties, candidates and the mass media during the electoral campaign. However, this body has not been formed for this election. A complaint was filed with the REC regarding the failure to form the Supervisory Board by one of the parties, but the REC decided that dealing with the issue was outside its competence.

With no Supervisory Board in place, the RBA is the only campaign supervisory and complaint body for the 2007 Parliamentary Elections regarding the media. However, its neutrality and transparency of work are widely questioned.

In addition to the public television, there are six commercial stations with national coverage. They include TV Pink, TV B92, TV Avala, TV Košava, TV Happy and TV Fox. Since 22 December 2006, the OSCE/ODIHR EOM has been conducting qualitative and quantitative analyses of six hours of primetime broadcasts each day on three TV stations including RTS 1,

TV Pink and TV B92. In addition, four newspapers are being monitored. They include privately owned Večernje Novosti, Blic, Kurir, Politika and Danas.

Press circulation in Serbia remains among the lowest in Europe, estimated at less than 100 copies sold per 1,000 inhabitants. Television is the most important medium in terms of social influence. The first channel of the public service broadcaster RTS 1 and the leading privately owned broadcasters TV Pink and TV B92 provide citizens with relevant election-related information. During the reporting period, an increasing amount of paid campaign advertising in the monitored electronic and print media was observed. The tone of the campaign has been moderate, and no incidents or the use of inflammatory language were observed. The dominant topics in the campaign have been social issues, the economy, anti-corruption and EU-integration.

The preliminary media monitoring data of the OSCE/ODIHR EOM indicate that the RTS 1 provided a balanced coverage of the main political contestants. DSS received 22 per cent of the campaign-related coverage, DS – 20 per cent and the SRS – 22 per cent. The tone of the coverage of DS and DSS was overall positive or neutral while the Serbian Radical Party somewhat more negative. The private TV B92 dedicated the most time to DS and to a lesser degree to DSS, while TV Pink provided a coverage which was slightly in favour of the Serbian Radical Party (SRS).

X. DOMESTIC OBSERVERS

The Center for Free Elections and Democracy (CeSID) is the only accredited domestic observer organization in Serbia. This organization is currently running a number of projects related to elections, including a massive “get-out-the-vote” campaign involving the mailing of 1.5 million informational pieces. The organization is planning to field over 3000 observers on election day, including in some 100 polling stations in Kosovo. They will plan a “quick count” and will report their estimates of results after the close of the polls. CeSID has not encountered or reported any substantial problems so far.