



**Office for Democratic Institutions and Human Rights**

**FORMER YUGOSLAV REPUBLIC OF  
MACEDONIA**

**MUNICIPAL ELECTIONS**

**OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

**30 June - 3 July 2004**



**Warsaw  
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# **FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

## **MUNICIPAL ELECTIONS**

### **OSCE/ODIHR Needs Assessment Mission Report**

#### **I. INTRODUCTION**

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 Former Yugoslav Republic of Macedonia between 30 June – 3 July. The NAM included Mr. Julian Peel Yates, designated Head of Mission for the anticipated OSCE/ODIHR Election Observation Mission and Ms. Holly Ruthrauff, OSCE/ODIHR Election Adviser. The purpose of the NAM was to assess the conditions and level of preparation for the municipal elections expected to be held 17 October, in line with OSCE commitments, and to advise on the establishment of an Election Observation Mission (EOM).

The NAM held meetings in Skopje and Tetovo with representatives of the governmental authorities, election administration, political parties, civil society and the international community (see annex for list of meetings).

The OSCE/ODIHR is grateful to the Macedonian authorities for their co-operation and assistance provided during the NAM. The OSCE/ODIHR would also like to thank the OSCE Spillover Mission for the assistance offered during the visit.

#### **II. EXECUTIVE SUMMARY**

The newly amended Law on Local Elections requires elections of municipal councils and mayors to be held 17 October 2004, with the possibility of second round elections for mayors in some municipalities following within two weeks.

All interlocutors with whom the NAM met expressed support for international observation of the elections by the OSCE/ODIHR. The elections must be announced by 7 August, and the NAM received assurances that an invitation would be released immediately following the announcement.

A number of outstanding issues must be resolved before the election process can move ahead. In particular, the Law on Territorial Organization, City of Skopje and Financing on Units of Local Self-Government (hereafter, "Law on Territorial Organization"), a key part of the decentralization process required to implement the Ohrid Framework Agreement, must be passed. This legislation would significantly alter the municipal boundaries and would likely reduce the number of municipalities from 123 to approximately 70. At the time of the NAM, government coalition partners Social Democratic Union of Macedonia (SDSM) and Democratic Union for Integration (DUI)

were engaged in negotiations to find a resolution. The issue is highly charged both politically and ethnically.

At the same time, the State Election Commission (SEC) has not yet established a permanent secretariat. Prior to the NAM's arrival, key ministers met with the head of the SEC to discuss steps that would establish the SEC as a legal entity and allow it separate staff, premises and a budget. The necessary legislative provisions were discussed and passed by the Parliament on 2 July, but a separate budgetary allocation is still needed and it remains unclear whether the secretariat could be in place before municipal elections.

Amendments to the Law on Local Elections were passed on 26 May. The law reestablishes a two-round system for the election of mayors, but importantly with a reduced turnout threshold of one-third to allow the possibility of a first-round victory. Some political parties expressed to the NAM a desire to hold elections in a single round, which would require additional legislative amendment.

All interlocutors expected these municipal elections to be vigorously contested and many expressed concern that there could be localized incidents of primarily intra-ethnic violence. Previous municipal elections in the country have been problematic in comparison with other elections, with incidents of violence and electoral violations widespread in some areas. Most seriously, a party activist was killed during the 2000 municipal elections.

The OSCE/ODIHR deployed an election observation mission for the early presidential election held on 14 and 28 April following the tragic death of President Boris Trajkovski. The EOM concluded that the election was generally consistent with OSCE election-related commitments, but serious irregularities in certain parts of the country on election day cast a shadow over the process as a whole. The previous 2002 parliamentary elections were characterized as having been conducted largely in accordance with OSCE commitments and international standards for democratic elections.

The NAM recommends that an OSCE/ODIHR Election Observation Mission be established to observe the forthcoming municipal elections. The OSCE/ODIHR requests OSCE participating States to second to the mission 28 long-term observers to follow the election process countrywide from the beginning of September until the election process is completed, and 250 short term observers to observe election day procedures, including voting, counting of votes and tabulation of results at all levels of the election administration.

### **III. FINDINGS**

#### **A. POLITICAL CONTEXT**

The clear victory of Branko Crvenkovski in the April presidential elections consolidated the leading position of the ruling party SDSM. At the same time, the leading opposition party Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian Unity (VMRO-DPMNE) has suffered from an internal split between the party President Nikola Gruevski and the previous leader and former Prime Minister

Ljubco Georgievski. Since the NAM visit, supporters of the Georgievski faction have formed a separate party VMRO People's Party, which intends to run separate party lists during the municipal election. Competing VMRO lists are likely to split what is already a severely weakened opposition.

The local contests among ethnic Albanian parties are expected to be contentious and closely fought. The April presidential election was in part seen as an indicator of greater support for the governing coalition DUI than for the Democratic Party of Albanians (DPA), based on the showing of their presidential candidates in the first round election. At the same time, the DUI is a new party and has no incumbents at the local level, so is expected to be somewhat disadvantaged in the mayoral contests.

Candidate lists for municipal councils and mayors can be proposed by registered political parties, a coalition of parties or by a group of voters. The election campaign begins 20 days prior to election day, with a 24-hour "blackout" period immediately preceding election day.

Representatives of political parties with whom the NAM met were focused on the negotiations over decentralization and the possible political implications of the resulting legislation. Issues related to the decentralization process are likely to dominate political discourse during the election campaign. Political party interlocutors expressed concerns about the potential for politically motivated violence and intimidation during the municipal elections. Some complained that the lack of accountability for such actions and the weakness of the judiciary has created a sense of impunity encouraging further violations.

## **B. GOVERNMENT BODIES TO BE ELECTED**

The Constitution stipulates that municipalities are units of local self-government. It additionally provides that the City of Skopje is a particular unit of local self-government. Thus in Skopje a voter elects a mayor and council of the City of Skopje, as well as for their individual municipality.

The Law on Local Elections provides that municipal council and mayoral elections be held every four years on the third Sunday in October. Municipal councils are elected using a proportional list system and mayors are elected in majoritarian contests. The exact number of municipalities will be determined by the anticipated Law on Territorial Organization, but it is widely expected to be approximately 70.

To be elected mayor in the first round, a candidate must receive more than 50 per cent of the votes, provided that at least one third of the voters on the municipal voter list voted. Otherwise, a second round is held within two weeks between the two candidates who received the most votes and there is no turnout requirement.

## **C. LEGAL FRAMEWORK**

Amendments to the Law on Local Elections were adopted by the Parliament on 26 May 2004. The amendments provide increased harmonization with the Law on the Election of MPs and includes several significant changes.

The turnout threshold for mayoral elections has been decreased from 50 per cent to one-third in the first round and there is no turnout threshold in the second round. In line with the constitution, new provisions require mandatory use of minority languages in the election process in municipalities where at least 20 per cent of the population speak an official language other than Macedonian. The amendments specify that minority languages be used on the ballots, in minutes, in public announcements, in election commission proceedings and in the candidate lists. The amendments also require that each gender be represented on candidate lists, with at least 30 per cent in both the upper and lower parts of the list.

The Law on Local Elections does not specify the number of municipalities or municipal election commissions (MECs). This issue must be resolved by the Law on Territorial Organization before elections are formally called.

Previous OSCE/ODIHR reports have recommended that a comprehensive election code be adopted to avoid inconsistencies. Some interlocutors indicated that this option is currently under consideration for future elections.

#### **D. ELECTION ADMINISTRATION**

The Law on Local Elections establishes a three-tiered election administration for municipal elections. The SEC is responsible for the overall conduct of the elections. The composition of the SEC remains essentially the same as during the presidential election, although the NAM was informed that a couple of members have taken on new government posts and will be soon be replaced.

The SEC appoints the MECs (previously 34, but not yet determined for these elections as it will depend on the number of municipalities) and the Election Commission of the City of Skopje within 15 days of the announcement of the election. The MECs and the Election Commission of the City of Skopje, appointed for a period of four years, include two members and their deputies proposed by the ruling parties (according to the results of the previous parliamentary elections) and two members and their deputies proposed by the opposition parties. The president and his deputy are appointed from among the judges of the Primary Court. Many members of the MECs are likely to be the same as during the presidential elections, except that the new municipalities established by the Law on Territorial Organization will require new personnel be recruited and trained.

The MECs appoint the 2,973 Election Boards (EBs) that carry out proceedings in the polling stations. The president, members of the electoral boards and their deputies should be appointed no later than 20 days prior to election day. The composition of the EBs follows the same pattern as for the MECs, except that the criterion for the president and his deputy is that they should be citizens with their place of residence in the municipality where the polling station is located.

Authorities plan to establish a permanent secretariat for the SEC, as recommended in previous OSCE/ODIHR reports, but it remains unclear whether this will occur prior to the municipal elections. The establishment of the secretariat requires both legislative amendment and budgetary provision. The Parliament passed amendments to the Law

MPs on 2 July that made the SEC a legal entity to be funded by the state budget, but no further steps have been taken.

It was pointed out to the NAM that additional budget allocations will be needed for the administration of these elections, in particular to implement the new language provisions in the Law on Local Elections. The SEC also lacks funding for voter education. The US organization IFES has planned a voter education campaign, similar to the one it conducted during the presidential election, but it still requires funding.

#### **E. MEDIA**

The OSCE/ODIHR EOM to the April presidential elections found the media environment to be broadly professional during both rounds. A large spectrum of electronic and print media offered comprehensive coverage of the election process and campaign. The national public broadcaster fulfilled its legal requirements, providing all candidates with the opportunity to present themselves during special free-of-charge direct access programs.

The media can again be expected to play an important role in the election campaign for the municipal elections. The NAM therefore recommends that a full-scale media monitoring unit be established as part of the EOM, in line with OSCE/ODIHR standard methodology.

#### **F. INTERNATIONAL AND DOMESTIC OBSERVERS**

All interlocutors emphasized the need for an OSCE/ODIHR Election Observation Mission to the municipal elections. Elections must be announced by 7 August for a 17 October election date. The Ministry of Foreign Affairs notified the NAM that an invitation would be issued to the OSCE/ODIHR immediately following the official announcement of the election.

The law provides for both international and domestic observers. Regulations for observers are to be issued by the SEC. The NAM met with representatives of the civic umbrella organization MOST which plans to deploy over 3,000 observers on election day. Political parties also indicated their intention to deploy pollwatchers around the country.

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

The NAM recommends that an Election Observation Mission be established, some six weeks before the expected 17 October election day, to observe the forthcoming municipal elections. In addition to a core team of experts, the mission should also include 28 long-term observers (14 teams of two observers each) to be deployed throughout the country in mid-September. The NAM also recommends the secondment of 250 short-term observers to follow election day procedures. Arrangements for observation will be considered for possible second round mayoral contests.

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**ANNEX**

**List of Meetings  
Skopje  
30 June – 3 July 2004**

**GOVERNMENT AUTHORITIES**

**Ministry of Foreign Affairs**

Igor DZUNDEV, MFA State Secretary

Svetlana GELEVA, MFA Director for Political Relations

**State Election Commission**

Stevo PENDAROVSKI, SEC President

**POLITICAL PARTIES**

**Democratic Party of Albanians (DPA)**

Arben Xhaferi, President of DPA

**Democratic Union for Integration (DUI)**

Gzim OSTRENI, Secretary General of DUI

**Internal Macedonian Revolutionary Organization – Democratic Party for  
Macedonian Unity (VMRO-DPMNE)**

Ganka SAMOILOVSKA-CVETANOVA, Vice President of VMRO-DPMNE

Dan DONCEV, former VMRO-DPMNE Executive Committee member

**Liberal Democratic Party (LDP)**

Risto PENOV, President of LDP

**Party for Democratic Prosperity (PDP)**

Abdulmenaf BEXHETI, President of PDP

**Social Democratic Union of Macedonia (SDSM)**

Nikola KJURCHIEV, Secretary General of SDSM

**CIVIL SOCIETY**

**MOST**

Darko ALEKSOV, President of MOST



## **INTERNATIONAL COMMUNITY**

### **Dutch Embassy**

Ambassador Frederique de Man

### **European Commission Office**

Sandra BLANCO BARBEITO, Third Secretary - Political Affairs

### **European Union Monitoring Mission**

Michael FRANKLAND, Head of Mission Office

### **European Union Special Representative**

Constantin CAKIOUSSIS, Political Adviser

Caroline SMIT, Political Adviser

### **IFES**

Dan BLESSINGTON, Country Director

Hristina KONESKA BEROSKA, Program Coordinator

### **OSCE Spillover Mission**

Maurice CANAVAN, Deputy Head of Mission

Andreas RAAB, Head of Political Unit

Victor ULLOM, Head of the Rule of Law Unit

Aytekin AKTASH, Political Adviser

Jasmina DIMITRIEVA, National Legal Advisor

### **US Embassy**

Ambassador Lawrence Butler

Eleanor Nagy, Deputy Chief of Mission