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Observation of the presidential election in “the former Yugoslav Republic of Macedonia” (22 March and 5 April 2009)

Election observation report

Ad hoc Committee of the Bureau

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1. Introduction

1. At its meeting on 9 January 2009, the Bureau of the Assembly decided to set up, subject to an invitation being received, an ad hoc committee for the observation of the presidential election scheduled for 22 March 2009 in “the former Yugoslav Republic of Macedonia” and to send a pre-electoral mission about one month before the election date. After receiving an invitation from the Speaker of the Assembly of “the former Yugoslav Republic of Macedonia”, the President of the Parliamentary Assembly appointed me Chair of the ad hoc Committee.

2. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission). In conformity with Article 15 of the agreement – “When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice



Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser"
– the Bureau of the Assembly invited an expert of the Venice Commission to join the ad hoc Committee as adviser.

3. The composition of the ad hoc Committee, based on the proposals of the Assembly's political groups, was as follows:

- **Group of the European People's Party (EPP/CD)**
 - Mr José MENDES BOTA, Portugal
 - Ms Marietta de POURBAIX-LUNDIN (*), Sweden
 - Mr Janusz RACHOŃ, Poland
- **Socialist Group (SOC)**
 - Mr Vidar BJØRNSTAD, Norway
 - Mr Andreas GROSS, Switzerland
 - Ms Sinikka HURSKAINEN, Finland
 - Mr Tadeusz IWIŃSKI (*), Poland
 - Lord TOMLINSON, United Kingdom
- **Alliance of Liberals and Democrats for Europe (ALDE)**
 - Mr Jørgen POULSEN (*), Denmark
 - Mr Frans WEEKERS (*), Netherlands
- **European Democratic Group (EDG)**
 - Mr Mevlüt ÇAVUŞOĞLU, Turkey
 - Mr Christopher CHOPE (*), United Kingdom
- **Venice Commission**
 - Mr Gaël MARTIN-MICALLEF, Secretariat, Venice Commission
- **Secretariat**
 - Mr Chemavon CHAHBAZIAN, Deputy to the Head of Secretariat, Interparliamentary Co-operation and Election Observation Unit
 - Ms Ann MASON, Assistant, Parliamentary Assistance Unit
 - Ms Beejul TANNA, Assistant

(*) pre-electoral mission (25-27 February 2009)

4. The PACE ad hoc committee was part of an international election observation mission (IEOM) made up of election observation missions (EOMs) of the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (PA OSCE) and the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The Council of Europe Congress of Local and Regional Authorities, which observed the local elections, associated itself with the IEOM's joint statement.

5. A PACE pre-electoral mission visited Skopje from 25 to 27 February 2009 to assess the state of preparations and the political climate in the run-up to the presidential election of 22 March 2009. In its conclusions, the ad hoc Committee stated that it was necessary for all measures to be taken throughout the country to avoid possible acts of violence or intimidation and guarantee that the elections were held under normal conditions, thus permitting the free expression of the people's will. The delegation therefore stressed the considerable responsibility of all political players when elections take place in a multi-ethnic society. For the authorities of "the former Yugoslav Republic of Macedonia", the leaders of the political parties, the presidential election of 22 March 2009 also provided an opportunity to regain the confidence of society through a democratic process. Appendix 1 contains the memorandum on the pre-electoral mission.

6. The ad hoc Committee for the observation of the presidential election visited Skopje from 19 to 23 March 2009 and spoke in particular to candidates on the lists and to the representatives of the various political parties, the Chair of the Central Election Commission (CEC), the Head and members of the OSCE/ODIHR election observation mission, as well as representatives of the international community, civil society and the media. Appendix 2 contains the ad hoc Committee's programme of meetings.

7. On polling day, the ad hoc committee was split into 7 teams to observe the elections in and around Skopje. They also went to Tetovo, Struga, Gostivar and Ohrid.

8. The IEOM concluded that the first round of the presidential election of 22 March 2009 in "the former Yugoslav Republic of Macedonia" had been held in accordance with most international standards, although some problems still needed to be resolved. Appendix 3 contains the press release published after the first round of the elections.

2. Political and legal background

9. On 10 January 2009, the President of the Assembly of "the former Yugoslav Republic of Macedonia" called presidential and municipal elections for 22 March 2009. Elections are governed by an electoral code adopted in March 2006. The Parliament passed a law amending it on 29 October 2008. In 2009, the Council of Europe's Venice Commission will publish, jointly with the OSCE/ODIHR, an opinion on the electoral code as amended in October 2008, in particular at the request of the Parliamentary Assembly's Monitoring Committee.¹

10. The President is elected by direct suffrage for a term of 5 years, renewable once. In order to be elected at the first ballot, the candidate must receive the votes of an absolute majority of voters registered on the electoral roll. If none of the candidates obtains an absolute majority, a second ballot is held within 14 days of the first and the candidate with the most votes, subject to a turnout of at least 40% of registered voters, is declared the winner.

11. The turnout required for a second round in the presidential election was reduced from 50 to 40% under an amendment to the constitution. This amendment is partly a response to previous Venice Commission recommendations but it is still high.

12. The current President of "the former Yugoslav Republic of Macedonia", Mr Branko Crvenkovski, whose five-year term expires in May, was not standing as a candidate for his own succession. During the meeting with members of the pre-electoral mission, he said he was planning to become the leader of his political party, the opposition Social Democratic Union of Macedonia (SDSM).

13. The presidential election took place about nine months after the parliamentary elections of 1 June 2008. These were marked by acts of violence and irregularities at a large number of polling stations, which, the IEOM concluded, did not meet all the basic democratic standards.

14. As far as the main political parties and presidential candidates are concerned, apart from one or two rare exceptions, their speeches contained no messages of hatred or intolerance and they emphasised the need for dialogue. For the first time in the country's election campaigns, television debates took place with the participation of all seven candidates at the same time. The PACE's pre-electoral mission had long stressed the need for this at meetings with all the candidates, believing that such an event was an important step towards the emergence and strengthening of the political culture and tolerance in a country with a multi-ethnic society.

3. The voters' list and candidate registration

15. The Ministry of Justice was responsible for updating the voters' list based on information from the local authorities. The Central Election Commission has taken over responsibility for maintaining the voters' list from the Ministry of the Interior.² This amendment to the Electoral Code should make it possible to strengthen the independence of the electoral administration, at least if the appropriate human and financial resources are provided parallel to the Central Election Commission.

1. Monitoring Committee: information note AS/Mon (2008) 31rev, 20 November 2008, paragraph 17.

2. The electoral roll is drawn up on the basis of the population registers.

16. The electorate was invited to inspect and amend the voters' list between 20 January and 3 February 2009. Despite the awareness campaign accompanying that initiative, only 1,525 changes were made to the list. A total of 1,792,082 voters were registered, of whom only 73,000 (marked by an asterisk) were registered as living abroad. According to various estimates, including those of the authorities, this figure should normally exceed 300,000.

17. In addition, members of both the pre-electoral and the electoral mission did not receive any clear and convincing explanations from the authorities concerning the very small difference between the number of inhabitants in "the former Yugoslav Republic of Macedonia", who total 2,022,547 (according to the official census data of 2002), and the number of voters registered to vote, who total 1,792,082 (according to data provided by the CEC in 2009).

18. Consequently, some concerns remain with regard to the present reliability of the voters' list and its accuracy regarding a large number of citizens living abroad and registered on the country's lists of voters. With the necessary resources and competences, the Central Election Commission needs to carry out important work on updating the lists, especially during an election-free period, with the assistance of the administrative authorities, which can provide the sources of information necessary for maintaining the electoral roll, especially the Ministry of the Interior.

19. For the 22 March 2009 presidential election, seven candidates were registered by the Central Election Commission. With regard to the collection of the 10,000 signatures necessary to be registered as a presidential candidate, several opposition candidates stressed that the present system was not fair for them as citizens were obliged to go to the candidates' offices and provide their signature to show their support. According to them, a large number of citizens were afraid to do this for opposition candidates.

4. Election administration

20. The country has a three-tier election administration, headed by the CEC, with 84 municipal electoral commissions (MECs) and an electoral board (EB) for each of the 2,976 polling stations

21. The members of the CEC are appointed by the Parliament. Its chair and two members were proposed by the opposition and its deputy chair and three other members by the authorities. This composition and the appointments procedure have created an atmosphere of confidence in its mode of operation. The CEC has worked in a generally transparent and efficient way and has succeeded in meeting almost all the deadlines.

22. The members of the MECs and the EBs were chosen by computer from among the state officials working at various levels of public administration. Compared with the previous elections, a significant change took place concerning the appointment of the members of the EBs: the opposition parties and the authorities each appointed a deputy head of the EB and one member. This politico-professional mixed composition of the EBs has also helped to reinforce confidence in the operation of the electoral administration.

23. The CEC broadcast in the national media a campaign focusing on voter mobilisation, explaining voting procedures and warning against election fraud. The national NGOs also conducted voter awareness campaigns.

5. The campaign

24. For the presidential election of 22 March 2009, seven candidates were registered by the Central Election Commission: Mr Ljubomir Frckoski, Social Democratic Alliance of Macedonia (SDSM), Mr Imer Seljmani, New Democracy (ND), Mr Nano Ruzin, Liberal Democratic Party (LDP), Mr Gjorgji Ivanov, the Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (VMRO-DPMNE), Mr Ljube Boskovski, independent candidate, Mr Agron Buxhaku, Democratic Union for Integration (DUI) and Ms Mirushe Hoxha, Democratic Party of Albanians (DPA).

25. Three candidates were of Albanian origin and six candidates were supported by political parties. However, only two were actually members of the political parties that supported them. The other four candidates were from an academic/university background. For the first time in the country's history, there was a female candidate in the presidential election: Ms Mirushe Hoxha (Democratic Party of Albanians).

26. The presidential election candidates conducted the campaign more or less inside the ethnic communities, which did not contribute to the creation of a society of citizens of different ethnic backgrounds. The community voting statistics highlight moreover the division along ethnic lines. Nonetheless, the

observation mission wishes to stress the encouraging case of the campaign of the New Democracy candidate, Imer Seljmani, (who tried to overcome the ethic barriers and obtained 14.51% of the first ballot votes).

27. The election campaign, from 2 to 20 March, was fairly short and this led to criticism from some opposition representatives. It was peaceful and visible, with many events throughout the country.

28. As far as the funding of the election campaign is concerned, improvements were made following the October 2008 amendments to the Electoral Code, but some worrying questions still have to be resolved, especially as regards its transparency and the links between the leaders of the political parties and media owners, especially the electronic media.

29. All the political players stressed the importance of the 22 March 2009 elections as marking an important step towards the country's Euro-Atlantic integration. In this connection, the members of the election observation mission drew their attention to the fact that "the former Yugoslav Republic of Macedonia", as a member of the Council of Europe, had a commitment to hold democratic elections irrespective of the prospects for Euro-Atlantic integration.

30. All interlocutors, including representatives of the opposition and non-governmental organisations, emphasised that the campaign was calm, the situation was devoid of conflict and there was very little tension, even in the places where acts of violence took place during the elections of 1 June 2008. The authorities and political leaders have drawn positive lessons. Among the positive signs, particular mention should be made of the different forms of dialogue and the meetings between the presidential candidates, including the television debate involving all the candidates.

31. The IEOM was informed by some candidates, NGOs and media representatives about cases of intimidation and pressure exerted by the authorities, as well as threats that public employees, especially at the local level, who supported the opposition would lose their jobs. This problem is becoming more serious as, according to various estimates, over 30% of the workforce are unemployed and more than 100,000 people work in the country's public administration.

32. In this connection, the IEOM wishes to point out that the Prime Minister issued a public statement on 18 March 2009 declaring that this type of behaviour would not be tolerated by the government. However, while the authorities succeeded in ensuring security, the election campaign was marked by cases of intimidation, especially in rural areas.

6. The media environment

33. During the campaign, the media broadcast a wide range of political opinions, thus enabling the voters to make an informed assessment of the candidates' political positions. In "the former Yugoslav Republic of Macedonia" there are 152 television channels and radio stations, including three public TV and radio stations, as well as ten daily newspapers, seven in Macedonian and three in Albanian.

34. The Audiovisual Council monitored compliance with existing legislation by the electronic media. It also drew up guidelines on the fair media coverage of presidential campaigns. According to these guidelines, during the pre-electoral campaign, the media may only cover the candidates' activities in the form of news items and must refrain from broadcasting interviews on the candidates. This arrangement provoked some annoyance and a lack of understanding in some journalistic circles.

35. The public television channels complied with the rule to allow each candidate 70 minutes of free time, but more than 30% of news programmes on those channels were devoted to the activities of the government. The private channels were more balanced in their campaign coverage. Broadly speaking, the private media are linked to one or other political party, whereas the public media depend on state funding.

36. As regards the print media, it gave voice to a very wide range of opinions and the articles printed were more critical than the coverage covered by television channels.

7. Complaints and appeals

37. As far as actual appeals by the presidential candidates are concerned, there were none for the procedure for registering candidates but information should be provided in the Electoral Code concerning the deadlines for and treatment of electoral appeals, providing all candidates involved with genuine opportunities for the impartial consideration of their appeals within a reasonable time without threatening their right to stand.

8. The Voting day

38. The Voting day was calm and without incident. Owing to heavy snow in the mountain areas, 134 polling stations did not receive any election materials and were consequently not open. That concerned about 1.5% of voters.

39. The members of the election observation mission established that the atmosphere in the polling stations was calm and police officers were present close to the polling stations and in the buildings in which they were situated. The police presence was stronger and more visible in the places with a population of Albanian origin.

40. Procedural errors established included cases of family voting, although the members of the election observation mission think it is hard to differentiate between family voting and helping illiterate relatives, most of them women from the Albanian-speaking localities. There were also long queues in front of some polling stations. The conduct of the voting was seen as bad or very bad in 8% of the polling stations in the Albanian-speaking localities and in 3% of the polling stations in the Macedonian speaking localities. Training for polling station staff, especially in the rural areas, would be very useful.

41. The members of the election observation mission regarded as positive signs the effective police presence without intimidation close to polling stations and the presence of observers from various political parties and of domestic observers in virtually all the polling stations visited.

42. According to the preliminary results published by the Central Election Commission in "the former Yugoslav Republic of Macedonia" on 23 March 2009, the presidential election candidates obtained the following percentage of the vote: Mr Ljubomir Frckoski (SDSM) – 19.81%; Mr Imer Seljmani (ND) – 14.51%; Mr Nano Ruzin (LDP) – 3.92%; Mr Gjorgji Ivanov (VMRO-DPMNE) – 33.95%; M. Ljube Boskovski, independent candidate – 14.40%; Mr Agron Buxhaku (DUI) – 7.27% and Ms Mirushe Hoxha (DPA) – 2.99%.

9. Second round of the presidential election

43. After the first round of the presidential election, Mr Gjorgji Ivanov (VMRO-DPMNE) and Mr Ljubomir Frckoski (SDSM) obtained 33.95% and 19.81% respectively of the votes cast, and, in accordance with the current legislation, a second round was held on 5 April 2009 between these two candidates.

44. Mr Jørgen Poulsen (Denmark, ALDE), member of the ad hoc Committee for the observation of the presidential election in "the former Yugoslav Republic of Macedonia" and a participant in the pre-electoral and electoral missions, was appointed to represent the PACE during the second round of the presidential election.

45. On the eve of the election, Mr Poulsen spoke in Skopje to Mr Gjorgji Ivanov, the director of Mr Ljubomir Frckoski's election campaign, the chair of the Central Election Commission, the head of the OSCE/ODIHR election observation mission, the EU's special representative, the head of the European Commission delegation and representatives of the NGO MOST.

46. On polling day, Mr Poulsen observed the election in about ten randomly chosen polling stations in Skopje, Tetovo and Gostivar.

47. The IEOM concluded that the second round of the presidential election, which took place in "the former Yugoslav Republic of Macedonia" on Sunday 5 April 2009, met most of the obligations and standards laid down by the Council of Europe and the OSCE for democratic elections, although some of the problems brought to light during the first round, especially credible allegations of intimidation, were increasingly worrying. Appendix 4 contains the press release published after the election.

48. The main challenge of the second round of the presidential election on 5 April 2009 was the required turnout of 40% following the amendment to the Constitution. The second challenge was the mobilisation of the voters of Albanian origin, whose candidates were not taking part in the second ballot.

49. An analysis of the figures for the turnout of voters of Albanian origin clearly shows their indifference concerning the second ballot. For example, the second round turnout in Arachinovo was 4.9% compared with 52.56% in the first round and, in Tetovo, it was 26.30%, compared with 46.85% in the first round. By contrast, in Ohrid, 63.35% of the population of Macedonian origin voted. These figures also highlight a dangerous situation, namely the division in the society of "the former Yugoslav Republic of Macedonia" along ethnic lines.

50. According to the results published on 6 April by the Central Election Commission, the turnout was 42.61%. Mr Gjorgji Ivanov obtained 63.14% of the votes and Mr Ljubomir Frckovski 36.86%.

10. Conclusions

51. The PACE ad hoc Committee for the observation of the presidential election in “the former Yugoslav Republic of Macedonia” concluded that the presidential election there had met most of the obligations and standards laid down by the Council of Europe for democratic elections, although some of the problems brought to light during the first round, especially credible allegations of intimidation, were increasingly worrying.

52. The authorities and main political players drew positive lessons from the June 2008 parliamentary elections. Security during the election campaign and on polling day had considerably improved. By being part of a democratic process, this presidential election clearly contributed to restoring the citizens’ confidence.

53. The ad hoc committee wishes to stress the impartial, independent and effective operation of the Central Election Commission despite the shortage of trained staff. The method of, and procedure for, appointing the members of the CEC and the very high level of confidence in the CEC among all the political players could serve as an example to be followed by some Council of Europe members subject to the monitoring procedure as far as the operation of their own CEC is concerned.

54. In a multi-ethnic society, where democratic traditions have not yet taken root, it is crucially important that elections should not contribute to isolation within ethnic boundaries.

55. In this connection, the very low second round turnout of the population of Albanian origin in the presidential election once again highlighted the existence of a dangerous situation, namely the division in the society of “the former Yugoslav Republic of Macedonia” along ethnic lines despite the encouraging case of the New Democracy candidate, Imer Seljmani, who tried to overcome the divisions between the communities during the first round.

56. The ad hoc committee wishes to undercore the work done by the various non-governmental organisations in their capacity as domestic observers during these elections, especially MOST, which was present at almost all polling stations.

57. The ad hoc committee regrets that there were still cases of intimidation and of pressure being brought to bear, and, even worse, threats that public service employees, especially at the local level, who supported the opposition, would lose their jobs. This is an extremely worrying fact in a country where, according to various estimates, over 30% of the workforce are unemployed and more than 100,000 individuals work in the country’s public administration

58. The turnout in the second round of the presidential election also showed that the 40% required for a second round under an amendment to the Constitution is still quite high.

11. Recommendations

59. The ad hoc committee is of the opinion that “the former Yugoslav Republic of Macedonia” should strengthen its co-operation with the PACE Monitoring Committee as part of the post-monitoring dialogue in order to respond to the following concerns associated with the elections.

- In order to make its political system, including its election system, more stable and predictable in the medium and long term, it would make good sense to amend the relevant legislation long time before the dates of national elections, which did not happen in the case of the March 2009 election.
- These changes should be prepared in close co-operation with all the political forces and civil society in order to ensure their proper implementation.
- The assistance of the Council of Europe’s Venice Commission should be requested to improve the election legislation, in accordance with the Venice Commission’s opinion to be published in the next few months and with the present report’s recommendations.
- It is necessary to improve the legal provisions relating to the funding of the political parties’ election campaigns and to the mass media, even though the October 2008 amendments to the Electoral Code introduced some improvements in this connection.
- The Central Election Commission should be invited to carry out a substantial update of the voter’s list together with the competent authorities and subsequently regularly update it.
- The Central Election Commission and other levels of administration should be provided with sufficient human and financial resources to enable trained staff to be recruited.

- The body in charge of training election staff at all levels, especially in the rural areas and Albanian-speaking localities, should be overhauled and professionalised. An awareness-raising campaign could be organised and targeted at different groups according to age and the specific features of the regions.

Appendix 1 – Observation of the presidential elections in “the former Yugoslav Republic of Macedonia” (22 March 2009)

Pre-electoral mission, Skopje, 26 and 27 February 2009 – Memorandum prepared by Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Chair of the ad hoc committee

1. The pre-electoral mission visited Skopje on 26 and 27 February 2009 to assess the state of preparations and the political climate prior to the presidential elections on 22 March 2009. The delegation consisted of Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Chair of the ad hoc committee and delegation leader, Mr Tadeusz Iwiński (Poland, SOC), Mr Jørgen Poulsen (Denmark ADLE) and Mr Christopher Chope (United Kingdom, EDG). Unfortunately no member was available to represent the Group of the United European Left (UEL) in the delegation.
2. The delegation's statement following its visit is appended (Appendix 1).
3. During its visit to Skopje, the delegation met the various contenders, the President of the Republic, Mr Branko Crvenkovski, the Vice-President of the Assembly, Ms Svetlana Jakimovska, the Minister of the Interior, Ms Gordana Jankuloska, the Chairman of the Central Electoral Commission, Mr Aleksandar Novakovski, the PACE delegation of “the former Yugoslav Republic of Macedonia”, together with the representatives of the international community in Skopje and representatives of civil society and the media. The programme of the visit is appended (Appendix 2). The pre-electoral committee wishes to thank the Parliament of “the former Yugoslav Republic of Macedonia” and the staff information office of the Council of Europe in Skopje for the excellent organisation of the programme and for the logistical support given to the delegation.
4. For the presidential elections taking place on 22 March 2009, seven candidates have been registered by the Central Electoral Commission (CEC), including three candidates of Albanian origin. Six candidates are backed by political parties. However, only two of them are members of the supporting parties. The other four candidates come from a circle of academicians and university lecturers.
5. The President in office of “the former Yugoslav Republic of Macedonia”, Mr Branko Crvenkovski, whose 5 year term expires this May, is not standing as successor to his office. When he met the members of the pre-electoral mission, he said that he envisaged becoming the leader of his political party, the Social-Democratic Union of Macedonia (SDSM), as a political party in opposition.
6. During their meetings with the delegation, the seven presidential election candidates confirmed their decision to participate in televised public debates in the course of the election campaign, which was evidently not their intention up to the encounter with the pre-electoral delegation. Indeed, the citizens have the right to be informed of the ideas and programmes supported by candidates in order to have an informed choice on the day of the elections.
7. Most informants, including representatives of the opposition and of non-governmental organisations, are convinced that there will be no acts of violence during these elections and that lessons have been learned from what happened on the election day of 1 June 2008.
8. It was mentioned several times that the local elections, which will be held on the same day as the presidential elections, would be more tense. The delegation was informed that the country's Prime Minister had taken the initiative of organising a series of meetings with the leaders of the political parties represented in Parliament in order to ensure the democratic conduct of the elections. In particular, on 22 February the political parties signed an agreement concerning the role of the police on election day in ensuring good security measures on the voting day.
9. All the political players met by the delegation stressed the importance of the elections of 22 March 2009 as a significant step towards the country's Euro-Atlantic integration. On that score, however, there was no substantial convergence of views among the candidates for the presidential election.
10. The delegation was informed by the national authorities of the measures taken to implement the recommendations of the ad hoc committee for the observation of the parliamentary elections held on 1 and 15 June 2008 (re-run). As to the acts of violence in June 2008, 18 cases out of 200 are closed and a number of them are still at the investigation stage according to the information of the Ministry of Justice.
11. The pre-electoral mission was informed by certain candidates, by NGOs and by media representatives of cases of intimidation and pressure being applied by the authorities, but, according to the same sources, there are very few violent incidents linked with the presidential election campaign.

12. The pre-electoral mission found it disturbing that there were cases of fraudulent use of administrative resources at the cost of the campaign and threats of the loss of employment for public servants supporting opposition candidates, in particular at the local level.

13. In this context, regarding the collection of the 10,000 signatures needed to be registered as a candidate for the presidential election, several opposition candidates pointed out that the present system was unfair to them because the citizens were obliged to go to the offices of the candidates to sign and thereby demonstrate their support. According to them, many citizens were said to be afraid of taking such a step for opposition candidates.

14. Concerning the recent amendments to the Electoral Code, they are currently undergoing an analysis by the Venice Commission of the Council of Europe at the Monitoring Committee's request. The members of the pre-electoral mission raised the question whether the members of the various electoral administration bodies had practical knowledge of the amendments to the Electoral Code. This is especially important considering that on 22 March two different elections will take place.

15. In that regard, the pre-electoral mission expressed its amazement, in the presence of those concerned, over the decision of the political parties that each voter will only be entitled to enter a polling station once on 22 March to vote simultaneously in the presidential election and the local elections. The opportunity to turn out for the presidential election in the morning and the local elections in the afternoon or to vote in one election only will thus be excluded, allegedly to guard against double votes. The control of this process by the members of polling stations is not plain to the members of the pre-electoral mission.

16. Furthermore, the members of the pre-electoral mission were not able to obtain a clear and convincing explanation from the competent authorities concerning the very slight difference between the number of inhabitants of "the former Yugoslav Republic of Macedonia", 2 022 547 (according to the census of 2002) and the number of constituents on the lists for the elections, 1 792 082 (according to the CEC in 2009).

17. Concerning the coverage by the media of the election campaign, which officially began on 2 March, the pre-electoral mission expressed its wish that it be balanced, above all as regards the access of all presidential election candidates to the electronic media with nation-wide coverage.

18. The pre-electoral mission concluded that it is necessary that the authorities of "the former Yugoslav Republic of Macedonia" take all measures to avoid possible violence and intimidation in the whole country, and to ensure normal conditions for the free expression of the will of its citizens. In this context, the delegation underlines the fact that all political actors have a great responsibility when elections take place in a multi-ethnic society. The Presidential election of 22 March is also an opportunity for the authorities of "the former Yugoslav Republic of Macedonia", the leaders of its political parties and all citizens of goodwill to restore the broken confidence of its society through a democratic process.

"The former Yugoslav Republic of Macedonia": statement by the PACE pre-electoral mission

Strasbourg, 27.02.2009 – The Council of Europe Parliamentary Assembly (PACE) delegation, visiting "the former Yugoslav Republic of Macedonia" on a pre-electoral mission, notes that the authorities of the country have taken measures to implement the recommendations of the ad hoc committee on the observation of the Parliamentary elections of 1 and 15 June 2008 (re-run). Moreover, the delegation takes note of the adoption of amendments to the Electoral code which are currently being analysed by the Council of Europe's Venice Commission.

However, the pre-electoral delegation deeply regrets that, since June 2008, not all those responsible for the acts of violence and electoral fraud have yet been identified and brought to justice.

The delegation welcomes the efforts of the authorities to resolve the serious problems which tarnished the parliamentary elections in June 2008. Nevertheless, it believes that modifying existing laws is not enough. A change in legislation should be supported by the clear will of all political actors – both the political parties and the different communities of the country – to create a climate of confidence.

The delegation expresses some concern regarding the accuracy of the register of voters.

The delegation welcomes the fact that, during the meetings with the delegation, all seven presidential candidates agreed to participate in public television debates during the election campaign. The citizens of the country have the right to be informed about the ideas and programmes of the candidates before giving them their mandate.

The delegation has been reassured by the authorities of "the former Yugoslav Republic of Macedonia" that all measures will be taken to avoid possible violence and intimidation in the whole country, and to ensure normal conditions for the free expression of the will of its citizens. In this context, the delegation underlines the fact that all political actors have a great responsibility when elections take place in a multi-ethnic society.

The Presidential election of 22 March is also an opportunity for the authorities of "the former Yugoslav Republic of Macedonia", the leaders of its political parties and all citizens of goodwill to restore the broken confidence of its society through a democratic process.

The delegation met the candidates standing for election; the President of the Republic, Branko Crvenkovski; the Deputy Speaker of the Assembly, Svetlana Jakimovska; the Minister of the Interior, Gordana Jankuloska; the Chairman of the State Electoral Committee, Aleksandar Novakovski; the delegation of "the former Yugoslav Republic of Macedonia" to PACE, as well as ambassadors and representatives of civil society and the media.

PACE will observe the Presidential elections on 22 March 2009.

Members of the delegation:

Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Head of delegation; Tadeusz Iwiński (Poland, SOC); Jørgen Poulsen (Denmark, ALDE); Christopher Chope (United Kingdom, EDG)

PACE contact: Chemavon Chahbazian, Interparliamentary co-operation and election observation Unit

Appendix 2 – Ad hoc committee of pace for the observation of the presidential election in “the former Yugoslav Republic of Macedonia” (22 March 2009)

Programme

Thursday, 19 March 2009

Arrival of the members of the delegation

Friday, 20 March 2009

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| 9:00 | Meeting of the delegation (Holiday Inn Hotel) |
| 14:30 | Parliamentary briefing (OSCE HQ – 11 th floor) |
| | Opening by: |
| | – Ms. Pia Christmas-Møller, Head of Delegation, OSCE PA |
| | – Mrs Marietta de Pourbaix-Lundin, Head of Delegation, PACE |
| 15:00 | Ambassador Erwan Fouéré, Special Representative of the European Union and Head of the Delegation of the European Commission |
| 15:15 | Mr Sulejman Rushiti, Chief of the Election Campaign, ND Party |
| 15:40 | VMRO DPMNE party |
| | – Mr Aleksandar Spasenovski, |
| | – Mr Ilija Dimovski |
| 16:20 | Mr. Jovo Despotovski, Secretary for International Relations and member of the HQ for Cooperation with International Institutions, SDSM Party |
| 17:00 | OSCE Spillover Monitor Mission: |
| | – Ambassador Jose Luis Herrero, HOM |
| | – Mr Peter Erhardy, Election focal points |
| | – Ms Enrica Vida, Election focal points |
| 17:20 | Joint Briefing by OSCE/ODIHR EOM: |
| | – Mr Peter Eicher, Head of OSCE/ODIHR EOM |
| | – Ms Lolita Cigane, Political Analyst |
| | – Mr Marek Mracka, Media Analyst |
| | – Mr Simeon Apostolov, Election Analyst |
| 18:10 | NGOs/INGOs |
| | – Mr Chris Hanshaw, Director, NDI |
| | – Mr Darko Aleksov, President, MOST, Domestic Observer group |
| | – Ms Savka Todorovska, President, Union of Women’s Organizations in Macedonia |
| 19:00 | Media Representatives |
| | – Mr Bobi Hristov, Editor, ALSAT TV |
| | – Mr Toni Krstevski, Editor, MTV |
| | – Mr Aleksandar Damovski, Editor in Chief, Nova Makedonija |

Saturday, 21 March 2009

(Holiday Inn Hotel, Skala 1 Conference Room)

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| 11:30 | Mr Agron Buxhaku, Presidential candidate, DUI |
| 12:00 | Ms Mirushe Hoxha, Presidential candidate, DPA |
| 14:30 | Meeting with drivers and interpreters |
| 16:45 | Mr Emil Kirjas, Vice-president, LDP Parti |

17:30 Mr Aleksandar Novakovski, Chairman of the Central Electoral Commission
18:30 Mr Ljube Boskoski, Independent presidential candidate

Sunday, 22 March 2009

Observation of the Presidential Election

Monday, 23 March 2009

8.30 Debriefing (Holiday Inn Hotel)
14.00 Press Conference (Alexander Palace Hotel)

Appendix 3 – Elections met most international standards, despite some remaining challenges, observers in Skopje say

Strasbourg, 23.03.2009 – The first round of yesterday's presidential and municipal elections in "the former Yugoslav Republic of Macedonia" met most international standards, although some challenges remain to be addressed, an international election observation mission said in a statement released today.

The elections were well administered and free of the violent incidents that clouded last year's parliamentary elections. Election day was peaceful and the voting process was generally well managed, although there were procedural irregularities and the counting process was assessed less positively.

The authorities and political party leaders made concerted efforts to ensure the elections took place in a calm environment. The elections were preceded by a vigorous and highly visible campaign, with a multiplicity of candidates and parties providing a genuine choice for the voters. However, the observers also noted that an atmosphere of distrust persisted to some extent, as demonstrated by numerous troubling allegations of election-related pressure or intimidation, especially targeting public employees, during the pre-election period.

"It is a pleasure for me to see that this country has made a number of steps along the democratic road that it returned to during the rerun of the elections last summer. Irregularities and a lack of trust remain – and these must be dealt with – but there is no doubt that you have made further progress in holding elections according to international commitments," said OSCE PA Vice President Pia Christmas-Møller, Special Co-ordinator appointed to lead the short-term OSCE observer mission.

"The authorities and main political actors learnt positive lessons from the June 2008 parliamentary elections. Security during this election campaign and on voting day was significantly improved. It is clear that this presidential election made progress in restoring the confidence of citizens through a democratic process," said Marietta de Pourbaix-Lundin, Head of the PACE delegation.

"The first round, despite some issues of concern, represents an important step forward. We will be watching closely for continued progress in the second round," said Peter Eicher, Head of the OSCE/ODIHR long-term election observation mission.

"We welcome that the municipal elections were held in line with most European standards, but we regret that local campaigns were overshadowed by the presidential election. We encourage the government to consider separating local and national elections to afford municipal polls their due importance," said Ludmila Sfirloaga, Head of the Congress of Local and Regional Authorities delegation.

The international election observation mission is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE). The Council of Europe's Congress of Local and Regional Authorities also subscribed to the joint statement.

Appendix 4 – Progress on election day, but some problems remain, observers in Skopje say

Strasbourg, 06.04.2009 – The second round of the presidential and municipal elections in “the former Yugoslav Republic of Macedonia” on Sunday met most OSCE and Council of Europe commitments and standards for democratic elections, although some of the issues identified in the first round, including credible reports of intimidation, were of increased concern, international election observers said in a statement released today.

“We were pleased to see a peaceful environment and a well administered election day, although some aspects of the campaign period seriously detracted from the overall quality of the election process,” said Peter Eicher, Head of the OSCE/ODIHR Election Observation Mission.

“The voting process was significantly improved from the parliamentary elections in 2008,” said Jørgen Poulsen, Member of the Parliamentary Assembly of the Council of Europe. “The president and the majority party now have to live up to their responsibility to create a political process that is inclusive and to remedy the remaining issues outstanding in the election process.”

In the pre-election period for the second round, most candidates and parties expressed their continued commitment to ensuring a calm and democratic election. Despite some tensions, especially in tight mayoral races, the situation remained peaceful throughout the campaign period. Nonetheless, the reports of pressure on and intimidation of voters, continued to cloud the generally positive assessment of the election observation mission.

The voting process generally went smoothly, although there were some procedural irregularities. Family voting remained a problem, but was significantly reduced in the second round. The lower voter turnout figures for the presidential election demonstrated the danger that the 40 percent turnout requirement could lead to failed elections in the future, particularly when combined with problems with the voters list.

The OSCE Office for Human Rights and Democratic Institutions (OSCE/ODIHR), which deployed 170 observers from 30 countries for the second round of elections, including 40 long-term observers and analysts and 132 short-term observers, issued a joint statement Monday with the Parliamentary Assembly of the Council of Europe, which designated Jørgen Poulsen to represent the Assembly for the second round of the presidential election