

Pre-Election Briefing No. 1

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An EU Candidate's Test

Macedonia's Parliamentary Elections on 5 July 2006

Summary

- The Republic of Macedonia's parliamentary elections on 5 July will probably be the country's last electoral contest for several years. Given the declining quality of elections in recent years, the upcoming polls are a key opportunity for the political class of Macedonia to solve persisting problems of the electoral process. However, the election campaign, already marred by incidents of violence, is not encouraging. Furthermore, the reliance of Macedonian parties on the international community, notably the EU's Special Representative, to mediate conflicts is inconsistent with the EU accession requirement of stable and functioning domestic institutions.
- Since Slovakia's accession process was delayed under Prime Minister Vladimír Meciar in the mid-1990s, there has never been a similar level of concern over key democratic-electoral standards in any candidate state. Elections in other states in the region, such as Croatia, Serbia and Montenegro, have received better evaluations by international Election Observation Missions than Macedonia. Given the decreasing enthusiasm for enlargement inside the European Union, these concerns come at a bad moment for Macedonia.
- The election process is challenging for domestic reasons: Many political parties have fragmented since the last parliamentary elections in 2002, and no individual party has reasons to be confident about the results, which may be very close. This atmosphere of uncertainty puts particular pressure on an election administration, whose composition has been recently changed and which now includes a high number of civil servants without experience in managing elections.
- As in many transitional democracies, elections in Macedonia tend to be particularly contested, because political office carries great economic potential, such as control over state jobs and contracts, in a context of low growth and high unemployment.

1. Introduction

The Republic of Macedonia registered a significant foreign policy success in late 2005, when the European Union accepted it as a candidate for accession. The accession process came as a reward for the vast reform efforts made to implement the 2001 Ohrid agreement, which put an end to the conflict which had flared up earlier that year. However, at the beginning of 2006 the European Union voiced its concern about the quality of elections, calling on Macedonia to:

“Implement the recommendations regarding the electoral process made by the OSCE-Office for Democratic Institutions and Human Rights in time for the next elections. (...) Address the shortcomings identified in the electoral process and ensure a free and fair process in the next parliamentary elections. Prosecute fraud and irregularities.”¹

The significance of these concerns can hardly be overstated. The last time electoral credentials of an EU candidate state have been questioned in this way was in the mid-1990's when Slovakia's bid for membership were delayed because of eroding democratic standards under Prime Minister Vladimír Meciar.

Macedonia's problems are, however, of an entirely different nature from those of Slovakia under Meciar. Since independence in 1991 Macedonia has been enjoying a relatively open and pluralistic political system and political power has been peacefully handed back and forth between competing parties through national elections. The media are relatively open and it is easy for parties to enter political competition.

Macedonia's election problems are more of a grassroots nature. The campaign for the upcoming elections is already “overshadowed by a number of violent incidents, allegations and counter-allegations”² and problems tend to occur in particular around polling and the counting of votes: political parties seeking political power do not shy away from resorting to all forms of electoral malpractice which ranges from vote-buying, intimidation, ballot-box stuffing to violence, as reported by OSCE/ODIHR Election Observation Missions³. Although ethnic-Albanian areas are more affected by electoral malpractice, it is by no means limited to Macedonia's Western regions. This was recently highlighted when the election for the mayor of Skopje was overshadowed by considerable doubts regarding the vote counting and tabulation process. The parties' leaderships are aware of these problems, but appear to tolerate if not encourage electoral malpractice. Government responses to violations of the election law have been very limited.

¹ OSCE/ODIHR Election Observation Mission, Interim Report No.2, http://www.osce.org/documents/odihr/2006/06/19654_en.pdf

² OSCE/ODIHR Election Observation Mission, Interim Report No.2, http://www.osce.org/documents/odihr/2006/06/19654_en.pdf

³ All OSCE/ODIHR Election Observation Mission Reports can be found on : <http://www.osce.org/odihr-elections/14365.htm>

The economic situation plays a role in this. Economic recovery suffered greatly during the Kosovo war in 1999 and the unrest in 2001. Since then economic growth has only returned slowly. Official unemployment stands at 37%. Average income is drastically lower in Macedonia than in the old EU. In this context, political competition tends to be particularly fierce, because political office promises not only a good income, but also influence on the distribution of public sector jobs, allocation of public commissions, etc.

2. Elections since 2002 – A Tale of Deterioration

The 2002 post-Ohrid elections were observed by the largest Election Observation Mission ever sent by the OSCE comprising some 850 observers. More than 3500 domestic observers also followed those elections.⁴ Overall the elections were found to have been carried out in line with international standards, opening the way to post-conflict stabilisation. Since 2002, three elections have been held: Presidential Elections in 2004, a Referendum in 2004 and Local Elections in 2005. According to OSCE/ODIHR reports the quality of polling and the post-election period has hereby continuously declined. Clearly, the quality of elections does not only depend on the quality of polling and counting, but they are a necessary condition for democratic elections.

The statistics of recent OSCE/ODIHR election observation missions highlights this negative trend:

	Parliamentary Elections 2002	Referendum 7 Nov. 2004	Presidential First Round, 14 Apr. 2004	Presidential Second Round, 28 Apr. 2004	Local Elections First Round 13 Mar. 2005	Local Elections Second Round 27 Mar. 2005
Overall Assessment of Polling Stations by OSCE observers	2,8% Bad Polling 7% Bad Counting	Generally good polling. 26% Bad Understanding of Counting procedures by Officials 15% Bad Tabulation	95% Good Polling 8% Bad Closing and Counting	92% Good Polling 21% Bad Closing and Counting	10% bad polling 18% Bad Counting 8% Bad Tabulation	13% Bad voting 24% Bad Counting 2% Bad Tabulation

Typical problems which occurred in poorly-rated polling stations include group or proxy voting, the stuffing of ballot boxes and tampering with polling station forms and result protocols. During the 2005 local elections, in some cases there was an intimidating presence of 'groups of young men and unauthorized persons'⁵ on polling station corridors, not conducive to an orderly and free polling process. In addition some cases of violent interference with the election process were reported.

⁴ Supra

⁵ OSCE/ODIHR Election Observation Mission Final Report, Local Elections 2005, page 20

Such problems were exacerbated by a lack of effective remedies. According to OSCE reports, election commissions often did not uphold the legality of the election process, while the Supreme Court's decisions were at times inconsistent and the court was generally reluctant to closely examine the circumstances of cases brought before it. The OSCE/ODIHR concluded that in the 2005 local elections "the appeals process failed to correct a number of egregious examples of electoral misconduct."⁶ Reports by the domestic observers group MOST were equally critical.⁷

Although each country and election has its own context, it is worth noting that these data compare unfavourably with other former Yugoslav republics. Counting and tabulation has been judged so positively in Serbia and Croatia that the OSCE stopped deploying short-term election observers on polling day there since 2001 (Croatia) and 2003 (Serbia). Data from Montenegro have been equally encouraging. Elections in Bosnia-Herzegovina have also been considered to be in line with OSCE standards, although the OSCE found that in the last local elections many officials were not well trained on counting procedures.⁸

3. The 2006 Elections: Tense Political Competition and a partly-new election Administration

Compared to 2002, the upcoming elections are likely to be more fiercely contested. The 2002 parliamentary elections took place in a context of less competition than expected for the upcoming poll: In 2002 the governing VMRO-DPMNE was widely believed to lose by a wide margin. Competition was therefore not particularly tense in the ethnic Macedonian areas of the country. When it turned out that VMRO-DPMNE had indeed lost the elections, its leader Ljubco Georgievski was quick to concede defeat.⁸ On the ethnic-Albanian side of the political spectrum, the 'DUI' party of Ali Ahmeti, which emerged from the armed group NLA, had to prove its civilian credentials and generally acted according to the rules of electoral competition.

Since 2002 the political-electoral landscape has changed considerably. On the ethnic-Macedonian side there has been significant fragmentation of political parties: VMRO-DPMNE now faces competition from the breakaway VMRO-People's Party (NP), while the ruling SDSM has to compete with the newly established Social Democratic Party (NSDP) of the SDSM-defector Tito Petkovski. Given the proportional election system, all contenders have reasons to fight for every vote in the six election districts and have little incentives to make pre-election deals.¹⁰ On the ethnic-Albanian side, there has been less fragmentation but according to most analysts the DUI has lost its inhibitions from 2002 and fully participated in electoral malpractice in recent elections. In local elections last year the competing DPA-PDP coalition boycotted the second round of elections in protest against alleged electoral fraud by the governing parties.

⁶ OSCE/ODIHR Election Observation Mission Final Report, Local Elections 2005, page 2

⁷ MOST reports can be found on: <http://www.most.org.mk/en/defaultEN.asp>

⁸ See various OSCE/ODIHR Election Reports on: <http://www.osce.org/odihr-elections/14207.html>

⁹ Although the then Minister of Interior, L. Boshkovski, created considerable post-election drama by raising unfounded allegations of election fraud.

¹⁰ Each of the six election districts represents 20 members of Parliament.

The problems in the election process carry the risk of post-election instability. Contested results could delay the forming of a government. Given that governments comprise a combination ethnic-Macedonian and ethnic-Albanian parties, there is double potential for post-election paralysis: If election results are contested on either side, the forming of a national government would be impeded. It is also worth recalling that in 2002 there was uncertainty whether the parliament could be constituted if results are not confirmed for all six election districts.

4. Conclusion

Elections in EU candidate countries are usually well above the threshold that would prompt the deployment of full-fledged international election observation missions. Elections in Turkey were never observed by a full mission and Croatia received its last full-fledged OSCE election observation mission in 2001.

Given the circumstances, the OSCE's decision to send another large Election Observation Mission to the country was prudent.¹¹ However, while observation missions can register problems, they will not solve them. With nine full missions deployed since 1996, the country already holds the record of OSCE missions received.

The problems noted by these missions tend to be similar and the names of certain localities re-appear in almost every report on electoral malpractice. The fact that authorities and political parties have done so little to address these well-defined problems strongly suggests that there is a lack of political will by the government and political parties alike. The government should prevent the atmosphere of disorder and intimidation in some polling stations from being repeated in the upcoming elections. At the same time, the election commission should fulfil its duty to guarantee a proper election process in a more decisive and pro-active manner. Political party leadership must make clear without ambiguity that electoral malpractice is not an acceptable way of winning a seat.

Since the 2001 conflict the international community has played a significant role in mediating domestic Macedonian conflicts. Today notably the EU Special Representative continues to play a key role in trying to take the rough edges of the election process by intervening with all sides in the process.

There is a fine line between post-conflict mediation to prevent further conflict on the one hand and eroding domestic capacities of conflict resolution on the other hand. The more the parties get accustomed to raise their concerns with international actors, the less they will use domestic mechanisms, formal (election commission, courts) or informal ones, to solve political differences. While it is difficult to judge whether the international community has created dependency on its good offices by over-involvement, the EU's dominant role as arbiter of domestic conflicts is not an indication for the existence of stable and democratic institutions needed for EU accession.

¹¹ "ODIHR opens mission in Skopje to observe 5 July parliamentary polls" http://www.osce.org/odihr/item_1_19296.html