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Report on the local elections observation mission in "The former Yugoslav Republic of Macedonia" 10 and 24 September 2000

Rapporteur of the CLRAE Delegation: Claude CASAGRANDE (France), Vice-President of the Congress

Adopted by the Standing Committee on 10 November 2000

I. Introduction

On 7 July 2000, Mr Klimovski, President of the Parliament of "The Former Yugoslav Republic of Macedonia", invited the Congress of Local and Regional Authorities of Europe to observe the local elections scheduled for 10 September 2000. At the first round of elections, the CLRAE delegation comprised Claude Casagrande, Chair of the delegation (France), Jean-Claude Frécon (France), Yavuz Mildon (Turkey), Viorel Coifan (Romania), Birgitta Halvarsson (Sweden), Sandra Barnes (United Kingdom), Alfredas Lankauskas (Lithuania), Irma Pellinen (Finland), Dimitrios Prevezanos (Greece), Stanislav Bernat (Slovakia), Jean-Paul Chauvet and Sylvie Affholder (Secretariat of the CLRAE). The Congress delegation for the second round of elections comprised Claude Casagrande, Yavuz Mildon, Leszek Kwiatek (Poland) and Sylvie Affholder.

The delegation visited Macedonia¹ from 7 to 12 September for the first round, then from 22 to 25 September for the second. Preparations for the visit were co-ordinated on the spot by Vladimir Ristovski, Director of the Council of Europe Information Centre in Skopje, in conjunction with Mirjana Lozanoska, Delegate of the Ohrid Local Democracy Agency. The delegation wishes to express its warm thanks for their help.

During the two visits, the delegation had contact with the Organisation for Security and Co-operation in Europe (OSCE) and the Skopje Office for Democratic Institutions and Human Rights (ODIHR), the European Union delegation, the National Electoral Commission, in particular its Chair, Mr Lukovski, the local authorities association (Zels) and its Chair, Mr Nikola Kurkciev, former mayor of Gevgelija, and the representative of the Ministry for Local Self-Government. The Congress delegation wishes to thank the OSCE office and the ODIHR for their valuable help. It regrets that it was unable to meet any representatives of the Ministry of Justice, even though the latter was responsible for the elections.

The Congress issued two press releases, following the end of each round of voting (see appendix II).

II. General background

The voters were called on to elect councils and mayors to replace those elected in 1996, following the local government reform of that year, which had increased the number of authorities from 34 to 124 (123 municipalities and the city of Skopje). In accordance with the Local Elections Act of 1996, elections must be held at the earliest 90 and at the latest 60 days before the expiry of local elected members' four-year term of office. The Macedonian parliament had scheduled the election for 10 September, two days after a national holiday, which might explain the relatively low turn-out.

There were 1 634 859 registered electors and 2 973 polling stations. The elections were for mayors (majority vote) and municipal councils of 13 to 23 members, elected by proportional representation. In Skopje, the voters of the seven municipalities making up the capital were invited to elect the mayor of their municipality, but also the mayor of the city of Skopje (and some of the representatives on the Skopje city council).

The powers devolved to Macedonian municipal councils are very limited, and their financial resources inadequate. The report by Jean-Claude Frécon and the Recommendation and Resolution adopted by the Congress in May 2000² criticised municipalities' lack of local and financial autonomy. As a result, the local issues at stake in these elections were very limited. In contrast, national politics played an important part, since the opposition parties, the Social Democrats (SDSM), the Liberal Democrats (LPD) and the League for Democracy, united in a "For Macedonia – together" coalition, mobilised their electors to cast a protest vote against the current government and campaigned against the economic reform policy (the introduction of value added tax and privatisation), corruption and the continuing economic crisis, exacerbated by the events in south-east Europe, particularly Kosovo.

It should also be noted that the Prime Minister had announced that if the opposition won with a lead of at least ten percent over the other parties, he would ask for new parliamentary elections to be held. However, in the light of the results of the local elections, and given the sensitive state of the negotiations with the European Union for an association agreement, which called for a certain degree of stability in the country, this proposal was not implemented following the local elections.

III. Preparations for the elections

The two teams of Congress observers held eve of poll meetings before each of the two rounds with the Chair of the National Electoral Commission and the OSCE representatives, to assess the preparations for the elections and the conduct of the election campaign, and with representatives of the main political parties before the second round. The parties represented in the elections are shown in appendix III.

- Electoral law

Despite government statements to the contrary, the 1996 Local Elections Act could not be amended in time, even though the legislation on parliamentary and presidential elections has recently been revised. It should be noted, however, that the Government had prepared a draft law on this issue; nonetheless the procedure to revise the law was blocked by the political parties which did not wish this reform to be carried out. This gap led to a number of problems which impeded the smooth running of the elections and the declaration of the results (see below). In particular, the National Electoral Commission interpreted its statutory terms of reference very narrowly.

- Financing of local elections

Under section 67 of the 1996 Local Elections Act, municipalities are themselves responsible for meeting the cost of local elections. Although these were normally scheduled elections, authorities had not included the cost in their estimates because of their limited financial resources, which were also capped (see Mr Frécon's report, May 2000). As a result, the local elections were held without the necessary financial provision being made. The delegation has commended the courage of chairs of municipal electoral commissions who enabled polling to proceed, with no guarantee of funding.

The delegation welcomed the agreement at the end of the first round of voting between the Ministry of Finance and the National Electoral Commission on the financing of the elections. However, it was unable to secure precise information on the amounts paid or the municipalities that benefited from them. Certain chairs of municipal electoral commissions complained that they had not so far received any payments or that the grants did not match the size of the authorities concerned.

The preparation of electoral registers did not raise any particular problems. The computerised system functioned properly. Electors had computerised polling cards.

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Overall, although it was very lively, the election campaign, fought largely on national issues, was not marred by any incidents directly associated with the election. The delegation was able to observe the final election meetings in Skopje, where there was considerable public participation and a great deal of interest, comparable to that in national elections.

IV. Conduct of the elections

For the first round, the Congress delegation visited 124 polling stations in the Skopje, Kumanovo, Tetovo, Gostivar, Ohrid, Struga, Veles, Bitola and Prilep regions and observed the vote counting in six polling stations. A second round of voting for mayors took place in 54 municipalities. Second rounds were also required, in whole or in part, in 27 of the 123 municipalities. The second delegation visited 32 polling stations, particularly in the Tetova and Strumica regions.

The observers appointed by the political parties were present in the polling stations, and some were also manned by representatives of non-governmental organisations, such as "citizens for citizens" and the Helsinki Committee for Human Rights.

- Organisation of the vote

The delegation noted with satisfaction that the ballot papers included not only the names of the candidates for mayor but also their party logos, which made them easily identifiable and therefore facilitated the task of illiterate voters. Voters appeared to have enough information to exercise their choice. On the other hand, the ballot papers for municipal councillors included all the candidates on one electoral list. This might explain why many voters erroneously circled the names of some or all of the candidates on a list, rather than the number of the list, which meant that these votes were treated as invalid at the count, resulting in a very high number of spoilt ballots (in the order of 20%). The National Electoral Commission was then obliged to subject these ballot papers to a fresh examination, based on the principle of voters' clearly expressed wishes.

The delegation noted that the ballot papers were numbered. In some polling stations the ballot papers were given to voters in such a way as to make it possible to memorise the number and violate the confidentiality of the vote. The delegation wishes to emphasise the importance of handing out ballot papers in such a way that polling station officials are unable to record their number. It also found that there were no objections to this procedure from either political parties or voters.

The delegation regretted that Albanian-speaking voters were not supplied with bilingual voting material, other than a poster to explain the voting procedures prepared by IDES and USAid. Municipalities with Albanian-speaking majorities are administered on a bilingual basis, a practice which the voters are used to. The absence of bilingual voting ballots is often used as a pretext to justify the family voting (see below). The availability of bilingual ballot papers would dispose of this argument.

The delegation also noted that mobile ballot boxes were available to enable persons who were unable to travel to a polling station to vote at home or in hospital. Soldiers carrying out national service were also able to vote. However, the envelopes provided for the ballots were not sealed, therefore complete voting confidentiality cannot be fully guaranteed.

Polling stations were often located in makeshift premises, which elderly and disabled persons in particular found it difficult to get to. However, the delegation noted with satisfaction that improvements were made for the second round, particularly by locating polling stations in more spacious premises.

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Although the conduct of these elections was satisfactory in most of the country, irregularities in some areas showed that the elections fell far short of democratic standards. In particular, the delegation noted the following problems:

- Violence at the polls

The delegation was informed of numerous incidents occurring during polling. In Kondovo, an activist from the Party of Democratic Prosperity was severely assaulted. His death the following day led to this party boycotting the elections. In Debar, there were attacks on 18 of the 24 polling stations, leading to the cancellation of the first round of voting. The delegation condemns the campaigns of intimidation and violence conducted by certain party activists, during the election campaign or the polling. In Strumica, a team of Congress observers found that tension was very high between the two main political coalitions, leading to physical assaults by party activists. In one polling station where activists of one of the parties had paraded in force in front of the building, the returning officer had to transport the votes to the municipal electoral commission under police escort.

Although the delegation did not observe any police or military presence or propaganda material in the immediate vicinity of polling stations, pressure was exerted on NGO observers, and even on the Congress delegation. In Strumica, a team of Congress observers was threatened by an official of the VRMO-DPME party with ejection from a polling station where it wished to attend the count.

- Family voting

In certain areas of the country, the Congress delegation found a great many instances of family heads voting on behalf of all the members of the family, such as wife and children, clearly an infringement of individual voting rights. The delegation condemned numerous irregularities concerning multiple voting, at which certain polling station, and even electoral commission, officials connived. This finding was confirmed in the second round of voting.

While such a practice might be understandable in cases of need, such as sight or other disabilities, the delegation cannot accept that one person should determine how a whole family is to vote. Some observer teams also witnessed ballot stuffing operations, when one person arrived with several voters' cards and lodged multiple votes. In these same polling stations, the delegation observed record turnouts (in the order of 95%) and a real plebiscite for one of the candidates.

- Declaration of the results

The delegation was surprised by the particularly long time it took to publish the official election results. In many municipalities, it was only possible to announce a second round of voting for mayor a few days before the scheduled date.

The declaration of the official final results is a symbolic moment in democracies. Changes to the Local Elections Act, clarification of the powers of the National Election Commission and a more rapid examination of appeals are essential to ensure the rapid declaration of final results and the installation of newly elected councils.

Under section 50 of the Local Elections Act, municipal electoral commissions must announce the unofficial results of the elections within twenty-four hours of receiving the results from their polling stations. The official results must be announced by the municipal electoral commissions within three days of the end of polling. Any candidate for the post of municipal councillor or mayor can lodge an appeal with the relevant municipal electoral commission within three days of the official announcement of the results. The municipal commission's decision may be further appealed against to the National Electoral Commission, which must deliver its decision within 48 hours. If the applicant is not satisfied, he or she can lodge an appeal with the Macedonian Supreme Court within 48 hours of receiving the National Commission's decision.

The numerous irregularities found to have occurred during the first round have obliged the Macedonian authorities to organise fresh local elections in a number of polling stations. As this report was being finalised, fresh elections were announced for a polling station in Ohrid for 5 and 12 November 2000.

V. Conclusions and proposals for further action

The delegation recalls the recommendations in the report to the Congress in May 2000 by its Rapporteur, Mr Frécon, calling for the reform of local government and finances, and has confirmed the Council of Europe's readiness to help the government to prepare draft legislation on local self-government. Given the problems encountered, the Rapporteur wishes to present the following proposals for action:

The Congress notes that progress has been achieved with the conduct of the elections, but that it remains insufficient. There must be further progress in the preparation and organisation of local elections if undertakings are to be respected.

The Congress considers that revision of the Local Elections Act is a priority, and would make a significant contribution to local democracy by giving local authorities democratically elected councils. In particular, the amended legislation should permit a rapid declaration of the results and clarify the powers of the National Electoral Commission.

However, respect for Council of Europe principles is not purely a matter of form; democracy must also apply in practice. For example, the state must provide adequate resources to ensure that municipal electoral commissions can guarantee respect for democratic principles and the law. This would entail:

- a better choice of commission chairs and secretaries, based on impartial and objective criteria of competence, rather than political factors;

- their legal liability for failure to respect the law. Such a provision would be backed up by a thorough and comprehensive training programme covering not just technical matters, such as how to conduct counts, but also the political dimension, and democratic foundations and principles, such as personal and secret voting;
- judicial supervision of polling with penalties for electoral fraud, such as temporary ineligibility;

Political parties must accept responsibility when certain obviously well-organised and well-prepared activists carry out shows of force in the vicinity of polling stations. It would be useful to organise seminars for party officials and activists to make them aware of the need to respect procedures and public order during elections. Breaches of the law must be punished accordingly.

Family voting is unacceptable and should be combated. After it had been informed of the facts, the Bureau of the Congress immediately referred the matter to its Committee on Social Cohesion, which at its meeting of 6 October agreed, subject to the availability of funding, to organise a round table on the subject with women's associations, in conjunction with the Local Democracy Agency in Ohrid and the Directorate of Human Rights' equality between women and men section.

The Congress considers that answers must be found to these problems before the next local and parliamentary elections.

The Congress reiterates its willingness to assist the governmental authorities in these various areas, in partnership with the Parliamentary Assembly, to enable the next (parliamentary) elections to proceed satisfactorily. This calls for an exchange of information and experience with the Assembly – particularly its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe – concerning problems and shortcomings encountered during these elections, together with joint action with the Committee of Ministers.

In addition, the ADACS programme should be fully involved in drawing up and implementing a programme aimed at amending the Local Elections Act and assisting the Macedonian government and the country's local authorities association in this field.

Finally, the Congress delegation urges the rapid installation of the newly elected local authorities and invites the Macedonian authorities to renew its Congress delegation at the earliest possible opportunity.

Appendix I - Programme

Appendix II - PRESS RELEASE

Ref: 596a00

Local elections in "the former Yugoslav Republic of Macedonia" not entirely satisfactory

Strasbourg, 12.09.2000 – Claude Casagrande, Vice-President of the Congress of Local and Regional Authorities of Europe (CLRAE) and head of the team of observers monitoring to the local elections in "the former Yugoslav Republic of Macedonia" on 10 September 2000, has said that "although the conduct of the elections was satisfactory in most of the country, irregularities in some areas show that these elections fall far short of democratic standards".

The CLRAE delegation, which had been invited by the Speaker of the Macedonian Parliament, visited 124 polling stations in the Skopje, Kumanovo, Tetovo, Gostivar, Ohrid, Struga, Veles, Bitola and Prilep regions and attended the count at 6 stations.

The observers noted that in many of the polling stations visited, both voting and the count had proceeded satisfactorily, despite a comparatively tense political climate.

However, the observers did identify a large number of problems and irregularities, including:

- a great many instances of family heads voting on behalf of the whole family (wives, children, etc.), an infringement of individual voting rights;
- confusing electoral laws which need to be revised;
- a relatively high rate of absenteeism, which could be explained by the date chosen for the elections;
- polling stations often set up in precarious conditions and not easily accessible;
- a lack of funds for organising the polling stations.

The observers were also informed that violence had broken out in several polling stations, leading to some of them being closed during the day.

The team praised the courage of the chairs of the electoral committees, who had supervised the ballot without any guarantee of funding. The team also drew attention to the recommendations of the report submitted to the Congress in May 2000 by its rapporteur, Mr Frécon, advocating reform of local government and finances and confirmed that the CLRAE was willing to help the government draft laws on local self-government.

The Congress will closely follow the 2nd round of these local elections. An overall report will be written and sent to the Macedonian authorities after approval.

The CLRAE team of observers comprised: Claude Casagrande, Head of the Delegation (France), Jean-Claude Frécon (France), Yavuz Mildon (Turkey), Viorel Coifan (Romania), Birgitta Halvarsson (Sweden), Sandra Barnes (United Kingdom), Alfredas Lankauskas (Lithuania), Irma Pellinen (Finland), Dimitrios Prevezanos (Greece), Stanislav Bernat (Slovakia), Jean-Paul Chauvet and Sylvie Affholder (CLRAE secretariat), Vladimir Ristovski (Council of Europe Skopje Office).

Irregularities confirmed in second round of local elections in “the former Yugoslav Republic of Macedonia”

STRASBOURG, 25.09.2000 – The second round of local elections held in “the former Yugoslav Republic of Macedonia” on 24 September confirmed the conclusions of the delegation of observers from the Congress of Local and Regional Authorities of Europe at the end of the first round. The head of the observer delegation and Congress Vice-President Claude Casagrande (France) once again spoke out against the many irregularities linked to multiple voting in certain parts of the country. He added, “these practices, carried out with the complicity of certain members of the electoral offices, and even electoral committees, do not comply with European standards and are unacceptable”.

The second round was organised in 54 municipalities to elect the mayors. The first round had had to be repeated, in part or completely, in 27 of the 123 municipalities. The delegation visited 32 polling stations, particularly in the regions of Tetovo and Strumica.

The delegation was surprised by the delays in publishing the official election results. “The declaration of the final official results is a solemn moment in a democracy; there is urgent need for a change to the law on local elections, for clarification of the powers of the central electoral committee, and speedier examination of appeals to ensure that the newly elected local authorities are quickly installed in office”, added Mr Casagrande.

The delegation welcomed the agreement reached between the Ministry of Finance and the National Electoral Commission for the funding of the elections. The delegation highlighted the excellent logistical organisation of the elections and the commitment of the Presidents of the Municipal Electoral Committees to ensure the elections ran smoothly. However, it criticised the intimidation and coercion campaigns carried out by certain political party activists during the election campaign or the voting itself which had resulted in the death of an activist from the Albanian Prosperity Party following an accident in Kondovo during the first round.

The Congress delegation called for the newly elected local authorities to enter office as soon as possible. It will present its conclusions and recommendations to the relevant Congress bodies which will then forward them to the Macedonian authorities.

Members of the delegation were: Claude Casagrande (France), Vice-President of the Congress, Yavuz Mildon (Turkey), Vice-President of the Congress and Leszek Kwiatek (Poland).

APPENDIX III

Political parties (source : OSCE/ODHIR)

DA Democratic Alternative

DAA Albanian Democratic Alliance

DP Democratic Party

DPA Democratic Party of Albanians

DPM Democratic Party of Macedonia

DPS Democratic Party of Serbs

DPT Democratic Party of Turks

DS Democratic Alliance

KPM Communist Party of Macedonia

LDP Liberal Democratic Party

LP Liberal Party

OPRM United Party of Roma in Macedonia

PCER Party for the Complete Emancipation of Roma

PDA-VP Party of Democratic Action – True Path

PDP Party of Democratic Prosperity

SDSM Social Democratic Union of Macedonia

SR Union of Roma

VRMO-DP Internal Macedonian Revolutionary Organization – Democratic Party

VRMO-DPME Internal Macedonian Revolutionary Organization – Democratic Party

VRMO-VRMO Internal Macedonian Revolutionary Organization – True Macedonian Reformist Option

For further information and complete appendix, please contact: webcplre@coe.int

¹ The term “Macedonia” is used for descriptive purposes and for the reader's convenience, and does not reflect any position of the Congress on the name of the state.

² See CPL (7) 8, Recommendation 82 (2000) and Resolution 100 (2000) on the Situation of Local Democracy in “The Former Yugoslav Republic of Macedonia”.