



**INTERNATIONAL  
ELECTION OBSERVATION MISSION**  
Republic of Serbia  
(Serbia and Montenegro)  
Presidential Election  
16 November 2003



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**Statement of Preliminary Findings and Conclusions**

**Belgrade, 17 November 2003** – The International Election Observation Mission – comprised of the OSCE’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe’s Congress of Local and Regional Authorities of Europe (CLRAE) – for the 16 November 2003 presidential elections in the Republic of Serbia (Serbia and Montenegro) issues this statement before the official announcement of results, before election-day complaints and appeals have been addressed, and before a complete analysis of election-day observation findings. This statement should be considered in conjunction with the OSCE/ODIHR Final Report on the 2002 presidential elections issued on 18 February 2003.

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**PRELIMINARY CONCLUSIONS**

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The 16 November 2003 presidential election in the Republic of Serbia (Serbia and Montenegro) will likely be declared invalid. As preliminary data indicate a turnout of less than 40 per cent, well below the 50 per cent required by law, the entire election process will have to be held for a fourth time. This latest failed election in Serbia, which has been without an elected president for almost a year, could further undermine public confidence in the pace of democratic reform.

Overall, the election was conducted in line with OSCE commitments and Council of Europe standards for democratic elections. However, significant challenges remain, particularly in relation to the legislative framework for elections.

The OSCE/ODIHR and CLRAE are deeply concerned that the election legislation has remained unchanged since the last attempt to elect a president in December 2002. As a result, the legislation still contains significant shortcomings, including provisions that are creating an endless cycle of invalid elections and rules that effectively disenfranchise certain categories of eligible voters.

The election campaigns conducted by most of the candidates were low-key. Although six candidates contested the election, covering a significant portion of the political spectrum, voters’ choice was narrowed because some major parties chose not to field candidates. The pre-election environment was also influenced by the political impasse resulting from long-standing disputes between former partners in the Democratic Opposition of Serbia (DOS) coalition. A number of parties called on their supporters to boycott the election.

Media coverage of the campaign was generally unbiased. State television provided free airtime to all candidates, and its campaign coverage was largely balanced and neutral. The election was given less media attention than other political events, such as the possibility of

early parliamentary elections and the parliamentary debate on a vote of no confidence in the government and in the Speaker of Parliament.

Overall, the election administration worked in an efficient and transparent manner. Opposition parties, however, complained that they were discriminated against during the appointment of polling boards. Steps have been taken to correct mistakes in the voter registers, the accuracy of which was questioned by contestants in the 2002 elections. While this was a welcome development, further efforts are required to correct remaining deficiencies and to move towards a central voter register, as envisaged by the parliamentary election law.

As in previous elections, international observers rated the polling and counting procedures positively in an overwhelming majority of polling stations visited. Election-day activities were also monitored by a large number of domestic non-partisan observers from the Center for Free Elections and Democracy (CeSID).

While the OSCE/ODIHR and CLRAE reserve most of their recommendations for their final reports, they strongly urge consideration for previous recommendations to remove provisions from the law that are leading to an endless cycle of invalid elections and that invite boycotts. The requirement for a minimum voter turnout in the first round could be dropped or modified to allow the two strongest candidates to contest a second round, regardless of voter turnout in the first round.

The OSCE/ODIHR and CLRAE also emphasize the need for the following fundamental measures:

- A comprehensive review of the election legislation, including the parliamentary election law, which also applies to presidential elections; and
- Adoption of clear legislation to provide for the establishment and maintenance of a central voter register.

The OSCE/ODIHR and CLRAE are prepared to assist the authorities and civil society of Serbia to overcome the remaining challenges in the electoral framework and electoral process in Serbia.

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## PRELIMINARY FINDINGS

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### Background

Presidential elections in Serbia held in September/October and December 2002 were declared invalid because the requirement for a 50 per cent voter turnout was not met. With the expiry of the mandate of former President Milan Milutinovic at the end of 2002, Speaker of Parliament Natasa Micic became the acting President of the republic. New presidential elections were called on 17 September 2003.

The election environment was again influenced by a political impasse resulting from long-standing disputes between former partners of the DOS coalition. Several major political parties, including the Democratic Party of Serbia (DSS), the Socialist Party of Serbia (SPS) and G17 Plus, chose not to field candidates, which narrowed the choice for voters. Instead, these parties backed a call for early parliamentary elections to break the current political

deadlock. The SPS, the Party of Serbian Unity (SSJ), and the Serbian Renewal Movement (SPO) called on their voters to boycott the presidential elections.

During the election campaign, the National Assembly began debating votes of no confidence in the Speaker of Parliament, Natasa Micic, and in the government. Three days before the presidential election, the Speaker of Parliament decided to dissolve the National Assembly and called early parliamentary elections for 28 December.

### **Candidates and the Campaign**

The election was contested by six candidates: the President of the Presidency of the Democratic Party “Fatherland” (DSO), Radoslav Avlijas; the Mayor of Cacak and Chairman of New Serbia (NS), Velimir Ilic; the Speaker of the Parliament of Serbia and Montenegro and Chairman of the Democratic Center (DC), Dragoljub Micunovic (candidate of DOS); the Deputy Chairman of the Serbian Radical Party (SRS), Tomislav Nikolic; the Chairman of the People’s Farmer’s Party (NSS), Marijan Risticovic; and the Secretary-General of the People’s Socialist Party (SNS), Dragan Tomic.

Registration of four potential candidates was rejected on legal grounds, such as a lack of required documentation or an insufficient number of supporting signatures. One rejection was appealed to the Supreme Court, which upheld the decision of the Republican Election Commission (REC). Candidates had 39 days from the day the election was called until the deadline for submission to prepare their candidacies, as opposed to a limited period of 10 days in the last presidential election.

The election campaigns conducted by most of the candidates were low-key. The only candidate to post billboards throughout the republic was Dragoljub Micunovic, while other candidates put up only a small number of posters. Many candidates told the IEOM that limited financial resources hampered their campaign activities and lowered visibility. Candidates held campaign meetings throughout Serbia, with Mr. Micunovic being particularly active. He was often accompanied on his campaign activities by senior government officials and leading DOS politicians.

### **Legislative Framework**

The legislative framework for the presidential election contains shortcomings, as was already outlined in previous OSCE/ODIHR statements and reports. Following the invalid election of October 2002, the Serbian parliament adopted amendments to the Law on the Election of the President of the Republic (“the presidential election law”). Mostly, the amendments followed recommendations made by the OSCE/ODIHR, including the removal of the 50 per cent turnout requirement for the second round of an election. After another invalid election on 8 December 2002, the OSCE/ODIHR recommended that “the requirement for a minimum voter turnout in the first round could be dropped or modified to allow the two strongest candidates to contest a second round, regardless of voter turnout in the first round”. However, no amendments were made to the election legislation in the nine months between the December elections and the time the new presidential elections were called.

In an important development, on 18 September 2003, the Serbian Constitutional Court ruled on the provision in the presidential election law stipulating that “[the] Speaker of the National

Assembly of the Republic of Serbia is to decide on calling new elections for the President of the Republic within 60 days from the day when unsuccessful elections were held". In contrast with interpretations after the failed 2002 elections, the Court stated that the 60-day period for calling new elections after an invalid election is binding and that the Speaker of Parliament has no discretion on whether to call new elections or not.

The legislation also contains significant shortcomings due to a lack of provisions that regulate voting in prisons and hospitals, and voting abroad. Without such provisions, certain categories of eligible voters can be effectively disenfranchised.

While all political interlocutors agree that a comprehensive revision of the legislation is necessary, no action was taken to address shortcomings in the election legislation or to implement recommendations made by the OSCE/ODIHR. In order to achieve a credible revision of the legislative framework, both government and opposition parties will need to reach consensus on the framework and content of reforms to be made.

### **Election Administration**

Overall, the election administration performed its duties in a transparent and efficient manner. Representatives of candidates were appointed to the extended composition of all levels of election-administration bodies, and they had the opportunity to participate in the conduct of the elections.

Opposition parties, however, complained that they were discriminated against during appointments of polling boards. Depending on whether presidential or parliamentary elections are being held, existing legal provisions may allow for different interpretations of Art. 29(4) of the parliamentary election law, which states that no party or coalition may have a majority in the permanent composition of electoral bodies. As a result, a number of complaints were filed with the REC before the elections in relation to the composition of polling boards. However, they were all rejected on procedural grounds.

The procedure for submitting election complaints allows for an ambiguous interpretation of certain deadlines. As a result, the procedure was not always correctly followed by complainants, resulting in the dismissal of their complaints on procedural grounds.

### **Voter Registers**

In contrast with previous elections, voter registers were not a major source of controversy. The Ministry for Public Administration and Local Self-Government took comprehensive action, prior to the election, to revise and correct the voter registers. However, further efforts are required to improve the accuracy of the voter registers. Officials from the Ministry acknowledged that more than 100,000 technical errors still exist in the unique identity numbers of citizens – a concern expressed by opposition parties as well. While such types of errors are unlikely to prevent citizens from voting, the problem should be promptly addressed to enhance confidence and avoid disputes in future elections.

The current voter registration system does not provide a clear division of responsibilities regarding the establishment and the maintenance of a central voter register, which is required by the law. In addition, electronic information about voters is not stored in a uniform manner.

The lack of a systematic approach to data storage creates serious problems when information is collected from different municipalities.

Co-ordinated efforts, including legislative initiative, are required to further improve the accuracy of voter registers in Serbia.

## **Media**

Media coverage of the election campaign is regulated by the newly adopted Broadcasting Law. In line with this new legislation, on 14 October 2003, the Council of the Republican Agency for Broadcasting Media issued Binding Instructions on the Pre-election Campaign for the Presidential Election applicable to both state and private media. In a welcome development, these Binding Instructions oblige all broadcasters to ensure equal opportunity to all contestants, including offering equal rates for paid advertisements.

Under the Broadcasting Law, the Council shall supervise the work of the broadcasters and, in the event of any breach of the Binding Instructions, shall undertake legally prescribed measures. However, apparent breaches in the appointment procedures of some of the members of the Council, together with the lack of confidence in their neutrality expressed by some interlocutors, could have undermined the credibility of this regulatory body.

Of the total coverage devoted to political actors during the campaign, broadcast media dedicated 38 per cent of their coverage to presidential candidates; the print media devoted just 15 per cent of their coverage of politics to the candidates. Instead, the media focused on other news items, including the debate on no confidence in the government and in the Speaker of Parliament, the possibility of early parliamentary elections, and a number of alleged scandals and accusations involving members of the government.

In compliance with its obligations, state TV RTS 1 provided all candidates with free airtime and balanced inclusion in its election programmes. Private electronic and print media devoted more attention to Mr. Micunovic, while the other candidates received less frequent coverage, with TVB92 and TVBK giving the DOS candidate 64 per cent and 50 per cent, respectively, of the time dedicated to presidential elections. Of the four monitored newspapers – *Vecernje Novosti*, *Balkan*, *Blic* and *Politika* – *Balkan* was the only daily to show a different trend in its coverage of the campaign, devoting equal space to Mr. Micunovic and the SRS candidate, Mr. Nikolic. Overall, the tone of the campaign in the monitored print and electronic media remained politically neutral.

Only Mr. Micunovic regularly placed paid advertisements in the monitored media. Other candidates relied mainly on free airtime and space in state and private media.

## **Election Day**

As on previous occasions, international observers rated the polling and counting procedures positively in the overwhelming majority of polling stations visited. The polling in more than 44 per cent of stations visited was assessed as excellent, and in another 45 per cent as good. As in 2002, the main problems were difficult access to polling stations (noted in 13 per cent of visits) and group voting (13 per cent). The assessment of the vote count was excellent or

good in 91 per cent of polling stations visited. Observers noted, however, that procedures were not always fully followed.

These activities were also monitored by a large number of domestic non-partisan observers from the Center for Free Elections and Democracy (CeSID).

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#### **MISSION INFORMATION AND ACKNOWLEDGEMENTS**

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The OSCE/ODIHR Election Observation Mission (EOM) is headed by Nikolai Vulchanov (Bulgaria). The 10-member CLRAE delegation, led by Joseph Borg (Malta), joined the EOM on 13 November. This statement is based on the findings of 19 election experts from the OSCE/ODIHR EOM, based in Belgrade and three regional centers in the Republic of Serbia, who have been deployed since 20 October, and 159 observers from 31 OSCE participating States reporting on election day from some 800 out of 8,581 polling stations.

The EOM will publish a comprehensive report on the presidential elections, including recommendations, within one month after the election process is completed.

The EOM wishes to express appreciation to the authorities of the Republic of Serbia and of Serbia and Montenegro, including the Ministry of Foreign Affairs, the Republican Election Commission, the Ministry of Interior, the Ministry of State Administration and Local Self-Government, and other republican and municipal authorities for their co-operation and assistance during the course of the observation. The EOM is also grateful for the support of the OSCE Mission to Serbia and Montenegro and the embassies of OSCE participating States accredited in Belgrade.

While this statement is issued in both, English and Serbian, the English version remains the only official one.

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