



AS/Bur (2018) 49

8 November 2018

Bureau de l'Assemblée

Observation of the referendum in “the former Yugoslav Republic of Macedonia” (30 September 2018)

Memorandum¹

Ad hoc Committee of the Bureau

Chairperson: Mr Stefan Schennach (Austria, SOC)

Contents	Page
1. Introduction.....	1
2. Political context	2
3. Legal framework and electoral system.....	2
4. Referendum administration	3
5. Voter lists	4
6. Referendum campaign, funding and the media	4
7. Complaints and appeals.....	6
8. Referendum Day	6
9. Conclusions	7

Appendix 1 – Composition of the Ad hoc Committee

Appendix 2 – Programme of the International Referendum Observation Mission (IROM)

Appendix 3 – Press release issued by the International Referendum Observation Mission (IROM)

1. Introduction

1. On 1 August 2018 the President of the Assembly of “the former Yugoslav Republic of Macedonia” sent the Parliamentary Assembly an official invitation to observe the referendum to be held on 30 September following the Final Agreement signed by Greece and “the former Yugoslav Republic of Macedonia” on 17 June 2018. On 3 September, the Bureau of the Assembly decided to observe the referendum and to constitute an ad hoc committee for this purpose composed of one member of each political group as well as the two co-Rapporteurs of the Monitoring Committee, and authorised the President to approve the list of members of the ad hoc committee to observe this referendum and to appoint the Chairperson. On 14 September the President of the Assembly approved the composition of the ad hoc committee (Appendix 1) and appointed Mr Stefan Schennach (SOC) as its Chairperson.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative from the Venice Commission was invited to join the ad hoc committee as an adviser.

3. The ad hoc committee (PACE delegation) visited “the former Yugoslav Republic of Macedonia” from 28 September to 1 October 2018. It operated as part of an International Referendum Observation

¹ On 22 November 2018, the Bureau took note of the memorandum prepared by the Chairperson of the Election Assessment mission

Mission (IROM) together with the OSCE/ODIHR referendum observation mission (ROM). The programme of the delegation's meetings is set out in Appendix 2.

4. On referendum day, the PACE delegation split into 4 teams which observed the elections in Skopje and the surrounding region, as well as in the following areas: Gostivar, Tetovo and Kumanovo.

5. The Assembly's ad hoc committee concluded that although the legal framework did not sufficiently cover all aspects of the process, the 30 September referendum in "the former Yugoslav Republic of Macedonia" was administered impartially and fundamental freedoms were respected. The press release by the IROM is set out in Appendix 3.

6. The ad hoc committee wishes to thank the OSCE/ODIHR ROM for their excellent co-operation within the IROM.

2. Political context

7. The country's accession to the European Union (EU) and North Atlantic Treaty Organization (NATO) has historically been impeded by a lack of consensus among member states of these organizations regarding the name of the country. On 17 June 2018, following a year of negotiations under the auspices of the United Nations, the country signed a bilateral agreement with Greece. The agreement envisages constitutional amendments that would include changing the constitutional name of the country to the "Republic of North Macedonia". Implementation of the agreement is considered to be a precondition for EU and NATO integration.

8. A decision to hold a consultative referendum on approval of the agreement was passed by parliament on 30 July, without reaching a consensus with the opposition on the consultative nature of the referendum and the formulation of the question to be decided. Following the referendum, constitutional amendments would still require a two-thirds majority vote in parliament to be completed by the end of 2018. Once the amendments are enacted, the agreement would then require adoption by the parliament of Greece.

3. Legal framework and electoral system

9. The PACE ad hoc Committee recalls that "the former Yugoslav Republic of Macedonia" signed and ratified the European Convention on Human Rights and its Additional Protocol, which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

10. The referendum in "the former Yugoslav Republic of Macedonia" is primarily regulated by the 1991 Constitution (last amended in 2011) and the 2005 Law on Referenda and Citizen Initiatives (Referendum Law). The legal framework is neither comprehensive nor harmonized. The Referendum Law sets out the basic rules for the referendum process, but it lacks detail on certain substantive aspects. The Referendum Law stipulates that provisions of the 2006 Electoral Code apply if not otherwise specified. The State Election Commission (SEC) issued regulations that applied the Electoral Code provisions on election administration and voter registration to the referendum, but not on campaign finance and campaigning. The exemption of these areas from the legal framework led to some confusion among stakeholders with regard to applicable rules and detracted from legal certainty. SEC attempts to fill these gaps and to clarify other issues through new regulations raised questions about their legal basis and the scope of the SEC's regulatory authority. For example, the SEC regulations mandated special media space for the campaign to be allocated to the parliament, and shifted complaints related to voter registration to the jurisdiction of the Supreme Court. The Supreme Court later held that there was no legal basis for this shift in competence. The 2007 Venice Commission Code of Good Practice on Referendums recommends that "apart from rules on technical matters and detail (which may be included in regulations of the executive), rules of referendum law should have at least the rank of a statute".

11. The Referendum Law requires that the issue being decided be "precisely formulated and unambiguous, so that the citizen may answer 'For' or 'Against'". The question on the ballot was, "Are you in favour of EU and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?" Some IROM interlocutors noted that the compound nature of the question, the

lack of explicit reference to the change of the country's constitutional name and other implicit constitutional amendments could mislead voters. Other stakeholders argued that there was a direct relationship between the different parts of the question, as evidenced by the public statements of EU and NATO officials that the agreement is a precondition of integration. The PACE delegation underlines that the Venice Commission Code of Good Practice on Referendums recommends that the question not be misleading and not suggest an answer, and that "there must be an intrinsic connection between the various parts of each question put to the vote, in order to guarantee the free suffrage of the voter, who must not be called to accept or refuse as a whole provisions without an intrinsic link". In a public hearing, the Constitutional Court debated weaknesses in the formulation of the question, but upheld the constitutionality of the process.

12. The law requires a threshold of a majority of registered voters for a referendum to be considered adopted, but does not explicitly state if this applies to a consultative referendum. Given the consultative nature, the government did not identify *de facto* criteria, such as a turnout threshold or proportion of 'For' votes, upon which it would or would not pursue the proposed constitutional amendments in parliament following the referendum. However, the prime minister, foreign minister and the speaker of parliament each indicated that the amendments would be pursued regardless of the turnout, should a majority vote 'For'. The public, including those advocating a boycott, broadly connected the threshold to the success of the referendum. Differing interpretations of the threshold created uncertainty as to the procedural consequences of the vote.

4. Referendum administration

13. The referendum was administered by a three-level administration, comprising the State Election Commission (SEC), 80 Municipal Election Commissions (MECs) and the City of Skopje Election Commission, and 3,480 Election Boards (EBs). An additional 33 EBs were established in Diplomatic–Consular Offices (DCOs) for out-of-country voting, and one additional EB in the SEC to administer the voting of EB members deployed to these DCOs.

14. Departing from good practice, the latest amendments to the Electoral Code from July 2018 introduced a temporary SEC with a mandate of six-months. The PACE delegation recalls that the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that the central commission be permanent in nature. The seven members, three of whom are women, were nominated by parliamentary parties; four from the ruling coalition, including the vice president, and three from the opposition, including the president. The Electoral Code foresees the appointment of a deputy secretary general; however, this position was not defined or filled.

15. MECs are composed of five members (and deputies) who serve a five-year term and are randomly selected from among public employees. MECs oversaw the administration of the referendum in each municipality, appointed and trained EBs, and managed other technical preparations. EBs comprise three members (and deputies) who are randomly selected from among public employees and were responsible for management of the polling stations and conducting voting and counting procedures. For the referendum, EBs did not include two temporary members nominated by parties, as provided for in the Electoral Code for elections. Despite some late changes in the composition of MECs and EBs, the requirement for balanced ethnic and gender representation in election commissions was broadly respected.

16. The PACE delegation noted that the SEC administered the referendum impartially and generally met legal deadlines. The commission held regular public meetings that were conducted in an efficient and collegial manner. However, public sessions lacked substantive debate, with decisions being adopted unanimously following prior working meetings that were not open to the public or observers.

17. While the SEC uploaded most of its decisions and key information on its website, not all decisions were published, at odds with the SEC's internal rules of procedures. In addition, all decisions on tendering procedures for selection of contractors were taken in closed meetings of the SEC procurement committee. The lower level commissions generally worked in a professional manner and enjoyed the confidence of local stakeholders. However, although sessions of most MECs were public, in a few cases they were not announced beforehand, making observation difficult.

18. The SEC conducted cascade trainings for lower level election commissions, utilizing presentations, manuals, and videos. MEC trainings were well organized, interactive, and conducted in both the Macedonian and Albanian languages where required.

19. Positively, the SEC conducted a voter information campaign, including televised and online content, much of which targeted younger voters. The material focused on referendum day procedures and how to locate polling stations, and emphasized freedom of choice and participation rather than encouraging turnout. The authorities made some efforts to provide information related to the agreement. However, the substance of the agreement and its potential impact were explained insufficiently or too late in the campaign. The broadcast media largely filled this gap by providing information programmes related to the agreement and referendum, which improved the ability of voters to make an informed choice.

5. Voter lists

20. Citizens at least 18 years of age have the right to vote, except for those declared legally incapacitated by a court decision. Deprivation of the right to vote on the basis of mental or intellectual disability contravenes international standards. According to the Electoral Code, only persons with a registered address and valid identification card or biometric passport are included in the voter register. The authorities launched an operation to renew expired documents of persons confined in prisons.

21. Voter registration is passive for in-country voting. Voter lists are compiled by the SEC based on data from various civil and population registers. During the public scrutiny that took place from 9 to 23 August, a total of 5,641 voters came in person to check their personal information, which resulted in 94 new inclusions, 295 deletions and 74 corrections. The SEC closed the voter list on 7 September and the final list included 1,806,336 eligible voters. The Ministry of Foreign Affairs informed the SEC that 2,694 voters actively registered for out-of-country voting.

22. All interlocutors of the PACE delegation acknowledged that longstanding issues related to the accuracy of the voter lists and structural deficiencies identified in previous ODIHR and PACE reports remained unaddressed. However, despite the relevance of the turnout threshold to the referendum, the accuracy of the voter list was not cited by interlocutors as a major concern. It remains that voter lists remain abnormally high compared to the population of the country.

6. Referendum campaign, funding and the media

23. Although the official campaign period began on 30 July, the day of the announcement of the date for the referendum, most stakeholders intensified their activities after 10 September. The campaign ended 48 hours before the referendum day and was generally active and peaceful throughout the country. There were no restrictions on fundamental rights associated with the campaign, including the freedoms of assembly, association and expression.

24. The parliament, as the authorised proposer of the referendum, led the 'For' campaign, which was visible across the country and focused on the benefits of EU and NATO membership, especially to the younger generation. The ruling party, the Social Democratic Union of Macedonia (SDSM), joined together with over 100 civil society organizations to advocate for a 'For' vote, with the message "Go out for a European Macedonia". Campaign means included distribution of posters, brochures, billboards, door-to-door canvassing, as well as rallies and town hall meetings. The campaign also relied on social media platforms to complement its activities.

25. Unlike the Electoral Code, the Referendum Law does not regulate the involvement of public and foreign officials in the campaign. The prime minister, cabinet members and members of parliament actively participated in the 'For' campaign, and were often joined by mayors at local campaign events. The campaign also featured a high degree of international engagement, with foreign leaders and representatives of the EU, United States, and NATO visiting Skopje to promote the bilateral agreement and to encourage turnout. Almost all of these officials categorized the agreement as "historic" and its approval as a pre-condition for EU and NATO membership, with some officials explicitly endorsing the 'For' vote. The Delegation of the European Union conducted outreach activities under the slogan "Imagine a future together". Many IROM interlocutors described a lack of distinction between the international activities and the national 'For' campaign, which was consequently bolstered.

26. Despite the fact that interlocutors of the PACE delegation from ethnic communities and parties confirmed that they were in favour of the referendum and would encourage their followers to vote 'For', the

campaign remained low-key in these communities. Most ethnic Albanian and Roma parties campaigned separately with messages targeted to their communities; the largest of these, the Democratic Union for Integration (DUI), co-ordinated its activities with those of the SDSM on occasion.

27. The main opposition party, Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), denounced the agreement with Greece as a “capitulation” and a threat to the country’s identity and history. However, the party did not take an official position on the referendum, and the party president announced on 11 September that citizens should “act according to their conscience”. A few current and former officials of VMRO-DPMNE criticized the party leadership’s stance, with some publicly supporting the referendum question and encouraging turnout, and others indicating their intention to vote against. Although the party conducted no official campaign related to the referendum, it conducted an on-going anti-government campaign, which included protest marches and social media content to criticize government policies while also condemning the agreement with Greece.

28. Although there was no organized “Against” campaign, 72 civic associations and two non-parliamentary political parties, United Macedonia and Voice for Macedonia, advocated a boycott to prevent the referendum from reaching a 50 per cent turnout threshold. The boycott campaign was active through rallies and on social media, featuring nationalistic language which was often inflammatory. There were instances of disinformation, some allegedly funded by foreign sources, but these were not picked up by traditional broadcast media and their reach remained limited to the online space. The President of the country, who had previously refused to sign the parliament’s ratification of the agreement, announced that he would not vote in the referendum.

29. Allegations of pressure on civil servants and school teachers to vote were made by some interlocutors of the PACE delegation, though concrete evidence to substantiate the allegations was not produced. A complaint was filed with a local public prosecutor related to an alleged violation of the Criminal Code during one of the prime minister’s public campaign appearances.

30. Parties and other participants self-financed their campaigns through private donations. Although the legal framework does not provide for public funding of the referendum, the government allocated MKD 80 million (some EUR 1.3 million) to the parliament in its role as authorised proposer to spend on media advertisements during the referendum campaign. A co-ordination committee within the parliament opened a designated bank account for this public funding and made direct payments to television and radio stations for airtime. VMRO-DPMNE criticized the decision to allocate public funds and rejected its portion of the funding, stating that this use of public financing was not in the interest of the citizens. As a result, public funds were only spent on behalf of the ‘For’ campaign. Several small parties and civil society organizations also objected to the use of government funds.

31. The legal framework for financing the referendum campaign does not include spending limits and lacks clear requirements for disclosure, auditing procedures and sanctions. SEC regulations require only the parliament as the authorised proposer to file a campaign finance report on its use of the public funds within 30 days of the referendum. Unlike in elections, political parties and other stakeholders are not required to account for their expenditures or donations for the referendum campaign. The limited regulation and lack of transparency of campaign financing is at odds with international standards.

32. Most journalists met by the PACE delegation acknowledged an improved working climate and reduced political pressure in recent years. While media outlets continue to struggle financially, especially locally, a large number of broadcasters, including over 15 television channels with national reach, operate in the country. Television is the primary source of political information.

33. The media provided citizens with an extensive amount of information related to the referendum. Campaign-related ads were aired regularly in private media beginning on 8 September. Public media were not obliged to provide free airtime.

34. The PACE delegation noted that the media generally provided fair coverage. However, the lack of any ‘Against’ campaign, combined with a ‘Boycott’ campaign conducted primarily on social media, complicated the ability of news media to present equitable coverage of both sides of the campaign. As a result, across all broadcasters, the views expressed by the ‘For’ campaign clearly dominated.

35. Information related to ‘Against’ or ‘Boycott’, including critical views of the agreement or of EU and NATO, rarely exceeded 10 per cent of the airtime allocated to referendum related issues in the news programmes of each television channel monitored. Information related to the ‘For’ campaign and items

presenting views favourable or neutral to EU and NATO, amounted to some 50 per cent on most channels. In addition, all channels dedicated a significant portion of airtime to voter information and other details of the referendum context and process.

36. Information extolling the benefits of EU and NATO integration was extensively presented in the media, especially in news programmes, through coverage of the government's campaign activity and frequent state visits from EU and NATO officials. Most monitored television channels organised special programmes dedicated to the wider context of the referendum, and presented a variety of views regarding the agreement which was the subject of the referendum question.

37. Regulations adopted by the Agency for Audio and Audiovisual Media Services (AVMS) called for an equal division of the publicly funded airtime, with a maximum of four and a half minutes per hour for each side. However, most media who aired paid advertisements did not always respect these limits, allocating a larger share to the 'For' campaign. In addition to the official referendum campaign, spots promoting the EU and its benefits were aired as part of an official EU campaign ("EU for you"). Civil society organisations also promoted EU and NATO membership in paid television advertisements. In the absence of MPs advocating 'Against' or 'Boycott', only the publicly-funded advertisements promoting the 'For' campaign were aired in the media. However, at the end of the campaign, a non-parliamentary party Glas za Makedonija conducted a limited paid campaign promoting the boycott.

38. The AVMS monitored broadcast media from 10 September. On 14 September, the agency issued a statement to alert media that the time allocated to 'For' advertisements was exceeding the permissible limits and warned broadcasters to comply with the legal framework and AVMS guidelines. According to its first monitoring report of 25 September, the AVMS fined two broadcasters for not respecting the provision related to paid advertising.

7. Complaints and appeals

39. The Referendum Law gives all voters the right to file complaints related to irregularities in voting day procedures and tabulation to the SEC within 24 hours. However, the SEC adopted a regulation on referendum-related dispute resolution which narrowed the legal standing for citizens to file complaints. Under this regulation, voters could file a complaint if they were included in the list of voters, were present in the polling station, and requested that the irregularity be reflected in the logbooks of the respective EBs or MECs. The legal basis for the SEC to restrict the complaint provision is unclear. Accredited observers are permitted by law to enter remarks in the EB logbook but they do not have the right to lodge complaints.

40. The SEC received 12 formal complaints prior to referendum day, which were adjudicated in closed sessions. At the same time, the SEC received various communications, including on the applicability of provisions of the Electoral Code and the Law on Financing of Political Parties to the referendum. In addition, a few complaints were filed with the Public Prosecutor, including challenges to the legality of certain SEC decisions.

41. The Constitutional Court received three applications challenging the parliament's decision to hold the referendum, questioning, among other things, the wording and the compound character of the referendum question, the consultative nature of the referendum, and the lack of explanation of the constitutional changes envisaged in the agreement. These applications were rejected by a majority vote which debated weaknesses in the formalities of the decision to hold the referendum and the formulation of the question, but decided that they did not amount to unconstitutionality. The majority decided that while the Constitution requires a binding referendum to join an international community or association, the current consultative referendum does not preclude a future referendum from being called. In addition, it was decided that the referendum question was clear because the issues contained were interrelated.

8. Referendum Day

42. The PACE delegation noted that the early voting and referendum day proceeded in an orderly manner without major irregularities. The referendum day process was well-organized and administered professionally. Voting, counting and tabulation procedures were generally well followed and the transparency of the process was ensured.

43. Citizen observers were present in 90 per cent of polling stations and tabulation centres observed. However, IROM observers noted widespread confusion over the identity of the organizations represented

by some domestic observers. Even though there were no authorized representatives accredited by the SEC, in 91 observed polling stations citizen observers either could not identify their organization nor their duties as observers. In some cases, these observers identified themselves as authorized representatives of the parliament, political parties or the MEC, though IROM observers determined that many were accredited for the Macedonian Anti-Poverty Platform (MAPP) or the Agency for Civil Policies and Initiatives (IDULSJ). Also, there were several incidents of voter intimidation through the recording of voters at polling stations.

44. Early voting was conducted on 29 September for homebound voters and those either under home custody or in prison. Early voting was observed in all 13 prisons in the country and 69 EBs. Overall, the process was assessed as good or very good in 92 per cent of observations. However, in two prisons and five EBs the process was assessed negatively. Citizen observers were present in 45 per cent of observations.

45. On referendum day, the IROM observers assessed the opening as good or very good in 72 of 75 observations. They were able to observe the voting process without restrictions, their assessment being positive in 98 per cent of cases. Voting procedures were well followed and the process was transparent. There were no major irregularities. Two thirds of the EBs observed were chaired by women. To facilitate the exercise of the voting rights of persons with impaired sight a braille tactile ballot frame was made available in 94 per cent of the polling stations observed. In 13 per cent of observations, some voters were refused the right to vote as they were not on the voter list or not in possession of a proper ID². While more than half of the observed polling stations were not independently accessible, the layout of the polling stations was generally adequate for persons with disabilities.

46. The IROM observed the counting procedures in 80 polling stations. While the assessment was positive, IROM observers noted that not all procedures were completed fully or in the correct order.

47. Article 115 of the Electoral Code states that a ballot shall be considered valid if the intent of the voter can be established in a reliable and unambiguous way. However, in 47 polling stations, ballots were invalidated because they were marked with a mark other than a circle even though the intention of the voter was clear.

48. The overall assessment of the tabulation process in all of the 68 MECs observed was positive, with procedures generally followed in a transparent manner. The EB chairperson was accompanied by an observer, who acknowledged themselves as a party representative, when transferring the election materials to the MEC in 22 cases. Corrections in the results protocol were not made in a consistent manner from one MEC to another, as some conducted recounts when others solved the discrepancy by amending the protocols without recount.

49. On referendum day the SEC received about 40 complaints made by citizens who could not find their names on voter lists. The SEC rejected all complaints stating that the deadline for entries in the voter lists had passed. In a positive step, unlike for pre-referendum day complaints, SEC decisions on referendum day complaints were uploaded in the electronic system for complaint management, contributing to the transparency of the process. However, the SEC continued to direct voters to appeal its decisions to the Supreme Court, compromising their right to legal remedy.

50. The final results were announced by the SEC on 3 October 2018 and are as follows: total number of eligible voters in the Election Roll: 1,806,336; total number of voters who voted: 666,344; total number of eligible voters who did not vote: 1,139,992; total of invalid voting slips: 19,221; total number of valid voting slips: 647,114; total number of votes "FOR": 609,427; total number of votes "AGAINST" 37,687. The SEC informed that, in accordance with the final voting results, the decision was not adopted because less than half of the eligible voters voted at the referendum.

9. Conclusions

51. The PACE ad hoc committee concluded that the referendum was administered impartially and fundamental freedoms were respected throughout the campaign. The absence of an active 'Against' or organized boycott campaign meant that the media struggled to provide balanced coverage but did convey

² Persons with valid driver licenses could not vote.

extensive information and diverse views to voters. The boycott was actually a hidden boycott, as the debate followed a nationalistic line. Referendum day was generally calm and well-organized, and procedures were administered professionally and transparently.

52. With regard to the legal framework for the referendum, the PACE delegation noted that it was neither comprehensive nor harmonized. The Referendum Law sets out the basic rules for the referendum process, but lacks detail on certain substantive aspects. Attempts by the SEC to fill these gaps and clarify other issues through regulations raised questions about their legal basis and the scope of the SEC's regulatory authority. The PACE delegation encourages the authorities to request an opinion from the Venice Commission on the Referendum Law in order to clarify and develop the text, including with the aim to harmonize it vis-à-vis the Election Code.

53. The SEC administered the referendum impartially and generally met deadlines. The election administration was collegial, but was not always fully transparent in its work. The lower level commissions generally worked in a professional manner and enjoyed the confidence of local stakeholders. The SEC conducted a voter information campaign which emphasized freedom of choice and participation rather than encouraging turnout.

54. Despite longstanding structural issues and the relevance of the turnout threshold for the referendum, the PACE delegation noted that the accuracy of the voter list was not cited as a major concern by its interlocutors, although the abnormally high number of voters registered in comparison with the population of the country remains a matter of concern. Therefore the PACE delegation stresses the need for a new census to be organised in the country, as the previous one dates from 2002.

55. Early voting and referendum day proceeded in an orderly manner. Procedures in polling stations were administered professionally and transparently, without major irregularities.

56. The referendum campaign was peaceful and generally active across the country and the freedoms of assembly, association and expression were respected. The parliament, primarily through the ruling SDSM and DUI parties, led the 'For' campaign, which was broadly supported by ethnic communities and also featured a high degree of engagement by foreign leaders and representatives of the EU, US and NATO. Although there was no active 'Against' campaign, a coalition of civic associations and two smaller political parties advocated a boycott through rallies and on social media, often featuring inflammatory language.

57. The legal framework for financing the referendum campaign does not include spending limits and lacks clear requirements for disclosure, auditing procedures and sanctions. The government allocated some EUR 1.3 million to the parliament to spend on media advertisements, which the opposition declined, thus only the 'For' portion of the public funds were spent. There were no comprehensive requirements for campaign finance reporting, undermining transparency.

58. The media provided citizens with an extensive amount of information related to the referendum. Campaign-related advertisements were aired regularly in private media. Public media were not obliged to provide free airtime. Given the lack of an active 'Against' campaign, combined with a 'Boycott' campaign conducted primarily on social media, the views expressed by the 'For' campaign clearly dominated across all broadcasters. Most monitored television channels organised special programmes that provided diverse information about the broader context of the referendum. The broadcast media provided information programmes related to the agreement and referendum, which improved the ability of voters to make an informed choice.

59. The PACE delegation stresses that, while respect is due to those who chose not to vote, it is also due to those – more than half a million – who took the referendum seriously and decided to cast their ballot. It invites the authorities of the country to continue their close co-operation with the Parliamentary Assembly and with the Council of Europe Venice Commission, in order to improve the legal framework and the electoral practices.

Appendix 1 – Composition of the ad hoc committee

Chairperson Mr Stefan SCHENNACH, Austria

Group of the European People's Party (EPP/CD)

Mr Aleksander POCIEJ, Poland

Socialists, Democrats and Greens Group

Mr Stefan SCHENNACH, Austria

European Conservatives Group (EC)

...

Alliance of Liberals and Democrats for Europe (ALDE) /

Mr Mart VAN DE VEN, Netherlands

Group of the Unified European Left (UEL)

Mr Marco NICOLINI, San Marino

Free Democrats Group (FDG)

...

Venice Commission

Mr Richard BARRETT, member

Secretariat

Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Cooperation Division

Anne GODFREY, Assistant, Election Observation and Interparliamentary Cooperation Division

Venice Commission

Gaël MARTIN-MICALLEF, Administrator, Venice Commission

Appendix 2 – Programme

Parliamentary Briefing for PACE Delegation *Referendum, 30 September 2018*

BRIEFING PROGRAM ***Stone Bridge Hotel, “Star Room”, Skopje, 28-29 September 2018***

Friday 28 September

9:30-10:20 Meeting of the PACE delegation

10:20-12:15 **Briefing by the OSCE/ODIHR Referendum Observation Mission**

- Introductions by Mr Stefan Schennach, Head of PACE delegation & Ambassador Jan Petersen, Head of the OSCE/ODIHR ROM
- Political Overview – Ms. Daniela Diaconu, Political Analyst
- Legal Overview – Ms. Svetlana Chetaikina, Legal Analyst
- Media Overview – Mr. Marek Mračka, Media Analyst
- Referendum Overview – Mr Don Bisson, Deputy Head of Mission & Ms. Florence Ganoux, Election Analyst

12:15-12:45 Ambassador Samuel Žbogar, Head of the Delegation of the European Union

12:45-14:15 *Lunch break*

14:15-15:55 **Meetings with Political Parties**

- 14:15 – 14:35 Mr. Damjan Mancevski, Vice Chairperson of the Social Democratic Union of Macedonia (SDSM)
- 14:35 – 14:55 Mr Toni Menkinovski and Mr Dimitar Dimovski, Internal Macedonian Revolutionary Organization - Democratic Party for the Macedonian National Unity (VMRO-DPMNE)
- 14:55 – 15:15 Mr Visar Ganiu, Vice Chairperson, Democratic Union for Integration (DUI)
- 15:15 – 15:35 Chairperson of Alliance for Albanians (AA) – Mr. Zijadin Sela
- 15:35 – 15:50 Representative of the Besa Movement – Mr. Afrim Gashi
- 15:50 – 16:05 Representative of the Besa Movement – Mr. Kastriot Rexhepi, Vice Chairperson, and Ms Teuta Bilali, MP

16:05-16:20 *Break*

16:20-16:50 Mr. Branko Trajanovski, Head of Special Police Operation Department

17:00-18:00 First discussion on the draft preliminary joint statement with ODIHR

Saturday 29 September

09:30-10:30 Meetings with Civil Society

- MOST: Mr. Darko Aleksov Executive Director, and Mr Zlatko Dimitrioski

10:30-10:40 *Break*

10:40-11:40 Panel Discussion with Media Representatives

- Editor at MRT 1 – Mr. Stojan Trpcevski
- Director and Editor at TV Telma – Mr. Atanas Kirovski
- Editor at TV Alfa – Ms. Anastasija Bogdanovska
- President of Association of Journalists of Macedonia & Journalist for Almakos news website – Mr. Naser Selmani
- Editor at TV Sitel – Ms. Slavica Arsova

11:50-12:50 President of the State Election Commission – Mr. Oliver Derkoski

13:00-13:30 Meeting with interpreters and drivers (PACE delegation)

14:00-16:00 Second round of discussions on the draft joint statement with ODIHR

Sunday 30 September

07:00-19:00 Observation of the referendum

Monday 1 October

09:00-09:30 Meeting of the delegation – Debriefing

09:30-11:00 Third round of discussions on the draft joint statement with ODIHR

15:00 Joint Press Conference

Departure of members

Appendix 3 – Press statement

Despite gaps in legal framework, fundamental freedoms were respected in impartially administered referendum, international observers say in Skopje

Although the legal framework did not sufficiently cover all aspects of the process, the 30 September referendum in “the former Yugoslav Republic of Macedonia” was administered impartially and fundamental freedoms were respected, the international observers concluded in a statement today. The absence of an organised “Against” or boycott campaign meant the media struggled to provide balanced coverage, although they did convey extensive information and a diverse range of views to voters.

Voters were asked “Are you in favour of EU and NATO integration by accepting the agreement between the Republic of Macedonia and the Republic of Greece?”, with implementation of the agreement considered a precondition for EU and NATO integration. The Constitutional Court received three challenges to the parliament’s decision to hold the referendum and the formulation of the question, all of which were rejected.

“The fundamental freedoms of assembly, association and expression were respected throughout the process and, although the lack of an official ‘Against’ campaign meant the views of the ‘For’ campaign dominated, the media provided extensive information and a broad spectrum of opinions,” said Ambassador Jan Petersen, Head of the ODIHR referendum observation mission. “The State Election Commission issued regulations to fill gaps in the legal framework, which raised questions about their legal authority to do so.”

While the authorities made some efforts to provide public information related to the agreement, its content was insufficiently explained, the statement says. The parliament, primarily through the ruling parties, led the “For” campaign, which also featured a high degree of engagement by foreign leaders and representatives of the EU, NATO and the United States. Although there was no active “Against” campaign, a coalition of civic associations and two smaller political parties advocated a boycott through rallies and on social media, often featuring inflammatory, nationalistic rhetoric, the observers said.

“If we respect those who chose not to vote, we definitely must also respect those – more than half a million – who took the referendum seriously and decided to cast their ballot for the future of the country. They expressed their will, on this occasion, in a calm environment,” said Stefan Schennach, head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). “Looking forward, we hope the issue of the accuracy of the voters’ lists will ultimately be solved.”

The State Election Commission administered the referendum impartially and held efficient and collegial public meetings, although these lacked substantive debate on key issues, the statement says. Lower level commissions generally worked in a professional manner and, despite minor irregularities, voting on referendum day was assessed positively in 98 percent of polling stations visited by international observers.

The campaign finance rules do not include spending limits and lack clear disclosure and auditing requirements or related sanctions, the observers said. The government allocated some 1.3 million euros to the parliament to spend on television advertising, but the opposition declined, so only the “For” portion of public funds was spent.

The legal framework provides for monitoring by international and citizen observers. The “proposer” of the referendum – in this case the parliament – had the right to appoint representatives to observe in polling stations, but declined to do so.