

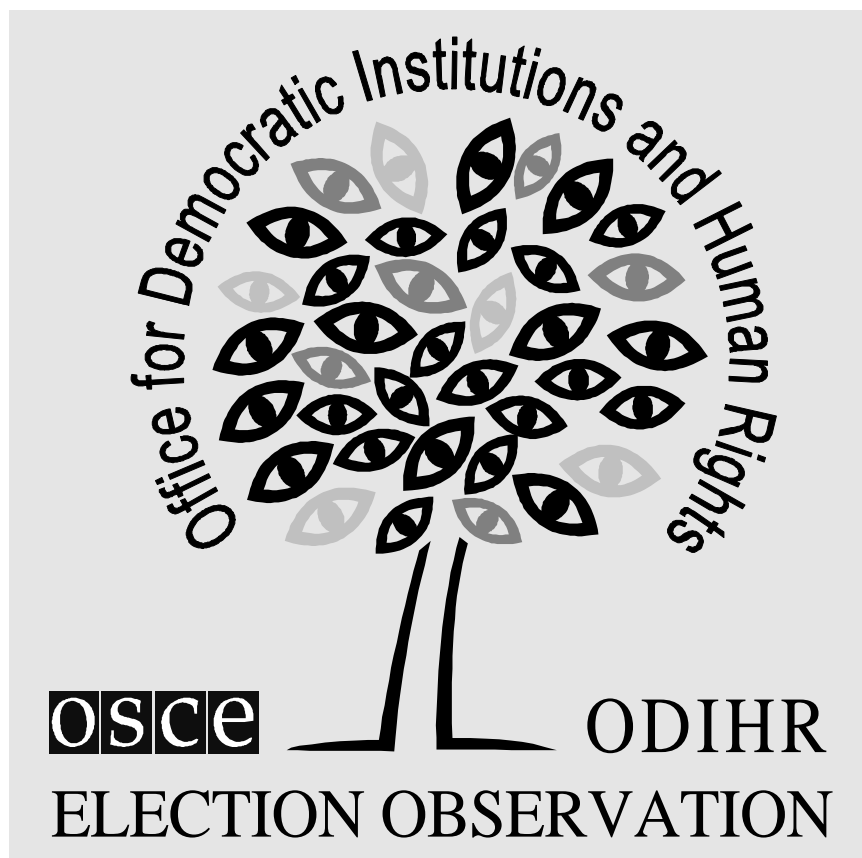


**Office for Democratic Institutions and Human Rights**

**REPUBLIC OF MONTENEGRO  
(FEDERAL REPUBLIC OF YUGOSLAVIA)**

**PARLIAMENTARY ELECTIONS**

**31 MAY 1998**



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## I. INTRODUCTION

Upon invitation from the President of the Assembly of the Republic of Montenegro of 11 March 1998, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Montenegro for the 31 May Parliamentary elections.

Mr. Javier Rupórez, President of the OSCE Parliamentary Assembly and of the Foreign Affairs Committee of the Spanish Parliament, was designated by the OSCE Chairman-in-Office as his Representative to the Election Observation Mission.

Mr. Kåre Vollan was appointed as the Head of the ODIHR Election Observation Mission in March, upon being seconded by the Government of Norway.

This statement is based upon the collective findings of observers from 26 countries, including parliamentarians and public officials representing the OSCE Parliamentary Assembly, observers seconded by the OSCE Participating states, officials from local Embassies, as well as representatives of NGOs. In total, 117 short term observers and 21 long term observers and core staff members were deployed throughout the Republic of Montenegro. As part of the ODIHR Observation Mission, the Osservatorio di Pavia conducted a detailed analysis of the two state TV channels, upon being seconded by the Italian government.

## SUMMARY OF CONCLUSIONS

**The Parliamentary election was generally well conducted and represents a significant improvement over the previous elections held in the Republic of Montenegro. The election is a step forward towards meeting OSCE commitments.**

**The Election Observation Mission is pleased to note that most of the recommendations issued by OSCE Election Observation Mission in 1997 and by the OSCE/ODIHR Technical Assistance Team in February 1998 have been implemented. The legal framework and administrative procedures were adopted by consensus among all parliamentary parties, and the voting was carried out without any major problems on election day.**

**The parties should be commended for their calm behaviour after the elections, and for accepting the results. It is essential that all parties work now at establishing a climate of dialogue and confidence in Montenegro.**

## II THE LEGISLATIVE FRAMEWORK

### II.1 General

It is encouraging that the legal framework and administrative procedures for the elections were adopted by consensus with all parliamentary political parties playing an active role. These laws, coupled with the presence of multi-party polling boards and other controls built into the electoral process, provided a secure framework for the elections.

A media law was developed by the Assembly in accordance with the election law to provide equal access to all political parties during the election campaign. The law itself is very detailed and restrictive in terms of the obligations of state media. State-owned television, radio, and the *Pobjeda* newspaper were obligated to devote much of their airtime and print space to the election campaign. Each day, registered political parties had the right to broadcast a written statement, a press conference, and televised coverage of election rallies. Additionally, state-controlled television had to provide two minutes of free campaign advertising time each day.

With 17 political parties registered for the elections, *Pobjeda* was required to print up to sixteen pages of Izbori 98 coverage each day, and RTV Crna Gora was broadcasting 5 hours of election coverage each day. Both the Editor-in-Chief of *Pobjeda* and the Editor-in-Chief of State television complained to ODIHR representatives that it was technically impossible to fulfil their obligations under the law. State television was forced to purchase additional cameras in order to follow the election rallies, and *Pobjeda* was forced to cancel popular columns in the paper to allow for mandated election coverage.

The coverage fell short of providing voters with analytical information. The coverage did not challenge journalists to ask questions, or provide editorial comments and further explanation of party platforms or electoral issues. Only one public debate was mandated by the law.

Even though the law did provide for equal opportunities in the specially organised election programmes, a more general approach to develop state media with an independent, yet critical editorial line, is strongly recommended.

It is positive that a mechanism was established for domestic non-partisan and party observers to be accredited to observe the electoral process.

## **II.2 The Electoral System**

The election law prescribes a proportional system in one single constituency covering the whole Republic. Political parties, coalitions, and groups of citizens nominated lists of candidates. Only candidate lists that obtained at least 3% of the total of validly expressed votes took part in the allocation of seats.

For the 1998 elections there was a special arrangement for areas where the Albanian minority has a majority. This is described later. The explanation below refers to the main system as per the law.

The total number of seats that is allocated to each candidate list obtaining more votes than the threshold, is determined using the d'Hondt's method applied to the numbers of valid votes for

each candidate list. The number of votes for each party or block is divided by the total number of seats in the Assembly, in this case 78. These quotients are arranged in decreasing order. Each candidate list is awarded as many seats (mandates) as it has quotients among the 78 highest quotients of the total number of seats a candidate list has won, one half are allotted to the candidates according to their order on the list, and the remaining seats to the candidates on the list in accordance with the decision of the submitter of the list.

As already mentioned the arrangement for the Albanian minority is only a temporary one. It seems that having a proportional representation on a country wide basis is important to the parties in Montenegro. Certainly the system with one constituency only will provide for this. However, it is often important that the Parliament represents other dimensions than the one of political parties, such as geographical regions, ethnic groups, etc. In Montenegro the political element seems to be dominant, and it is therefore important that any arrangement preserves the political competition as the main element.

When ethnic groups are geographically concentrated, it is possible to provide such a combination of dimensions in an electoral system. The ODIHR Technical Assistance Team proposed a system with six regional election constituencies and with an arrangement for compensational mandates for any non-proportional representation. In short, they proposed to draw up constituencies in such a way that minorities could be concentrated to some extent, but still respecting administrative boundaries. From each constituency a number of seats would be distributed proportionally, and then compensated at national level.

There are many ways of working out the details in a system combining regional representation with proportional representation between parties. The common feature is, however, that the political dimension is preserved as the most important one, and that comparatively large minorities within a region can get representation if their members are voting for it.

The arrangement being used in the current elections is quite artificial as it does not follow the regular administrative boundaries, and it can have unintended side-effects not supporting the minority population at all. It does, however, have the same feature as the recommended system described above: it is left with the voters in the end to decide if they want to vote ethnically. In the 1998 elections the Albanian minority chose to do so to a limited extent only.

### **II.3 Some Legal Issues**

#### ***The Voting Arrangement for the Montenegrin-Albanian Minority***

The main recommendation of the Election Observation Mission is not to repeat the arrangement for voters of the Albanian minority, as it was implemented for these elections. Nevertheless some detailed comments can be useful.

The election law prescribed in the transitional section (Article 118) that for the first elections held, five seats of the Parliament should be elected in polling stations determined by a special decision of the Republican Assembly. Those polling stations had a majority of Montenegrin-

Albanian voters, and were referred to as the Special Polling Stations. The number of registered voters in these polling stations was approximately 30,000.

Parties that gained more than 3% of the votes in the Special Polling Stations participated in the allocation of seats. The d'Hondt method was used for the allocation based upon the distribution of votes for the party lists in the Special Polling Stations, after having done a transfer of votes between the Special Polling Stations and the rest of the country and vice versa to prevent waste of votes caused by splitting the country into two constituencies. For the purpose of this discussion we shall use the term Special Constituency for the Special Polling Places, and Main Constituency for the rest of the country (everything but the Special Polling Stations).

Parties that did not participate in the distribution of seats in the Main Constituency, but did participate in the Special Constituency, would get the number of votes they received in the Main Constituency transferred to the Special Constituency before the allocation of seats. Likewise, the parties that did not reach the threshold in the Special Constituency would have their votes transferred to the Main Constituency, if the parties participated in the distribution there.

This system is a rather artificial one, as discussed already. It also had one in-built ambiguity and it can have some unintended side effects which could work contrary to securing representation for minorities.

#### *Ambiguity in transfer of votes*

Article 118 stipulates in paragraph 5:

The votes that a candidate list has won that, according to the number of votes it has won, *does not participate in the allocation of seats at polling stations determined by a special decision of the Republican Assembly*, shall be added to the votes that this candidate list has won at other polling stations in the Republic, on condition that it participates in the allocation of seats at those polling stations.

In paragraph 3 it is stated that:

At polling stations determined by a special decision of the Republican Assembly, *only those candidate lists that have won at least 3% of votes out of the total number of voters that have voted at those polling stations shall be participating in allocation of seats.*

Paragraph 5 makes an arrangement so that the votes cast for parties that do not receive mandates in the special polling stations, but are gaining some in the others, will not have the votes wasted. Those votes will be transferred from the Special Polling Stations and added to the party's votes in the main constituency. There is an ambiguity in this Article. It is not absolutely clear what *does not participate in the allocation of seats* actually means. It can mean that the party has not received 3% of the votes in the special polling stations, an interpretation that may be supported by Paragraph 3. However, if the purpose of Paragraph 5 is to avoid that votes are wasted, all votes for those lists that have not actually been allocated

with seats, should be transferred, provided the parties are competing for seats in the main constituency anyway. This interpretation is the only logical one, and should clearly be covered by the expression *does not participate in the allocation of seats* .

There were two lists that were effected by the ambiguity, the Liberal Party and Socialist People s Party (SNP). If their votes had been transferred, their number of votes in the main constituency would have increased from respectively 20,650 and 122,388 votes to respectively 21,612 and 123,957 votes. The Republican Election Commission (REC) decided not to make this transfer. Fortunately a transfer of these votes would not have effected the results of the distribution of seats.

### ***Side effects***

The arrangement with special polling stations and transfer of votes between those and the main constituency have been made to protect the Albanian minority and to ensure that those votes are not wasted. However, the way the law was drafted, the arrangement could also have helped non-Albanian parties to pass the threshold and to gain seats. If a party not representing a minority had got just below 3% outside the Special Polling Stations and passed the threshold in the Special Polling Stations, this party would get a high number of votes transferred to the Special Polling Stations and there easily get two seats in the Parliament. This situation did fortunately not occur during these elections.

### ***Control of Ballot Papers***

The control of ballot papers from the printing to the count of the votes was a major issue in the discussion among the parties. The process contains elements such as control of the printing, the quality of the paper, the counting, verification, stamping etc. This process must be assessed as a whole, and the detailed control and verification of the ballot papers from leaving the printing press till being issued to the voter did indeed provide a good control of ballot papers.

The process was not, however, a very efficient one, and could easily have been simplified.

The original arrangement defined by the REC would have implied a verification stamp after the printing at central level only. This stamp would have had limited value as verification and control, since the stamp is applied immediately after the printing. Upon a change in the Election Law on 19 May, the procedure was changed into an extremely stringent system of stamps and annotations at central, municipal and polling station level. The stamping of all ballots by the polling boards on the morning of the elections with a stamp unique to the polling station and with all party representatives present, provided the crucial element in the chain of control measures.

A simpler procedure that would still provide a transparent and safe process would be to adhere to a more detailed procedure for the selection and control of the printing house and then restrict the stamping of ballot papers to the polling station level, and possibly the Municipal Election Commission (MEC) level.

### ***The Allotment of Seats within a Candidate List and Replacement of Elected Representatives***

The election law stipulates that half of the seats won by a party will be allotted to the first names on the candidate list and the rest will be given to candidates after an internal decision of the submitter of the list. It is also stated that a representative's mandate expires if he or she ceases to be member of the party submitting the list. These provisions limit the transparency of the allocation of mandates and the voters' ability to decide on the allocation of seats, and are contrary to commonly accepted standards. The Constitution of the Republic of Montenegro Article 77 states that: *'Every deputy shall decide and vote according to his own beliefs and may not be recalled.'* This article also works against the parties' right to withdraw their representatives, once elected.

### ***The Effect of Incomplete Voters Register***

The Law on Voters Registers stipulates which data should be entered for each voter. In addition to the name, the most important entry is the unique personal identification number that every citizen is issued. In the end there were approximately 32,000 voters that did not have this number entered, and questions were raised about the possibility to identify these persons properly in the polling station. The Supreme Court, which was the responsible authority for the final version of the voters register, decided to keep these voters in the register with the following argument: The Law on Voters Registers placed a responsibility on the local authorities in properly completing the register. However, it was not an individual obligation to check and correct the data. If the authorities therefore failed to enter complete data, this was not enough to deprive a citizen his or her right to vote.

The authority for the procedure in the polling stations rested with the REC. The REC and all parties in the Parliament were of the opinion that it would be too difficult to identify these voters in a unified and safe way, and they decided that these people should not be given a possibility to vote. The Election Observation Mission supported this decision. It should be noted that the voters had been called to correct their data in a number of ways, and it was expected, and later confirmed, that there would be a very small number of genuine voters among the 32,000. Most of these would be duplicates, people who had left the Republic or dead people.

Still, there was an inconsistency in the register, and this inconsistency should be removed by issuing a clear legal provision to delete the entries that are missing the most crucial data.

### ***Conditions for Repeat Elections***

The election law Article 89 stipulates that the election in a polling station should be repeated if the number of ballot papers in a ballot box is higher than the number indicated in the voters register. This happened in one polling station, where one extra ballot paper was found in the ballot box, and a repeat election was held three days after. This is an unreasonably strict rule.



It should be considered to change this in such a way that small differences that cannot affect the results do not necessarily have to be repeated. In the case of re-election, the difference in result between the two elections is inevitably much higher than one vote, and it seems to be more unfair to have those changes that a re-election inevitably will bring than accepting an insignificant difference.

### ***Polling Station Procedures***

The process in the polling stations was more efficient than during the presidential elections, mainly due to a reduced number of voters in each polling station. The checking and spraying of indelible ink, that was introduced as a security measure for this election only, went technically quite well. With further improvement to the voters registers, however, it should not be necessary to repeat this in future elections.

The arrangement of circling the voter's number in the extract of the voters register and signing in a separate book, should also be simplified. A signature directly in the voters register only, should be considered.

### ***The Claims Process***

According to the Election Law the Polling Boards shall deliver the protocols to the MECs not later than 12 hours after the closing of the polling station. The MEC shall deliver their protocols not later than 12 hours after receipt of the Polling Board protocols. The REC shall establish preliminary results of the elections not later than 12 hours after the receipt of the MEC reports.

The Law on the Constitutional Court states that the deadline for filing complaints to the Constitutional Court is 24 hours after having received a decision, and the Constitutional Court must decide on such decisions 48 hours after the complaints are filed.

The election law then states that the REC must publish the results within 12 hours of the expiry of the decisions on the complaints.

The preliminary results published by REC did not contain the calculation of allocation of seats. This means that claims could have been filed even after the publication of the final results. To avoid this in the future, it should be made clear that the preliminary results should include the allocation of seats in addition to the detailed summary of the votes.

## **III THE ELECTION ADMINISTRATION**

The electoral administrative structure consisted of a three-tiered hierarchy with the Republican Election Commission (REC) on the highest level, and with 21 municipal election commissions (MECs), and approximately 1050 polling boards (PBs). The election commissions and polling boards operated according to permanent and expanded membership. Both the REC and MECs consisted of permanent members appointed for four years, all of whom were lawyers. Each

political party, coalition, and citizens' group which had submitted lists, were entitled to nominate a representative to the electoral body which certified their candidate list and each subordinate electoral body. Expanded members began participating in the work and decisions of the commission 15 days before the elections.

The permanent members of REC are the chairman, the secretary and seven permanent members appointed by the Republican Assembly. The MEC has a chairman, a secretary and three permanent members appointed by the Municipal Council. The polling boards had a chairman and two permanent members appointed by the MEC.

The make-up of the commissions and boards is a combination of neutral permanent members and extended party membership. Based upon earlier experience, however, there was also an effort to give the permanent membership a multi-party flavour. In the REC there are representatives from the major Parliamentary parties, and a decision passed by the Parliament in February 1998, recommended a multi-party composition of the permanent membership of the MECs as well. Most Municipal Councils followed this recommendation, but a few insisted that the permanent members did not have party affiliations at all. Some parties - in particular the SNP and the Liberal Party complained that they did not have members in every MEC, in particular where they did not have a strong representation in the Municipal Council. However, with the exceptions of those insisting on neutral members, the MECs were multi-party, even though all parties were not represented. Regardless the appointments were according to the law, and the best guarantee for transparency and control was the extended membership of the commissions.

According to the law, the expanded membership had the same rights and duties as the permanent members in the commissions and the boards. However, in practice, they were in many cases acting more as observers, particularly in the polling boards. A more efficient process could have been carried out if all members had been active in sharing the work.

The Voters Register was not under the authority of the REC, but was shared between the Ministry of Justice and the Municipalities. Only the Municipalities had authority to make changes to the register, whereas the Ministry of Justice could issue instructions only. The technical work was undertaken by the Secretariat for Development. In the period of 10 to 26 May the Supreme Court had to decide on all changes to the register. It should be considered to strengthen the authority of a central body on a permanent basis in the registration process to secure that obvious mistakes can be corrected efficiently.

#### **IV VOTER AND CIVIC EDUCATION**

From the time that voters registers were made public on April 14, all governmental agencies involved with the election process made a huge effort to inform voters that they should check their status on the voters register if they intended to vote in the May 31 elections. This was accomplished via personalised letters to people requiring amendments to their registration, the use of all forms of national and local media, toll free telephone numbers, mobile registration centres, giving the registers to the political parties in electronic form and an Internet web site.

In addition, the International Foundation for Election Systems developed and financed an informative and imaginative series of voter education and motivational spots for both television and radio.

With a turnout of seventy five per cent, there is little doubt that people were well informed about the elections. According to observer reports ninety nine per cent of voters seemed to understand the voting process.

## **V VOTER REGISTRATION**

The quality of the voters register for these elections represents a significant improvement on that used for the 1997 Presidential elections. Officials from the Ministry of Justice, the Secretariat for Development and the Municipal authorities are to be commended for the huge resources put into updating, centralising and computerising the register. Those political parties which assisted this process by encouraging their voters to register and pointing out deficiencies are also to be commended.

From April 14 to May 10 citizens had the opportunity to verify their status on the voters register at the municipal and/or national level, but amendments could be made at the local level only. Municipal Authorities worked under the guidance and supervision of the Secretariat for Development and Justice Ministry respectively.

During this period more than 19,000 new entries and more than 29,000 deletions were made. In total more than 600,000 changes were made to the voters register. The most crucial problem remained however, the high number of voters without a unique identification number which, although reduced from over 93,000 to 35,000, was a definite requirement to vote and of those 35,000 the real number of voters was unknown.

After the close of registration there followed a fifteen day complaints and appeals process through the Municipal Authorities adjudicated by the Supreme Court. A small number of changes were made to the register and those without a unique identification was reduced, though over 32,000 remained. The political consensus was that those without the personal identification number should be deleted from the register because of the possibilities for the misuse of the incorrect entries, but the Supreme Court argued that neither they, nor anyone, had the authority to do that without proof that those people were not legitimate voters.

The OSCE Election Observation Mission supported the decision made by the REC in agreement with all the parties that the 32,000 persons entered in the voters register without a unique ID number should not be allowed to vote on election day, since their identity could not be established in a uniform and secure manner.

Before the next election, consistency should be brought into the system in such a way that the people entered in the voters register should be allowed to vote. If needed, a change in the law should accommodate the deletion of those without proper identification.

## **VI CANDIDATE REGISTRATION**

Political parties and citizens groups had between the 14 April and the 10 May to nominate their candidate lists and were required to provide signatures numbering 1% of the total voters in the last Republican elections - 4,709 signatures. By early May three parties, the Serbian Radical Party, the Socialist Peoples Party and the Liberal Alliance had all been accepted and could begin campaigning, including the use of especially allocated free state media time. By the 12 May thirteen parties and four coalitions were officially recognised as candidates, none were rejected.

## **VII THE PRE-ELECTION CAMPAIGN**

The official campaign began when political parties or citizens groups had their candidate lists and signature requirements verified by the REC.

One of the main features of this campaign was the extreme level of distrust, antagonism and mutual condemnation particularly between the two leading parties. It was argued that the replacement of Federal Prime Minister Kotic on 20 May 1998 with SNP and former Montenegro President Momir Bulatovic, gave the SNP unfair campaign leverage, in addition to the more general criticism of the procedure under which Mr. Bulatovic was appointed. On the other hand the incumbent Government was also accused of abuse of power particularly regarding the state media, public infrastructure and the police. On several occasions two parties, the SNP and the Liberal Alliance threatened to boycott the elections which increased tension prior to election day. The reasons for the threatened boycott were the lack of trust in the voters register and a lack of trust in the actions of the Government during the pre-election period.

Building confidence in the whole electoral process will be one of the most important tasks in the future.

### ***Campaign silence***

According to the Law on the Election of Councillors and Representatives, the campaign in the media and by way of public gatherings shall cease forty eight hours prior to polling day. During this time thousands of anonymous leaflets were distributed and posters put up but, in general, the campaign was carried out according to the law, and in a calm and peaceful manner. A number of incidents, however, were of concern:

The publication of opinion polls a week prior to the elections is illegal according to the election law. Nevertheless, on 25 May the Serbian based newspaper *Argument*, distributed in Montenegro, published a poll indicating that the SNP would get 26% of the vote on election day compared with 37% for the Democratic Party of Socialists (DPS) led Coalition. The following day Montenegro state TV reported the results of the poll during the 16.00 and

17.00 flash news. On the 26 May another Serbian based newspaper distributed in Montenegro published a poll which put the SNP at 39% compared with 22% for the DPS led coalition

### ***Violence/Intimidation***

Complaints were received at the OSCE/ODIHR Election Observation Mission by the SNP, and the Serbian People's Party (SNS) that the police was conducting illegal house searches around the country and intimidating opposition voters. The Liberal Alliance also complained of being harassed and intimidated at some of their meetings. Observers noted an increase in police presence and activities during the last two weeks of the campaign, though it was unable to determine to what extent these actions have been justified. Observers in Budva investigated one such case which occurred on May 14 where eight officers searched the house of an SNP supporter at 22.00 hrs without a warrant. The police claimed to not need a warrant because the case was viewed as an emergency. Nothing was found during the search.

The cases of alleged police harassment should be duly investigated by the authorities, and if necessary, corrective measures should be taken.

### ***Rallies***

Over six hundred official rallies were organised around the country by the seventeen competing parties during the election campaign. The DPS led coalition held over three hundred whilst the SNP more than two hundred. A small number of incidents were reported: two SNP rallies in Niksic (14/21 May) where tear gas was thrown outside the meeting hall where the rally was taking place. Suspects were questioned but no arrests took place. Another skirmish was reported in Podgorica at a rally organised by Yugoslav Left (JUL) (20/5) where it was claimed that a group of unidentified young men had hurled abusive and threatening language at the entrance of the meeting and that physical violence against JUL supporters had also occurred. There was no follow up or arrests made. At the final DPS led Coalition rally in Podgorica (28/5), a firecracker coupled with a rumour of a bomb caused small scale panic with groups around the rally running away. A number of minor injuries were reported.

### ***Financing***

According to the law on political party financing, all parliamentary parties and parties on the candidate list should receive a sum of money paid by the state for campaign purposes. The seven current parliamentary parties should share 750,000 Dinars and another 750,000 Dinars should be divided among the seventeen parties on the candidate list. A final 750,000 Dinars will be shared proportionally among candidates which are represented in the new Parliament. Whilst the money allotted for the campaign should logically have been paid as soon as parties lists were accepted, it was not transferred until the 23 May, one week before the elections.

### ***Complaints by Political Parties***

Five complaints were lodged to the Constitutional Court during the campaign. Three were dismissed because they had no legal basis, whilst a further two, from the Albanian minority

parties who complained that their party's names did not appear in the Albanian language on the ballot, were also rejected because they were submitted after the deadline.

In the post election phase only two complaints were filed with the Constitutional Court. These were rejected on a formal, procedural basis, by having been lodged too late, and not having been sent to the REC first. The complaints concerned the Voters Registers and they were filed by the Party of Foreign Exchange Depositors of Montenegro.

## **VIII THE MEDIA**

The media in general and the electronic media in particular played an important role in the election campaign. While even the most important newspapers are plagued by low circulation, almost every home has a television. State television is the most influential because it is the only broadcast that is received throughout the whole country.

Much of the campaign activity took place within the special *Izbori 98* programs which were mandated by a new media law. The law made special effort to provide equal access to all political parties during the election campaign. The law itself is very detailed and restrictive in terms of the obligations of state media. State-owned television, radio, and the *Pobjeda* newspaper were obligated to devote much of their airtime and print space to the election campaign. Each day, registered political parties had the right to broadcast a written statement, a press conference, and televised coverage of election rallies.

### **Electronic Media**

The *Izbori 98* program succeeded in providing equal access on state television to all political parties during the election campaign. But because of its nature, its length of broadcast, and the lack of editorial input, *Izbori 98* did not have the power to influence or educate voters to the degree that such programs such as the prime time news can.

The degree of balance of coverage and equal access for all political parties decreases when discussing news programs on state television. The majority of time (50.6%) during the prime time news at 19:30 is given to President Djukanović and the Montenegrin government, with most of this time classified as positive coverage. Additionally, the ruling party coalition received more than any other political party during the news (12.2%), with the great majority of this time classified as positive (81%). Alternatively, SNP's time during the news was limited (8%) and a greater degree of time was negative (49%) than positive (13%).

Another measure of balance of time and quality of presentation on television is the time during which political figures manage their message by speaking directly to the audience. Final statistics show that there has not been full distribution of time amongst all participants in the political debate. The only groups which have received direct time on state television are the Government (15.6%), the DPS coalition (14.5%), SNP (8%), and the Liberal Alliance (5.7%). If the direct access time of the government and the ruling party coalition are added (30.1%), it is clear that the party in power was given definite priority in speaking directly to the television audience.

## Print Media

Results from the ODIHR monitoring effort show that all parties were given equal access to *Pobjeda* during the campaign and that all parties were represented in a fair manner.

Outside of the Izbori 98 section, *Pobjeda* dedicated the vast majority of its space to positive coverage of the party in power (96%). The comment can be made that this space allocation gave a disproportionate amount of positive coverage to DPS and the ruling party coalition during the election campaign to a degree that went beyond the need for information about government activities.

Coverage in Montenegrin privately-owned media (*Vijesti* listed below) showed that their editorial line closely followed that of state media. Additionally, Serbian-based media (*Politika*, *Politika Express*, *Vecherny Novosti*) virtually reported nothing but negative coverage of the ruling party.

A summary of conclusions on quality of coverage for each newspaper are listed in statistical form below:

% of space	<i>Pobjeda</i>			<i>Vijesti</i>			<i>Politika</i>			<i>Politika Express</i>			<i>Vecherny Novosti</i>		
	+	=	-	+	=	-	+	=	-	+	=	-	+	=	-
<b>DPS</b>	37.5	62.5	0	64.9	18.3	16.8	1.0	1.0	98	0	0	100	30	14	56
<b>SNP</b>	0	0	0	36.3	0	63.7	99	0	1.0	100	0	0	79	0	21
<b>LSCG</b>	0	0	0	96.6	2.6	0.8	85.7	0	14.3	100	0	0	99	0	1
<b>SRS</b>	0	0	0	80	0	20	100	0	0	100	0	0	100	0	0

- + positive
- = neutral
- negative

## Role of Serbian Media

One of the first concerns for election campaign shared by members of government and journalists was that the Serbian media would play an active and influential role in the Montenegrin election campaign. The state-controlled Serbian media were to a great degree very biased in their coverage of Montenegrin politics and the election campaign. It can be stated in general that most time in Serbian media was either dedicated to negative publicity of President Djukanoviæ and the Montenegrin government, or highly positive coverage of Mr. Bulatoviæ.

While Montenegrin media are subject to the media law, Serbian media were not. *Politika* and *Politika Express* both published public opinion polls in the week before election day; such publication is prohibited by Montenegrin media law. Additionally, open campaign articles were published in many Serbian newspapers up to election day.

ODIHR monitored RTV news broadcasts via satellite for the ten days prior to election day. On average, approximately 8-10 minutes during the 19:30 news program was dedicated to coverage of the Montenegrin elections. The SNP received 80% of this time, with very positive comments about Mr. Bulatoviæ and the campaign of his party. All of the time devoted to the DPS or President Djukanoviæ was negative. Two days before the elections, the coverage turned from positive coverage of SNP to very slanderous coverage of Mr. Djukanoviæ and the ruling party coalition.

## IX OBSERVATION ON POLLING DAY

On election day, observers visited almost 700 polling stations representing 65 % of all the polling stations.

The voting was generally conducted in a calm and correct manner. Voter turnout was 75 % of the total number on the voters registered. If one adjusts for the 32,000 that were on the voters registers, but not eligible to vote, the turnout figure is over 80%. The high turnout showed that the citizens of Montenegro wanted to exercise their civil rights and take responsibility over their future.

Some problems were reported including a slow process in some polling stations, overcrowded polling stations and queues. Some of these problems could possibly have been overcome by using the parties' authorised members of the polling boards more actively in the administration of the work.

The statistics from the observers' reporting forms show that almost all issues related to the voting and counting process were assessed to be positive. The following is an extract of the answers only, based upon approximately 765 returned forms:

<b>Question on observation form</b>	<b>Answer</b>	<b>Comment</b>
Were any voters refused the right to vote?	Yes - 51.6% No - 48.4%	Of yes: a) 24.5% not on register b) 19.4% no Identification documents c) 56.1% no unique identification number or other missing information.
Had any voters without unique ID number been circled on the register?	Yes - 7.8% No - 92.2%	In 80% of those who answered yes , the number was less than three per polling station
Did you observe intimidation of any voters?	Yes - 1.4% No - 98.6%	
Were any unauthorised persons inside the polling station	Yes - 3.1%	



	No - 96.9%	
Did you observe instances of family voting?	Yes - 19.8% No - 80.4%	
Did you observe instances of open voting	Yes - 3.8% No - 96.2%	
Overall assessment of voting process		Poor 0 = 1.4 % 1 = 2.0% 2 = 10.5% 3 = 32.5% Excellent 4 = 53.6%

The overall assessment can be translated into 84 on a scale from 0 to 100.

The observers' reports include the following:

- Two of the polling stations observed had not applied the polling station stamp on the reverse side of the ballot paper. In one of the cases the voting was suspended and the polling station closed.
- A number of voters were turned back because of minor inaccuracies on the ID number. A recommendation issued by the REC at mid day contributed to a solution of the problem, even though it may have caused some differences in the treatment of voters.
- Family voting is still a widespread practice.

A very low number of cases of intimidation were reported by the observers. The 32,000 names in the voters registers representing voters that should not be allowed to vote, were almost everywhere reported to be administered according to the instructions. It should also be noted that no ethnic tension was reported by the observers. The observers rated highly the quality of the voting process.

In the evening of election day the police barred the traffic to the SNP headquarters for a little more than one hour, but the situation was fortunately resolved without any incidents of violence.

The election law states that there may be up to 2,000 voters per polling station, but the REC decided to limit the size to approximately 1,000 voters.

## **X OBSERVATION OF COUNTING**

The observers reported in the same positive way on the counting. The overall assessment was 89 on a scale from 0 to 100. No particular problems were reported.

The observers reported on the results from the polling stations that they observed continuously from the start of the count to the signing of the protocol. This sample of 63 polling stations were distributed all over the country in a way that should represent the

population well. However, the number of polling stations is not high enough to give a representative sample with high confidence, but a comparison between the official results and the observed sample can still be of interest.

<b>Candidate List</b>	<b>Official Result %</b>	<b>ODIHR Sample %</b>
Liberal Alliance of Montenegro	6.3	6.6
Serbian Radical Party Dr. Vojislav e elj	1.2	1.2
Patriotic Party, Serbian Democratic Party of Montenegro	0.4	0.5
Serbian National Radical Party of Montenegro - Milika Ceko Dacevic	0.2	0.3
Yugoslav Left in Montenegro	0.1	0.1
Democratic Alliance in Montenegro	1.6	1.1
Union of Bosniak Muslims - International Democratic Union, Party of National Equality	0.1	0.1
Party of Natural Law	0.2	0.2
Socialist People' s Party of Montenegro	36.1	36.6
Serbian People s Party	1.9	1.8
Party for Protection of Savings Deposits and Social Security of Citizens of the Republic of Montenegro	0.1	0.1
Alliance of the communists of Yugoslavia, Alliance of the communists of Montenegro	0.5	0.7
Coalition 'For a better life' Democratic Party of Socialists of Montenegro, People s Party of Montenegro, Social Democrats of Montenegro	49.5	48.2
Party of Foreign Exchange Depositors of Montenegro	0.1	0.1
Party of Democratic Action of Montenegro	0.6	0.4
Democratic Union of Albanians	1.0	2.0
Party of Human Way	0.1	0.1

The seat allocation was as follows:

Liberal Alliance of Montenegro 5 seats

Democratic Alliance in Montenegro	1 seat
Socialist People' s Party of Montenegro	29 seats
Coalition 'For a better life'	42 seats
Democratic Union of Albanians	1 seat
Total	78 seats

## **XI AGGREGATION AND VERIFICATION OF RESULTS**

Intermediate results were published by REC from 02.00 Monday morning. This represents a great step forward in transparency and control as compared to earlier elections. It should, however, be considered to start the publication once the first polling station results are reported in the future.

The detailed tabulation of the polling station results were made available to the public once they were available. This is a very positive contribution to the transparency and it makes it possible for parties, polling board members, the media and observers to cross check the results.

The results were aggregated in two ways: from the MEC protocols and, directly from the Polling Board protocols. By assistance of the Secretariat for Development this has constituted a necessary double check of the results. Such a scrutinized process should be institutionalised, and it should be made clear that the REC has the authority to correct all possible mistakes in the aggregation all the way from the polling station level.

The accounting of the used and unused ballot papers on all levels should also be made available.

The results reported by our observers from the 63 polling stations observed were checked against the official tabulation, and they all match.

## **XII RECOMMENDATIONS**

Based upon the observations of the full electoral process, the OSCE/ODIHR Election Observation Mission recommends the following:

- An electoral system based upon a combination of geographical constituencies and national compensatory mandates should be considered. The constituency boundaries should take both administrative boundaries as well as the concentration of ethnic minorities into account. With such a system, special arrangements for the Montenegrin-Albanian minority should not be needed.

- The Law covering the state media should be expanded to cover not only the equal access to special election programmes, but to even secure independence in the news programmes and other politically related programmes
- Efforts should be made to get an agreement with Serbian authorities for the mutual respect of each others media campaign during elections, including campaign silence and ban on publishing of opinion polls close to the elections.
- Legal provisions should be made to delete entries in the voters register when crucial data is missing, and the voters registers should be further improved. On a long term basis, a connection to a centralised citizens register should be considered.
- A central authority with permanent decision making powers over the voters register should be considered.
- The incidents reported on politicised police work should be investigated, and measures should be taken to build confidence in the full neutrality of the police force.
- The control of ballot papers should be made simpler, starting by a transparent selection of printing house, and ending by stamping in the polling station, but by omitting stamps and controls in between that do not contribute to the control of the distribution of ballot papers.
- The rules for the scrutiny of the results from polling station level by the REC should be formalised.
- The preliminary results published by the REC, before the complaints period starts, should include preliminary seats allocation, to ensure that all possible complaints are decided upon before the final results are published.
- The rules for having a re-election should be made less rigid, so that a discrepancy of one vote between the number of votes in the ballot box and the indications in the voters register does not automatically lead to a repeated election.
- The extended members of the Polling Boards should be used more actively in the polling stations, not only as observers, but even with assigned tasks when so needed.
- The OSCE/ODIHR Election Observation Mission recommends maintaining the presence of an expert in Montenegro in the post-election period in order to assist the implementation of the above recommendations.