

**INTERIM REPORT
27 February – 24 March 2008**

I. EXECUTIVE SUMMARY

- The Election Observation Mission (EOM) opened its office on 27 February 2008 with 11 core team members based in Podgorica and 14 long-term observers deployed throughout the country.
- The election of the President of the Republic of Montenegro is scheduled for 6 April 2008; preparations by election administration bodies are proceeding according to legal deadlines.
- The State Election Commission (SEC) has registered four presidential candidates on the basis of a signature collection process. If no candidate receives an absolute majority of votes, a second round takes place 14 days after the first round between the two candidates with the highest number of votes.
- The election is governed by a legal framework which does not yet fully reflect the need for harmonization following the adoption of a new Constitution in 2007. Overall, the electoral legislation provides for the possibility of conducting elections according to accepted international standards.
- The election will be implemented by a three-tiered election administration comprised of a State Election Commission (SEC), 21 Municipal Election Commissions (MECs) and 1,141 Polling Boards (PBs) for as many polling stations (PSs). The election administration structure contains significant safeguards for contending parties.
- The election campaign has been proceeding calmly, with an increase in campaigning activity following the formal registration of candidates on 19 March. All political interlocutors have commented on the improved quality of the voter register (VR). However, numerous but hitherto unsubstantiated allegations of the buying of voters' identity documents have been raised by some opposition interlocutors.
- Since 3 March, the OSCE/ODIHR EOM has been monitoring five TV channels and four newspapers. During the monitoring period, the first channel of the public service broadcaster, RTCG, has provided slightly more news coverage to the incumbent president, Mr. Filip Vujanović, although all candidates have received significant coverage, both on state and private TV.

II. INTRODUCTION

The election of the President of Montenegro will take place on 6 April 2008. After calling the presidential election on 17 January 2008, the Speaker of the Montenegrin Parliament invited the OSCE/ODIHR to observe the vote. The OSCE/ODIHR conducted a Needs Assessment Mission (NAM) from 5 to 8 February 2008,¹ which recommended the deployment of an Election Observation Mission (EOM). The OSCE/ODIHR EOM formally opened on 27 February. The OSCE/ODIHR EOM, headed by Mr. Julian Peel Yates, consists of an 11-member core team based in Podgorica and 14 long-term observers deployed throughout Montenegro, drawn from 18 OSCE participating States. The 2008 election is the eleventh to be observed by the OSCE/ODIHR on the territory of Montenegro according to its standard methodology.²

The election of the President of Montenegro coincides with local elections in Tivat and Herceg Novi. The OSCE/ODIHR EOM will observe the presidential election and will comment on the local elections only to the extent they may impact on the conduct of the presidential election.

III. POLITICAL CONTEXT

The 6 April 2008 presidential election will be the first to be held since Montenegro's independence referendum in 2006 and under the new 2007 Constitution. The president is elected by an absolute majority of valid votes cast. If no candidate receives the requisite number of votes, a second round of elections takes place 14 days after the first round between the two candidates who received the highest number of votes cast. In the second round, the candidate with the highest number of valid votes cast is elected.

Four candidates have been registered for this election. In ballot order, they include Mr. Nebojša Medojević of the opposition Movement for Change (PzP), Mr. Andrija Mandić of the opposition Serb List (SL), Mr. Srdjan Milić of the Socialist People's Party (SNP) and Mr. Filip Vujanović, the incumbent President, from the Democratic Party of Socialists (DPS), who was first elected in 2003 and has served one term.

Political platforms have evolved in the two years since independence. Whereas prior to the independence referendum most of the political dialogue focused on this single issue, today presidential candidates' platforms are much more diverse, ranging from integration into Euro-Atlantic structures, to employment and the economy.

IV. LEGAL FRAMEWORK

Following the adoption of a new Constitution on 19 October 2007, Montenegro's legal framework has been undergoing a process of harmonization. For the current presidential

¹ The NAM report can be found at http://www.osce.org/documents/odihr/2008/02/29714_en.pdf

² The OSCE/ODIHR reports on the presidential elections of 1997, 2002 and 2003 and on the parliamentary elections of 1998, 2001, 2002 and 2006 are available at: <http://www.osce.org/odihr-elections/20443.html>

election, both old and new laws regulate the electoral process.³ A certain lack of clarity in the current electoral legal framework may, however, affect its implementation by public institutions and has been criticised by some political interlocutors.

At the time the presidential election was called, Parliament had not yet adopted a new law on the voter register. Although a discrepancy exists, it was agreed that there would be no changes made before the election in order not to disenfranchise voters who had voted in previous elections in Montenegro, but who were not citizens of the country.⁴ Other significant electoral matters, such as the length of the political campaign or the financing of political parties continue to be regulated by old legislation, whose provisions are often ambiguous or vague. In addition, provisions of the election law governing candidates' coverage in public media appear not to be in line with elements of the regulations passed by the public service broadcaster, RTCG.

One element of the legal framework has been brought before the Constitutional Court: Mr. Medojević challenged the procedure for the collection of signatures in support of candidates, and specifically the measure that requires voters to submit their signatures on the premises of Municipal Election Commissions (MECs) and in front of at least two MEC members, on the grounds of violation of the equality and secrecy of the ballot. The Constitutional Court found on 28 February that these constitutional principles were not violated by this procedure.

V. CANDIDATE REGISTRATION

Presidential candidates can be nominated either by a political party or a citizens' group, which has collected support signatures from at least 1.5 per cent of the registered electorate.⁵ By the State Election Commission's (SEC) decision dated 22 January 2008, the number of support signatures required was determined to be at least 7,266.

Four candidates had collected the requisite number of signatures by the legal deadline, 17 March, and the candidate order on the ballot was determined by lot at a session of the SEC on 19 March. The four registered candidates in ballot order are Mr. Nebojša Medojević (PzP), Mr. Andrija Mandić (SL), Mr. Srdjan Milić (SNP), and Mr. Filip Vujanović (DPS). All four candidates and their nominating parties signed a Code of Conduct proposed by the Centre for Democratic Transition (CDT) on 19 March, committing them to a tolerant and democratic election campaign.

VI. ELECTION ADMINISTRATION

The 2008 presidential election will be implemented by a three-tiered election administration: the SEC, 21 MECs and 1,141 Polling Boards (PBs) tasked with conducting elections in as many polling stations (PSs). Election commissions (SEC and

³ *Inter alia*, the Constitution of the Republic of Montenegro (2007), the Law on the Election of the President of Montenegro (2007), the Law on the Election of Councillors and Representatives (2006) and the Law on Register of Electors (2000).

⁴ It is estimated that this includes some 25,000 citizens of Serbia who are permanent residents of Montenegro.

⁵ This figure is calculated on the basis of the number of registered voters from the last election.

MECs) are appointed for four-year terms, while the 1,141 PBs are appointed for each election and are to be formed by 27 March.

The permanent composition of the SEC includes a chairperson, a secretary and nine members. Each MEC is composed of a chairperson, a secretary and five members. PBs are comprised of a chairperson and four members. According to the election law, election bodies operate in their core composition (appointed members) or in an 'extended composition' (including candidates' authorised representatives). Every candidate has the right to appoint a representative to the SEC, each MEC and all PBs. Authorized representatives participate in the work of the SEC and MECs from 22 March and PBs from 1 April.

The SEC has not conducted any voter education activities and is not planning to do so. Most MECs plan to conduct training for their PBs.

Preparations for the presidential election are on track and the SEC and the MECs are meeting all electoral deadlines. To date, the SEC has held 17 sessions and has decided on all major election-related issues. Regulations for PBs have been passed and all election materials (except ballots) have been distributed to the MECs. The work of the election administration has been public and transparent, as required by law.

VII. VOTER REGISTRATION

The voter registration system in Montenegro is passive, with the names of eligible voters added to a public voter register (VR) *ex officio* by municipal administrations on the basis of information of their eligibility and data from the Ministry of Interior (MoI). Municipalities add the names of people born in a municipality and remove the names of deceased people. The MoI informs municipalities regarding people they have registered as permanent residents or to whom they have issued identification cards for that municipality.

The SEC has no responsibility for the compilation or maintenance of the voter register, but does publish a provisional VR within 24 hours of receiving data from MECs and a final VR within 48 hours from the final closing of the VR. Following the closing of the VR at midnight on 11 March until midnight on 26 March, any amendments to the VR can only be effected by court order.

The total number of registered voters announced by the SEC on 14 March was 489,894.

VIII. THE CAMPAIGN

The election campaign is being conducted in a calm environment and was relatively low key in the initial period. However, there has been a noticeable increase in campaigning activity since the formal registration of candidates on 19 March, mainly focused on the media and on voter rallies.

All four candidates have been holding campaign events throughout the country. These have been attended by between some 100 to 500 participants. Door-to door campaigning is being done mainly by supporters of the incumbent President, whose

party, the DPS, continues to have the most extensive party structures in the regions. Mr. Medojević is also carrying out telephone canvassing to try to attract voters.

The campaign has embraced a diverse range of issues. Mr. Medojević is focusing his campaign around the concept of change, criticising corruption and criminality, and particularly seeking to appeal to voters from national minority groups. Mr. Mandić has been targeting issues of infrastructural development, health care and pension reform, revival of industry and the economic development of Montenegro. His campaign has avoided nationalist rhetoric. Mr. Milić has addressed local issues, with pension reform, family values, and overcoming divisions as focal points in his meetings. Mr. Vujanović has focused on stability and security in his campaign, whilst actively promoting NATO and EU integration. He has been calling for improving living standards and is also appealing to voters from national minorities.

The OSCE/ODIHR EOM has met with all presidential candidatures. Some opposition candidates have expressed limited levels of confidence in the election process, although all have declared their commitment to democratic procedures. All political interlocutors have commented that the quality of the VR is much improved, although the SNP has voiced its concerns over possible errors. No party has challenged the secrecy of the ballot. There have also been numerous but hitherto unsubstantiated allegations from opposition interlocutors of the buying of voters' identity documents in order to prevent them from voting; the PzP has publicly stated that it will demand the criminal prosecution of known individuals. The OSCE/ODIHR EOM is following the issue. Certain concerns have also been raised by political parties over the continued lack of clear separation between the state and the ruling party, DPS, and possible misuse of state resources.

IX. THE MEDIA

Media in Montenegro include some 15 television stations, 42 radio stations, 45 print outlets and one news agency. Television continues to be the most important medium in terms of market and audience share and social influence. Press circulation remains among the lowest in Europe and is estimated at less than 100 copies sold per 1,000 inhabitants.

The legal framework for media is governed by a range of media laws that were adopted in 2002. The main component of legislation is a Broadcasting Law that refers to both public and commercial media. It is supplemented by a Law on the Public Broadcasting Services "Radio and Television Montenegro" (RTCG). Other relevant laws include the Media Law and a recently adopted Law on Free Access to Information, which could strengthen the role of media and support greater accountability and transparency in the work of public institutions.

In addition to certain provisions governing the role of media in the election law, with regard to this presidential election, Article 97 of the Broadcasting Law stipulates that regulations on the presentation of presidential candidates should be adopted by the Public Broadcasting Service Council within 15 days of the elections being called. The issue became contentious during the pre-election period due to the expiry of six council members' mandates. On several occasions, parliament was not able to nominate new

members and the council remained non-functional until the seventh member was confirmed on 19 March. In the absence of a quorum in the Council, however, the RTCG editorial team prepared a set of regulations on the basis of those used in past elections, which were published on the RTCG website on 19 March. On 24 March, the Council finally adopted the regulations established by the editorial team.

These regulations include provision for 30 minutes of free airtime for every presidential candidate on 25 or 26 March. They also provide for two free reports from candidates' rallies of five minutes each, and for one ten minute report on candidates' final rallies. The regulations also provide for a live television debate between candidates. An important change was effected by the Council in the regulations passed on 24 March as compared to those presented on 19 March; the Council ruled that the debate did not need all candidates to attend in order to take place. The RTCG has confirmed that it will be sending out invitations to this debate to all four registered candidates.

In order to assess the conduct of the campaign in the media, the OSCE/ODIHR EOM commenced media monitoring of five television channels and four print media outlets on 3 March.⁶ Initial findings indicate that all candidates have bought airtime on at least some of the monitored TV stations as well as purchased space in newspapers for political campaigning. Although not all candidates have bought airtime on all TV stations monitored, to the knowledge of the OSCE/ODIHR EOM no requests were refused. The monitoring of the coverage of presidential candidates in news programmes indicates that the first channel of the public service broadcaster, RTCG, which is legally obliged to provide equal space, slightly favours Mr. Vujanović with 33.8 per cent coverage received. This coverage refers only to campaign events, not to coverage in his role as the incumbent president. The figure is in comparison to the 23.8 per cent received by Mr. Milić, 22.2 per cent by Mr. Medojević, and 20.1 per cent to Mr. Mandić.

Commercial TV stations demonstrate a certain imbalance regarding the coverage of presidential candidates within their news programmes. The broadcaster IN TV, competing with RTCG1 for the highest audience and confidence ratings, dedicated 47.2 per cent of coverage to Mr. Vujanović. Mr. Medojević received 22.4 per cent, Mr. Mandić 19.3 per cent, and Mr. Milić 11.1 per cent. Apart from the campaign coverage in the news programmes, the amount of information provided through interviews with candidates is increasing, with nearly six hours in total on all monitored broadcasters.

X. COMPLAINTS AND APPEALS

Complaints are determined in the first instance by the higher level election administration body and can eventually be appealed to the Constitutional Court. Since the last amendments to the Law on the Courts from July 2004, the competence to hear complaints on decisions of municipal bodies is dealt with by a newly established Administrative Court and appeals can be lodged with the Supreme Court. To date, some 500 complaints have been received by the Administrative Court, all referring to decisions made by municipal authorities with regard to the VR. To the knowledge of the

⁶ This includes the public service broadcaster RTCG 1, privately owned TV IN, NTV *Montena*, MBC and *Elmag* and the daily newspapers *Vijesti*, *Dan*, *Pobjeda* and *Republika*.

OSCE/ODIHR EOM, no other formal complaints or appeals have been lodged by any presidential candidate on other election-related issues. However, it should be noted that complex and differing legal procedures makes the complaints and appeals process cumbersome.

XI. OTHER OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened its office in Podgorica on 27 February 2008. The head of mission has met with the Ministry of Foreign Affairs, the SEC Chairperson, other state officials, and representatives of all four candidates. The OSCE/ODIHR EOM has established regular contact with election administration bodies, the main political parties, and the diplomatic community. It has met civil society groups, the media, and other interlocutors. A first briefing for representatives of the embassies of the OSCE participating States was held on 14 March. The OSCE/ODIHR has requested the OSCE participating States to nominate 100 short-term observers for election day observation. The Parliamentary Assembly of the Council of Europe (PACE) also intends to send an observer delegation for this election, and the OSCE/ODIHR is supporting these preparations.