



Office for Democratic Institutions and Human Rights

REPUBLIC OF MONTENEGRO

PRESIDENTIAL ELECTION 6 April 2008

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

5 – 8 February 2008



Warsaw
15 February 2008

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**REPUBLIC OF MONTENEGRO
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**OSCE/ODIHR Needs Assessment Mission Report
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I. INTRODUCTION

Following an invitation to observe the presidential election in the Republic of Montenegro, the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Needs Assessment Mission from 5 to 8 February 2008 to analyze the pre-election environment and provide recommendations for a possible OSCE/ODIHR election observation activity.

The OSCE/ODIHR Needs Assessment Mission (NAM) was conducted by Mr. Konrad Olszewski, Deputy Head of the OSCE/ODIHR Election Department and Mr. Drew Hyslop, OSCE/ODIHR Election Advisor.

The NAM held meetings in Podgorica with representatives of Parliament, government authorities, political parties, civil society and the media (see annex for list of meetings).

The OSCE/ODIHR is grateful to the authorities of Montenegro for their co-operation during the NAM. The OSCE/ODIHR would also like to thank the OSCE Mission to Montenegro for its support during the visit.

II. EXECUTIVE SUMMARY

The 6 April 2008 presidential election will be the first occasion that voters will elect their President since Montenegro voted for independence in a referendum on 21 April 2006.

A total of five candidates have begun gathering signatures for nomination for the presidential race. Incumbent President Filip Vujanović (DPS) will seek re-election, contesting against a field of candidates that includes SNP leader Srdjan Milić, SNS leader Andrija Mandić (running on behalf of the Serb List), PzP leader Nebojša Medojević and Blagota Mitrić, who is gathering signatures as an independent candidate.

The presidential election of the Republic of Montenegro will be conducted by a three-tiered election administration – the State Election Commission (SEC), 21 Municipal Election Commissions (MEC) and around 1,130 Polling Boards (PB). The voter register comprises approximately 485,000 voters. All interlocutors met by the NAM expressed general support for, and confidence in, the work of the SEC.

The presidential election will be regulated by a legislative framework comprising, inter alia, the law on the election of the president (December 2007), the law on election of councillors and representatives (last amended in July 2006), and the law on registers of electors (2000).

By law, candidates are required to gather signatures in the premises of the Municipal Election Commissions and in front of at least two members of the Commission. While not new, the constitutionality of this clause in the election law has been challenged by one of the candidates, stating that the secrecy of a voter's political preference is infringed upon. Although the constitution grants voting rights only to citizens of Montenegro, the authorities decided not to disenfranchise any voters who were voting in previous elections and referenda in Montenegro. Thus, the voter list for the forthcoming presidential election will contain some 25,000 Serbs residing in Montenegro.

Montenegro has a quite substantial media market with some 18 TV channels, over 40 radio stations, and more than one hundred print media outlets. The media environment in Montenegro is liberal with little restriction on the distribution of broadcast media licenses. The primary outlets were viewed by those met during the NAM as well developed, providing a high standard of journalism and relatively balanced coverage. Issues relating to the nomination of members of the Council for public radio and TV have delayed the passage of regulations for its coverage of the forthcoming elections. The opposition has complained that this could result in public media bias during the campaign.

During the NAM many opposition parties raised concerns regarding the overall campaign environment for the 6 April elections, but appeared less concerned with possible challenges in the voting process and the count on election day. Issues that were raised during the course of the NAM that were of concern to some interlocutors included the purported blurring of the line between the state and the governing political parties, unfair access to media, as well as allegations of criminal offenses such as vote buying and intimidation by police.

For some opposition parties, however, discussion remained focused on allegations regarding wrongdoing during the vote for independence in 2006. In general, these parties expressed a low level of confidence in any aspect of the electoral process. A "white book" has been compiled with 1,300 pages of documentation regarding alleged fraud during the 21 May 2006 referendum.

Broad interest was expressed in an OSCE/ODIHR election observation mission, including the presence of observers as a confidence enhancing factor; also considering the introduction of new election legislation, the OSCE/ODIHR recommends the deployment of an election observation mission. The election observation mission should be deployed during the last week of February. In addition to a core team of experts, the mission should comprise of 14 long-term observers to be deployed throughout Montenegro in early March. Some one hundred short-term observers should be requested for observation of election-day proceedings.

III. FINDINGS

A. POLITICAL CONTEXT

The 6 April 2008 presidential election will be the first occasion that voters will elect their President since Montenegro voted for independence in a referendum on 21 April 2006.

The Republic of Montenegro is comprised of a diverse population of some 670,000 citizens. Approximately 40 per cent are Montenegrin, 30 per cent Serb, 14 per cent Bosniak and Muslim, 7 per cent Albanian, 1 per cent Croat and 1 per cent Roma¹.

This multi-ethnic population is represented by a pluralistic political landscape. The governing coalition consists of the Party of Democratic Socialists (DPS), led by Milo Djukanović and its main coalition partner the Social Democratic Party (SDP) led by the Speaker of Parliament Ranko Krivokapić. Two smaller minority parties, the Croatian Civic Initiative (HGI) and the Democratic Union of Albanians (DUA), are also represented in government.

The opposition is represented by the Socialist Peoples' Party (SNP), the Peoples Party (NS) and the Democratic Serbian Party (DSS). The Movement for Change (PzP) of Nebojša Medojević formed in 2006 after independence and became the strongest opposition party, winning 11 seats in the September 2006 parliamentary elections. A group of Serb parties, who campaigned for Parliament together as the Serb List include the Serb People's Party (SNS), the Peoples Socialist Party (NSS), the Democratic Party of Unity (DSJ) and the Serbian Radical Party (SSR). The Liberal Party of Montenegro (LPCG), the Bosniak Party (BS) the Democratic Alliance (DA) and the Albanian Alternative (AA) are also represented in the Parliament.

A total of five candidates have begun gathering signatures for nomination for the presidential race. Incumbent President Filip Vujanović (DPS) will seek re-election, contesting against a field of candidates that include SNP leader Srdjan Milić, SNS leader Andrija Mandić (running on behalf of the Serb List), PzP leader Nebojša Medojević and Blagota Mitrić, who is gathering signatures as an independent candidate.

During the NAM, many opposition parties raised concerns regarding the period leading to the 6 April vote, in particular the unequal campaign environment due to a purported blurring of the line between the state and governing political parties. However, they appeared less concerned with the possibility of election-day fraud as the integrity of voting and counting processes are ensured through procedural safeguards and political party control.

In general, political parties met by the NAM expressed confidence in the election administration. Issues addressed to the NAM included insufficient campaign finance legislation, unfair coverage of state media for the election, as well as allegations of

¹ According to the 2003 census.

criminal offenses such as vote buying and intimidation by police. For other parties, however, discussion remained focused on allegations regarding wrongdoing during the vote for independence in 2006. They expressed a low level of confidence in any aspect of the electoral process. A “white book” has been compiled with 1,300 pages of documentation regarding alleged fraud during the 21 May 2006 referendum. The governing parties rejected all accusations related to the current electoral process.

The OSCE/ODIHR has observed a number of elections in Montenegro. The 2006 parliamentary elections were found to be conducted generally in line with OSCE commitments and international standards for democratic elections².

B. LEGAL FRAMEWORK

The presidential election will be regulated by a relatively new legislative framework, amended since the July 2006 declaration of independence. The legislative framework comprises of, inter alia, the law on the election of the president (December 2007), the law on election of councillors and representatives (last amended in July 2006) and the law on registers of electors (2000). The NAM was informed about the intention of the authorities to amend before the forthcoming elections the law on financing political parties and the law on campaign finance.

After the adoption of the constitution of Montenegro, the Parliament adopted a law providing for harmonization of legislation within three months. In that light a new law on the election of the president was passed on 27 December 2007. As additional election-related legislation was not passed within the necessary timeline, in its session on 6 February 2008 Parliament extended the period for passage by six months.

The new law on the election of the president calls for the same two round system of voting as in previous elections, where the candidate who obtains more than half of the valid votes shall be elected. In case neither candidate obtains over 50 per cent of the vote, a second round will be organized where the two candidates who received the highest number of votes participate in a run-off.

The law includes one notable amendment from previous legislation. Candidates are required to gather signatures of 1.5 per cent of the total electorate – an increase of 0.5 per cent from the previous law (some 7,250). Voters can sign for their candidates only in the premises of Municipal Election Commissions and in front of at least two members of the Commission. Although the clause had already been part of the previous law, the presidential candidate and head of the PzP Nebojša Medojević appealed the clause to the Constitutional Court. He complains that the secrecy of a voter’s political preference is infringed upon when signing for a candidate in front of others and that those who live far from the location of the Municipal Election Commissions are disadvantaged in expressing support for a presidential candidate. He has not yet received a response from the court.

² The OSCE/ODIHR has observed ten electoral events in the Republic of Montenegro since 1997. The Final Reports are available at <http://www.osce.org/odihr-elections/20443.html>.

All opposition parties raised the issue of public financing for presidential candidates during the NAM. Parliament appropriated 400,000 Euros for the campaign on 6 February – to be dispersed evenly to those candidates which receive at least 5 per cent of the vote as stated in the law. The NAM interlocutors stated that the existing law on financing of political parties requires that 2.7 million Euros (or 0.4 percent of the budget) be allotted for the activities of political parties represented in the Parliament.

C. ELECTION ADMINISTRATION

The presidential election of the Republic of Montenegro will be conducted by a three-tiered election administration – the State Election Commission (SEC), 21 Municipal Election Commissions (MEC) and around 1,130 Polling Boards (PB). The SEC is appointed by the National Assembly for a period of four years, and was last appointed after the new Parliament took office in late 2006.

The SEC informed the NAM that the body is meeting its obligations in good time and that it has the necessary budget to conduct the election. Parliament has allocated 1.5 million Euros for election administration. All interlocutors met by the NAM expressed general support for, and confidence in, the work of the SEC.

The voter register comprises of approximately 485,000 voters. The final register will be compiled by each MEC by 12 March, and by 15 March the SEC is obligated by law to announce the official number of voters for the upcoming election. Further changes will only be possible through a court decision.

Unlike previous elections, the quality of the voter register was not raised by the opposition as a primary issue of concern. However, there remains an issue relating to approximately 25,000 Serbs residing in Montenegro without Montenegrin citizenship. According to the constitution, only Montenegrin citizens can vote in Montenegro. However, the authorities took a pragmatic decision and decided not to disenfranchise any voters who were already eligible to vote in elections and referenda prior to independence.

D. MEDIA ENVIRONMENT

Montenegro has a quite substantial media market with some 18 TV channels, over 40 radio stations, and more than 100 print media outlets. Two public and four private television channels have Republic-wide coverage, while most of the private TV stations have local coverage. There are several weekly and daily newspapers offering readers a variety of views. According to those met during the NAM, the media environment in Montenegro is liberal with little restriction on the distribution of broadcast media licenses. The primary outlets were viewed as well developed, providing a high standard of journalism and relatively balanced coverage.

Most private media are regulated by their regular internal rules and regulations. Public service media is regulated by law to provide equal access and coverage to all candidates in the election, including free air time for campaigning.

By law, media coverage of the presidential election by the public broadcaster, Radio Television Crna Gora (RTCG), is also to be regulated through regulations adopted by its Council. Issues relating to the nomination of members of the RTCG Council have delayed the passage of such regulations for this election and remain to be resolved. Parliament has not ratified new nominations, keeping the Council beneath the number necessary to form a quorum. The opposition has complained that this could result in bias by the public broadcaster. The Director of RTCG informed the NAM that if the issue is not resolved, he would pass the same regulations as used in previous elections, and regardless, will ensure proper monitoring through independent media observers.

E. ELECTION OBSERVERS

The legislative framework provides for full access of international and domestic observers to observe the preparation and the conduct of the election. Three domestic non-partisan observer organizations – the Centre for Election Monitoring (CEMI), the Centre for Democratic Transition (CDT) and the Centre for Democracy and Human Rights (CEDEM) are preparing to observe the campaign period and the vote. This will include two opinion polls, domestic observation, and partial parallel vote tabulation (PPVT).

A broad interest was expressed by state authorities, political parties and civil society representatives for the deployment of an OSCE/ODIHR election observation mission. Concerns related to election-day procedures in Montenegro appear to be less significant than in years past, although some in the opposition expressed a general lack of trust in the electoral process. The importance of having the entire election process observed by international observers was underscored by all interlocutors.

IV. CONCLUSIONS AND RECOMMENDATIONS

Broad interest was expressed in an OSCE/ODIHR election observation mission, including the presence of observers as a confidence enhancing factor; also considering the introduction of new election legislation for the 6 April 2008 presidential election in Montenegro, the OSCE/ODIHR recommends the deployment of an election observation mission.

The election observation mission should be deployed during the last week of February. In addition to a core team of experts, the mission should comprise of 14 long-term observers to be deployed throughout Montenegro in early March. Some one hundred short-term observers should be requested for observation of election-day proceedings.

ANNEX - LIST OF MEETINGS

Parliament

H.E. Mr Ranko Krivokapic, Speaker of Parliament

Government

H.E. Mr Milorad Scepanovic, Assistant Minister of Foreign Affairs

Election Commission

Mr Mr. Bran Radulovic, President of the Republic Election Commission

Political Parties

Mr. Caslav Vesovic, Member of the Executive Board, DPS

Mr. Arsenije Boljevic, President of DPS Youth

Mr. Vasilije Lalosevic, Vice-President SNP

Mr. Neven Gosovic, Vice-President SNP

Mr. Aleksandar Damjanovic, MP SNP

Mr. Gojko Raicevic, Deputy President of the Executive Board SNS

Mr. Nebojša Medojevic, President of the Party PzP

Ms. Enisa Harovic, Spokesperson of LPCG

Mr. Ferhat Dinosa, President of DUA

Mr. Dragan Soc, MP NS

Mr. Vaselj Sinistaj, President AA

Mr. Ranko Kadic, President DSS

Civil Society

Mr. Zlatko Vujovic, CEMI President

Mr. Nenad Koprivica, Executive Director CEDEM

Media

Ms. Rajka Raicevic, Editor of the political section, DAN

Ms. Nina Vujacic, Deputy Editor-in-Chief, VIJESTI

Mr. Rajko Sebek, Editor of Informative Programmes, IN TV

Mr. Ranko Vujovic, UNEM

Mr. Branko Vojcic, RTCG Director

International Community

(Meeting Chaired by OSCE HoM, Ambassador Paraschiva Badescu)

Ambassador Bernard Garancher, Embassy of the Republic of France

Ambassador Zoltan Janos Somogyi, Embassy of the Republic of Hungary

Ambassador Gabriele Meucci, Embassy of the Republic of Italy

Ambassador Mihail Florovic, Embassy of the Republic of Romania

Ambassador Jernej Videtic, Embassy of the Republic of Slovenia

Ambassador Kevin Douglas Lyne, Embassy of the United Kingdom

Ambassador Vladimir Philipov, Council of Europe

Mr. Dagmar Schmidt, Deputy Ambassador, Embassy of the Republic of Germany

Mr. Clive Rumbold, Charge d' Affairs European Commission

Mr. Nikolaos Kaymenakis, Charge d' Affairs, Embassy of the Republic of Greece

Mr. Jaroslaw Lindenberg, Charge d' Affairs, Embassy of the Republic of Poland

Mr. Momcilo Raicevski, Political Officer, Embassy of the Republic of Bulgaria

Ms. Alexandra Bonura, Political and Economic Officer, Embassy of the United States
Mr. Vladimir Gurko, Third Secretary, Embassy of the Russian Federation
Mr. Valentin Gusiv, Third Secretary, Embassy of the Russian Federation