



Office for Democratic Institutions and Human Rights

**REPUBLIC OF MONTENEGRO
FEDERAL REPUBLIC OF YUGOSLAVIA**

**MUNICIPAL ELECTIONS
15 May 2002**

OSCE/ODIHR Election Observation Mission Report



**Warsaw
21 June 2002**

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**REPUBLIC OF MONTENEGRO
FEDERAL REPUBLIC OF YUGOSLAVIA
MUNICIPAL ELECTIONS – 15 MAY 2002
OSCE/ODIHR ELECTION OBSERVATION MISSION REPORT¹**

I. EXECUTIVE SUMMARY

The 15 May 2002 elections of Councilors to Municipal Assemblies in the Republic of Montenegro, Federal Republic of Yugoslavia, generally were conducted in accordance with OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document and the Council of Europe standards.

The elections built on progress noted during the June 2000 early municipal elections in Podgorica and Herceg Novi and the April 2001 parliamentary elections in the Republic, though shortcomings remain.

Anticipated changes in State status and a lingering political crisis precipitated by the breakdown of the governing coalition overshadowed the municipal elections. The conclusion of the Belgrade Agreement on redefining relations between Serbia and Montenegro and the FRY Parliament's adoption of the Law on Co-operation with the International Criminal Tribunal for Yugoslavia shaped the context of the elections. The majority of political parties viewed the elections as a test of their support in the run-up to presidential and possibly other elections later in the year.

Broad participation of political parties and coalitions, including parties representing national minorities, provided voters with a choice between competing political platforms. The electronic and print media, including a TV channel devoted exclusively to the pre-election campaign, gave voters sufficient information for an informed decision. However, the media was generally biased.

The representation of political parties on election commissions at all levels, the liberal access to voter register, and the broad access afforded domestic observer organizations during polling and counting contributed to transparency and public scrutiny of the electoral process. Continuing improvements in the accuracy of voter registers effectively addressed this source of political speculation.

On election day, the polling boards carried out voting and counting processes largely in accordance with the legal and procedural requirements. The elections went forward in a generally calm atmosphere. The turnout was more than 70%.

While the 2002 municipal elections were assessed positively, further improvements should be considered, in particular, in the following areas:

- The undemocratic control of electoral mandates by political parties and coalitions should be removed;
- State, Municipal, and political party functions should be separated;

¹ This report also is available in Serbian, but the English text remains the only official version.

- The Republic Election Commission should have a more proactive role in order to promote a uniform administration of elections;
- The secrecy of voting, in particular in prisons, should be better protected;
- Violence during the pre-election period and on election day, although isolated, must be prevented; and
- The campaign silence period must be respected.

In view of these findings, the OSCE/ODIHR suggests the following recommendations that should be considered prior to future elections:

- The electoral legislation should be amended to repeal provisions that give political parties control over elected mandates;
- Consideration should be given to reducing the minimum number of seats in Municipal Assemblies in order to reflect better the comparative size of each municipality; and
- The electoral framework should be amended to remedy other concerns detailed in this report.

The OSCE/ODIHR stands ready to assist the authorities and civil society of the Republic of Montenegro/FRY to address the remaining challenges and to build on the progress accomplished in recent elections.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

On 22 April 2002, the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) for the elections of Councilors to Municipal Assemblies in the Republic of Montenegro/Federal Republic of Yugoslavia, held on 15 May 2002. Mr. Nikolai Vulchanov (Bulgaria) headed the EOM which included eight international experts based in Podgorica, and 10 long-term observers (LTOs) from nine OSCE participating States. The LTOs were deployed in teams of two to five regions across Montenegro - Berane, Bijelo Polje, Budva, Niksic, and Pljevlja.

For election day, an International Election Observation Mission (IEOM) consisting of the OSCE/ODIHR and the Congress of Local and Regional Authorities in Europe (CLRAE) of the Council of Europe was formed. Mr. Tomas Jirsa (Czech Republic) headed the delegation from CLRAE.

Observation of the polling and vote counting processes involved the deployment of 114 short-term observers (STOs), including 9 from CLRAE, who reported findings based on visits to 504 of the total of 849 polling stations (59.4%) throughout the Republic.

The OSCE/ODIHR expresses appreciation to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, and the Ministry of Foreign Affairs, the Ministry of Interior, the Republic Election Commission, the Republic Secretariat for Development, and other Republic and Municipal authorities of Montenegro for their cooperation and assistance during the course of the observation mission.

III. POLITICAL OVERVIEW

The municipal elections of 15 May 2002 took place in 19 of the 21 municipalities of the Republic of Montenegro/FRY. Elections were not held in Podgorica and Herceg Novi where early municipal elections were held in 2000. The breakdown of the governing coalition brought on by impending constitutional changes, the adoption by the FRY Parliament of the Law on Co-operation with the International Criminal Tribunal for Yugoslavia (ICTY) and voter dissatisfaction with the outgoing municipal authorities created a dynamic political environment for the elections.

On 14 March, Montenegrin, Serbian, and Federal Yugoslav officials signed the Belgrade Agreement on Proceeding Points for the Restructuring of Relations between Serbia and Montenegro (Belgrade Agreement). This agreement, which will take effect following the drafting of a new Constitutional Charter, replaces the FRY with an entity called "Serbia and Montenegro".

Although the Belgrade Agreement allows each republic to vote on full independence in three years, it effectively ended plans for holding a referendum on the independence of Montenegro in the immediate future. This significantly impacted the political landscape in Montenegro as it forced parties to shift attention from the referendum issue and adapt their political platforms to new political priorities. Most parties had been preparing for an eventual referendum on independence since the 2001 parliamentary elections.

In April, the Liberal Alliance of Montenegro (LSCG) and the Social Democratic Party (SDP) withdrew support for the Government headed by the Democratic Party of Socialists (DPS) of President Milo Djukanovic.² The SDP and the Liberal Alliance, both supporting the independence of Montenegro, interpreted the Belgrade Agreement as failure by the DPS to fulfil an election promise to hold a referendum on independence.

Faced with the loss of support, Prime Minister Filip Vujanovic returned his mandate to the President on 19 April. Although he later stated that he did not resign and intended to continue as head of a new Government, several political parties questioned the legitimacy of the Government. In particular, the Liberal Alliance called for a vote of confidence, which eventually took place on 23 May and led to the dismissal of Mr. Vujanovic and his cabinet.

The prolonged debate on the return of the mandate postponed a decision by the President on a Prime Minister-designate until 28 May and provoked speculation in the press about the possibility of early parliamentary elections. Political rhetoric about the formation of a new coalition Government following the municipal elections heightened the intensity of the campaign.

Thus, the municipal elections represented an important test for both the Government and the opposition. The elections represented an opportunity for the DPS to assess the impact of the Belgrade Agreement on its electorate. The main opposition party, the Socialist People's Party (SNP), came under criticism for its decision to support the Law on Co-operation with the ICTY and therefore also sought to gauge the effect of this stance on its political standing.

² Political party abbreviations derive from the Serbian party name.

As such, with republican presidential elections scheduled for the fall and increased speculation about early parliamentary elections, the municipal elections provided insight into the level of support enjoyed by parties.

IV. LEGISLATIVE FRAMEWORK

The legislative framework for the municipal elections consisted of the Constitution of the Republic of Montenegro (1992), the Law on the Election of Councilors and Representatives (hereinafter the “election law”) as amended in 2001, the Law on the Voters’ Register (2000), the “Rules of Media Presentation for Submitters of Electoral Lists” adopted on 30 April 2002, and other laws. This legislative framework provided an adequate basis for democratic elections, but improvements can be made.

In particular, two features of the system of distribution and control of electoral mandates are not conducive to the development of democratic institutions. The election law provides that only one-half of the seats won by a party or coalition is allotted to its candidates according to the order of the candidates on the electoral list. Other candidates on the list fill the second half of the seats at the sole discretion of the party or coalition. Thus, voters do not necessarily know which candidates they are electing. Under the election law, an electoral mandate belongs to the party and not to the elected councilor. In the event an elected councilor ceases to be a member of a party, the party has the right to strip the mandate from the individual and assign it to another candidate on its electoral list.

The OSCE/ODIHR repeatedly has brought these and other issues to the attention of the authorities and the political parties in Montenegro, but in general, changes have not been introduced to the legislative framework to address key recommendations of previous EOMs to Montenegro (June 2000 and April 2001).

The OSCE/ODIHR reiterates its recommendation for amendments to the election law to reflect ownership of mandates by elected councilors. In particular, there is a need to clarify the status of councilors in the event that a pre-election coalition or a political party dissolves. Furthermore, the current electoral framework does not include provisions that allow citizens to become independent candidates or councilors. This restricts the ability of citizens outside of a political party or organized citizens group to exercise their constitutional right to be elected to public office as individuals. The election law should be revised to outline the status of independent candidates and councilors.

In Mojkovac, the Municipal Assembly introduced a change to the number of council seats contested in the municipal elections on 6 May, 52 days after the calling of the election. The Municipal Assembly made this decision, which reduced the number of seats from 32 to 31 in a closely contested municipality, to ensure compliance between the number of councilors and the number of voters as required by Article 3 of the election law.³ However, through its decision the Municipal Assembly contravened another provision of Article 3 because there

³ Article 3 states that “in the assemblies of municipalities, 30 councilors shall be elected and an additional councilor per every 5,000 voters”. Mojkovac has 7,580 voters.

cannot be any changes to the number of councilors after an election is called.⁴ The DPS filed an appeal with the Constitutional Court and the case is still pending.

Consideration also should be given to amending the provision in Article 3 which sets the minimum number of councilors in a Municipal Assembly at 30. This means that the three percent threshold for gaining at least one seat in a Municipal Assembly ranges from less than 100 votes in the smaller municipalities to more than 1,000 votes in the largest municipalities. A system with a considerably smaller minimum number of councilors per municipality might better reflect the disparity in number of voters in each municipality.

V. ELECTION ADMINISTRATION

The three-tiered election administration structure in Montenegro consists of the Republic Election Commission (REC), Municipal Election Commissions (MECs) and Polling Boards (PBs). The REC and MECs have permanent members appointed by the National Assembly (Parliament) and the relevant Municipal Assembly respectively for a four-year term of office. The MECs appoint members of polling boards only for the election period.

Permanent members of the REC and the MECs and their deputies must be lawyers. This created an awkward situation in one of the smaller northern municipalities in which both the serving Mayor and Police Chief acted as members of the MEC due to the absence of other qualified graduate lawyers in the municipality. Although this does not violate the current legislation, conflicts of interest may be an issue.

The election law guarantees political pluralism of all election commissions. The primary mechanism for ensuring representation of political parties on election commissions is extended membership at the polling board and MEC levels for submitters of electoral lists.⁵ The majority of parties and coalitions took advantage of this opportunity, contributing to a higher degree of transparency and political balance in the work of the commissions. Some parties alleged that representatives of the party that controlled a given Municipal Assembly oftentimes held a disproportionate number of the PB presidencies in that municipality. In comparison to the 2001 parliamentary elections, however, there were no complaints related to the stripping of mandates from MEC members on political grounds.

The election law assigns responsibility for the administration of municipal elections to each individual MEC. However, the law also requires the REC to co-ordinate and supervise all elections. For these elections, the REC interpreted its role primarily as that of an appellate body for decisions taken by MECs, and this significantly limited its involvement in the actual administration of the elections. This stance resulted in a lack of uniformity in election administration by the 19 MECs, especially in relation to funding, the supply of ultraviolet lamps and indelible ink.

⁴ Article 3 also mandates that “the number of councilors shall be determined by the Municipal Assembly by special resolution at the latest on the day of the calling of the elections”.

⁵ Political parties or coalitions participating in the elections can appoint representatives to the respective election commissions and these representatives form the “extended composition” of the commissions.

In addition, under the legislative framework, the REC only can issue non-binding “recommendations”, instead of the binding regulations needed to ensure the co-ordination of election administration by the MECs.

The rights and duties of the members of the REC, MECs and PBs are not defined clearly. In particular, the law does not guarantee equal membership rights and duties for the extended composition members. The REC and MECs rules of procedure could also be improved.

The election law provides for voting outside of polling stations for those who are unable to vote in person due to illness, handicap, or other reasons (“mobile voting”). Voting also took place in all three prisons in Montenegro where polling was administered directly by the REC. The procedures in place for both mobile and prison voting did not always provide for sufficient secrecy of the ballot, in particular in those instances in which the number of voters in the polling station was small. Some political parties claimed that the lack of well-defined procedures for mobile voting opened the door for abuse and manipulation.

The prolonged holiday period from 1 to 6 May adversely affected the preparations for these elections, as most MECs were not available for decision-making purposes. A Government decision to declare election day (Wednesday 15 May 2002) as a non-working day avoided potential disruption of voting at polling stations located in schools or government buildings.

A. REGISTRATION OF ELECTORAL LISTS AND POLITICAL PARTIES

The election law foresees the participation in municipal elections of political parties registered with the Ministry of Justice of Montenegro and citizens’ groups. Political parties can register either separately or together with other political parties in a coalition. An electoral list submitted by a political party/coalition must be accompanied by the signatures of at least 1% of the total number of voters in the given municipality. Citizens’ groups register for and participate in the elections on an equal basis with political parties/coalitions. All electoral lists must contain candidates for at least a third of all council seats.

All electoral lists submitted by coalitions, parties, and citizens’ groups were registered in accordance with the law. Each of the parties that contested the municipal elections is registered with the Ministry of Justice, including the Bosniac Democratic Party of Sandjak, which was not able to participate in the 2000 early municipal and 2001 parliamentary elections due to a legal controversy between the Supreme Court and the Ministry of Justice.

Thirty-two parties, or 48% of the political parties registered with the Ministry of Justice, contested the elections. One citizens’ group also registered an electoral list.

Eleven coalitions were formed for these elections, including:

- DPS and SDP in 10 municipalities;
- SNP, Serbian People’s Party (SNS), and People’s Party (NS) in 9 municipalities;
- SNP and SNS in 6 municipalities; and
- People’s Socialist Party (NSS) and Serbian Radical Party (SRS) in all 19 municipalities.

The two main coalitions from the 2001 parliamentary elections, the “Victory for Montenegro” coalition of the DPS and SDP and the “Together for Yugoslavia” alliance of the SNP, SNS, and NS, competed against each other in five municipalities: Budva, Danilovgrad, Kotor, Niksic, and Tivat. Amongst the parliamentary parties, the Liberal Alliance ran alone in 17 municipalities and the NS in nine.

Eleven parties, including three coalitions, representing national minorities participated in the elections. Montenegro has a positive record for the integration of national minorities into the electoral process. While the Albanian and Bosniac minorities have their own parties, both groups also are integrated into other parties, particularly the DPS.

B. ELECTORAL COMPLAINTS

The EOM is aware of only six MEC decisions that were appealed to the REC during the pre-election period. Two of these decisions concerned the use by one party of a coalition slogan in those municipalities in which coalition partners ran separately, and two other complaints challenged the establishment of particular polling stations.

The REC did not reverse any of the MEC decisions – four of the appeals were rejected as groundless, and two did not meet the deadline for submission. Although the REC decisions could have been appealed to the Constitutional Court, no appeals were filed.

VI. VOTER REGISTERS

A. LEGAL FRAMEWORK AND GENERAL PROVISIONS

Municipal authorities are the only bodies authorized to amend the Municipal Voter Registers (MVRs). Amendments to the MVRs can be undertaken only on the basis of documentary evidence from municipal Civil Status Offices (CSO) or the local branches of the Ministry of Interior (MI). The Republic Secretariat for Development (SD) maintains an electronic Central Voter Register (CVR), a merged compilation of the MVRs from all 21 municipalities in Montenegro. The CVR enables the identification of potential duplicate records in the MVRs. The SD, however, cannot change the CVR, and instead is expected to inform other relevant agencies of potential problems.

The local branches of the MI register and de-register the permanent residence and address of citizens; issue a unique civil number (JMBG); provide evidence for citizenship based on the date of first declared permanent residence in the Republic; and issue ID cards according to permanent residence. Citizens must report changes of permanent residence to the local branches of the MI.

The MI also is developing a Republic-wide register for permanent residence, which would allow the authorities to match republic-wide data from the permanent residence and voter registers and thereby further streamline the information needed for accurate voter registers. MI officials suspended work on this project shortly before election day due to the amount of time devoted to political parties’ requests for information on voters’ permanent residence, but

the Ministry still believes that the database might be in place before the presidential elections later this year.

The law ensures that all political parties receive both electronic and hard copies of the voter registers at a very early stage of the electoral process and also allows parties to inspect the MI archives regarding permanent residence and ID cards.⁶ These procedures afford political parties full opportunity to audit the registers and provide for a remarkable level of transparency. In a welcomed development, a Constitutional Court decision of May 2001 abolished the right of political parties to request changes to the voter registers without the knowledge of the citizens concerned.

The law also permits individual citizens to inspect the voter registers, but the practice is not uniform across the Republic. In some municipalities, lists are displayed for inspection in the local community offices (*mjestna zajednica*) and in others at the municipal office. Citizens can request amendments to the voter registers through the competent local authority until 25 days before an election. During an additional 15-day period, amendments can be requested only through the Supreme Court.

B. COMPLAINTS ABOUT THE VOTER REGISTERS

As during previous elections, the voter registers were a contentious issue. The EOM received numerous complaints about the voter registers, and its investigations found the following:

- The accuracy of voter registers has further improved, although a small number of errors remain. The EOM found no evidence to support allegations that deliberate attempts were made to manipulate the voter registers, and the EOM did not find evidence to question the integrity of the voter registers.
- A complaint submitted by the LSCG regarding 42 suspected duplicate records with identical JMBGs was well founded. The same complaint also alleged an additional 615 duplicate records due to identical old ID registration numbers. This part of the complaint was not accurate as only 25 records are likely to be duplicates, and another 25 must be verified for possible but unlikely duplication. In the vast majority of cases, the individuals with suspected duplicate records were in fact different people.
- Another complaint from the LSCG alleged that persons known to be deceased are on the voter registers. Investigation showed that the individuals named in the complaint are not registered as deceased in the municipal records. The same complaint provided a list of 137 citizens, mostly from Niksic but also from Berane, whose date of birth is not recorded in the respective voter registers and therefore, the complaint alleged, these individuals are deceased. Research showed that these individuals' date-of-birth was omitted in the MVR in error and without further investigation this fact alone is not sufficient to conclude that the subject individuals are deceased.
- A number of complaints brought to the EOM attention during the last week of campaign concerned the deletion of records from the voter registers in Bijelo Polje, Niksic, and

⁶ During the pre-election period, the MI provided information about 76,490 individual records to parties.

Budva due to missing information on citizens' permanent residence at the local branches of the MI. Individuals whose records were deleted for such reasons have appealed and have been reinstated in the voter registers.

- Another complaint from the SNP provided 69 names deleted from the voter register in Budva following the cancellation of their permanent residence by the local police. The EOM established that these records were deleted from the police records for permanent residence and the voter register around the end of March 2001, prior to the parliamentary elections, without informing the concerned individuals. In this same period, 381 such deletions were made in Budva, 9 of which were subsequently reinstated following appeals. In addition, 38 similar decisions were made elsewhere in the Republic during March and April 2001. Such unilateral action raises concerns as voters, albeit a relatively small number, may be disenfranchised.

C. SNP VOTER REGISTER COMPLAINT FROM 2001

On 28 February 2002, the SNP submitted a list of 613 names to the OSCE Office in Podgorica. The SNP alleged that the individuals named on the list voted in the April 2001 parliamentary elections but later were deleted from the voter register in Podgorica. Although the SNP made no direct allegation of wrongful deletion of these names, the EOM undertook a thorough investigation of the matter in an attempt to exclude any insinuation of fraud.

Research of the SNP list revealed that 89.56% or 549 of the records indeed have been deleted and 10.44% or 64 records remain in the Podgorica MVR as of 15 March 2002. The municipal authorities undertook all 549 deletions in accordance with the law and the relevant decisions for the deletions are available at the municipality. Some of the 64 records denoted as "not deleted" were initially deleted and then reinstated in the MVR following appeals. This tendency can be attributed both to incomplete data at the Ministry of Interior and to citizens who do not report changes of their civil status as required by law.

Therefore, the crux of the SNP complaint concerned 140 cases or 22.84% of the 613 names. These cases represent deletions in the voter list due to lack of evidence at the MI on the permanent residence (place and date of registration) of the respective citizens. Since it is the obligation of citizens to report on their permanent residence, these deletions do not seem to breach the law. However, in a politically tense environment such as Montenegro, deletions may be controversial.

In conclusion, the EOM investigation showed that the deletions raised by the SNP were part of a legitimate procedure to update the voter register in Podgorica, and no violations of the law were established. The OSCE/ODIHR has published a separate and more detailed report on this matter.⁷

D. REQUESTS BY CITIZENS FOR CHANGES TO THE VOTER REGISTERS

The Supreme Court received 1,527 requests for changes to the voter register during the period from 20 April to 5 May 2002. Of these, 973 requests concerned additions to the voter

⁷ See http://www.osce.org/odihr/documents/reports/election_reports/ymnt_csvreg_m

registers, 240 related to deletions from the registers, and the remainder were for other changes, additions, and corrections of data. The Supreme Court denied 8 requests that failed to meet the deadline for submission, rejected 68, and granted the requests in the remaining 1,451 cases.

E. GENERAL CONCLUSIONS ON THE VOTER REGISTERS

The accuracy of the voter registers has continued to improve, but errors still exist in spite of the significant efforts undertaken during the past year to remove inaccuracies. However, the error rate of the voter registers in Montenegro falls well within the parameters of established democracies with similar registration systems. If citizens reported more regularly about changes in permanent residence or other civil events, the accuracy of the voter registers would be further enhanced.

VII. MEDIA AND THE ELECTIONS

A. LEGAL FRAMEWORK

On 30 April 2002, the National Assembly adopted a regulation establishing the “Rules of Media Presentation for Submitters of Electoral Lists”. These rules obligated the Republican State media to provide equal and objective access to all participants. The rules, however, did not apply to local media which led to allegations of discrimination against certain political parties/coalitions by the local media.

The rules adopted by the National Assembly elaborated in great detail the modalities, including length and format, of the free airtime accorded to electoral list submitters on the Parliamentary Channel, the State television station required to offer equal free airtime to all participants in the elections. The regulations also mandated that the order of broadcasting of campaign material on the Parliamentary Channel be determined by lottery. However, no lottery took place and instead an informal system of “first come-first served” developed. Representatives of the Parliamentary Channel cited a lack of electoral material at the opening of the television campaign as justification for this decision, but it ultimately created an unfair advantage for those parties/coalitions with the means to submit more material.

The strict rules of electoral coverage set down in the regulation limited the liveliness of the campaign by reducing the ability of the State media to analyze political issues. The format of the Parliamentary Channel in particular failed to present voters with interesting political discourse. Its daily broadcast of six continuous hours of footage provided by parties/coalitions from their campaign rallies and other election events overwhelmed voters with information instead of generating debate.

Several political parties expressed displeasure with the late adoption of the rules which caused a delay in the start of the campaign. Although the extremely late date of adoption of the rules for these elections resulted from a National Assembly preoccupied with the ongoing Government crisis, adoption of standing rules on the media during the electoral process would help to prevent the reoccurrence of a similar situation in the future.

B. MEDIA MONITORING

Voters in Montenegro had access to a variety of print and broadcast media during the election campaign with the exception of some northern municipalities where the electronic media has limited reach. The highly regulated State media generally fulfilled its obligations to the submitters of electoral lists as prescribed by law, but overall it favored the incumbents. Most private media - print and electronic - openly supported one of the major political parties or coalitions.

The EOM monitored from 6 pm to 12 am on a daily basis Channel 1 of State-owned Radio Televizija Crna Gora (RTCG1) and the Parliamentary Channel, and on alternate days two privately owned stations *TV Elmag* and *IN TV*. In addition, the EOM analyzed a one-week sample of the Yugoslav station *Yu Info*. The monitoring also covered the print media – State-owned *Pobjedai*, and the independent newspapers *Vijesti*, *Dan*, *Glas Crnogorca*, and *Publika*. The EOM began monitoring the print media on 22 April and the broadcast media on 23 April.

Broadcast Media

State-owned RTCG1, which can be seen in the majority of municipalities in Montenegro, generally met the media provisions prohibiting pre-election campaign coverage during its news programs, but favored the Government in its overall programming. During the monitoring period, RTCG1 devoted 72% of its political content during the news and 78% of its political content during overall programming, including 86% following the adoption of the media rules, to the President, the activities of the Government, and the DPS.

Although the media rules sought to provide equal airtime on the Parliamentary Channel to electoral list submitters, the lack of a lottery clearly allowed the larger parties to take advantage. The members of the “Together for Yugoslavia” coalition received respectively 17% (SNP), 11% (SNS), and 10% (NS) or almost 40% of the coverage while the DPS received 9% and the LSCG only 4% of the free airtime.

The two private channels, *TV Elmag* and *IN TV*, which could be watched by about half of the voters, carried limited coverage of political issues and the electoral campaign during their news programs. *TV Elmag* provided generally neutral political coverage to all participants, devoting 26% of its political content to the Government, 15% to the President, and 17% to both the SNP and the LSCG. Only 8% of political content during news programs was devoted to the DPS. *TV Elmag* also broadcast lengthy interviews with the President and opposition leaders. *IN TV* focused its attention during the news on the President and the Government (38%), and on the SNP (20%), the LSCG (17%) and the DPS (13%). *IN TV* also covered the NS and the SNS, but mostly in a negative tone.

Analysis of *Yu Info* demonstrated limited coverage of the municipal elections campaign in Montenegro, devoting less than 2% of its political content to Montenegrin politics.

Print Media

The five newspapers monitored dedicated a total of 47% of political content to the municipal elections.

In accordance with the media rules, State-owned *Pobjeda* published a special supplement that provided free space for all electoral list submitters. Outside of this special supplement, however, *Pobjeda* generally favored the Government, devoting 39% of its political content to the Government, President Djukanovic, and the DPS.

The private dailies *Publika* and *Vijesti* reported on political subjects in a generally neutral or positive tone, but with an overall inclination towards the DPS and the Government, and gave the greatest amount of time to the DPS and the Government. *Publika* and *Vijesti* also carried coverage of the SNP, but in negative or neutral tones.

Dan and *Glas Crnogorca* tended to devote more positive political coverage to the SNP and its partners in the opposition. Both *Dan* and *Glas Crnogorca* reported negatively on the Government, the President, and the DPS. *Glas Crnogorca* devoted 38% of mostly positive political coverage to the SNP, and *Dan* devoted 18% of its political content to the DPS but in a negative fashion.

Only those parties/coalitions with significant financial resources purchased ads. The media did not respect the requirement that paid advertisements must be designated as “Paid Election Spots and Advertisements”. Both *Dan* and *Glas Crnogorca* violated the 48-hour campaign silence period before the elections by publishing articles or pictures related to the municipal elections. *Glas Crnogorca* also published an opinion poll on 12 May which did not directly measure the results of the municipal elections, but violated the spirit of Article 5 of the media rules.⁸

VIII. ELECTION CAMPAIGN

The economy, privatization, social policy, and select local issues were important campaign themes. The future status of Montenegro remained topical despite the conclusion of the Belgrade Agreement and the Law on Cooperation with ICTY also influenced the campaign. In general, national issues dominated over local issues.

Most parties preferred door-to-door campaigning and small meetings instead of large campaign rallies, although this changed to some extent in a number of municipalities as election day drew near. The local branches of parties assumed primary responsibility for campaign activities in a given municipality with some co-ordination from the center.

The campaign was calm and quiet with the exception of isolated violent incidents against opposition activists in Niksic and Budva and reports of negative campaigning.

In Niksic, unidentified individuals attacked NSS/SRS supporters on 1 May. The perpetrators have not been identified to date. In another incident in Niksic on the eve of elections, the SNP reported an explosion in its local office. A police investigation is ongoing. In Budva, the nightly “poster war” between young supporters of the DPS/SDP and SNP/SNS/NS escalated into violence. The local Office of the Prosecutor opened an investigation into the

⁸ Article 5 of the media rules states that “no results of public polls, research, and analysis conducted for the purpose of probing public opinion in respect to estimating the election outcome shall be publicized in the mass media in the seven days prior to the date of the elections”.

case. Anonymous campaign posters targeting the SNP and the SNS with reference to the Law on Co-operation with the ICTY also appeared in a number of municipalities.

Several parties complained about vote buying, intimidation of voters, pressure on employees to vote for certain parties, and abuse of State resources during the campaign. However, the EOM did not receive any evidence documenting these allegations and the parties did not file complaint about the allegation.

The Liberal Alliance claimed that lack of funds hampered its ability to campaign and requested that the REC intervene on its behalf to release municipal campaign funds. The REC declined, indicating that reimbursement of campaign expenditures is the responsibility of the municipalities under Article 7 of the Law on Political Party Financing. Indeed, municipalities did not apply uniformly provisions on campaign financing, causing both confusion and grounds for political speculation.

A. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

Some 392 women (11.88%) were candidates in the elections. Five women headed electoral lists, and 27.04% of women candidates occupied positions in the top third of lists. This, however, did not necessarily provide women with increased chances to be elected due to the role reserved to parties in apportioning electoral mandates.

Among the parties and coalitions that registered more than 100 candidates, the SDP had the highest percentage of women candidates with 18.50%. The LSCG, with 67 women, was the party with the highest number of women candidates. The two main coalitions, DPS/SDP and SNP/SNS/NS, allocated respectively 12.13% and 12.67% of their lists to women.

Party campaigns and election coverage in the media generally lacked information targeted at women. Only between 3% and 6% of the political content in the print and broadcast media monitored by the EOM concerned women. Awareness of women's right to equal participation in politics remains limited.

IX. ELECTION DAY

A. GENERAL ASSESSMENT

On election day, voting and counting were largely in accordance with the legal and procedural requirements. A generally calm atmosphere characterized polling day, but isolated incidents of violence were reported, including shooting outside one polling station in Budva and the stabbing of a party activist in Niksic following the vote count.

Observation on election day identified a number of minor problems related to the procedures followed by polling boards. These problems in general indicated an insufficient level of training for PB members and concerned in particular the stamping of ballots in advance and the marking of voters with indelible ink before performing a proper check of identification. The latter problem potentially could have led to the disenfranchisement of voters in the event that voters mistakenly came to the wrong polling station.

The placement of polling booths and ballot boxes and the quality of the ballot paper illustrated insufficient attention to the secrecy of the vote, although in these cases the PBs followed the guidelines of the MECs. Procedures for mobile voting and voting in prisons did not always provide for sufficient secrecy of the ballot, in particular when the number of voters was small. The layout of polling stations, many of which were too small in size, did not contribute to an orderly flow of voters.

B. TURNOUT

The overall turnout of 71.89% indicated strong voter interest in municipal elections, although it fell short of the turnout for the early municipal elections held in Podgorica and Herceg Novi in June 2000. In post-election meetings, two opposition parties opined that voter abstention and lower turnout amongst traditional supporters in the northern municipalities influenced the election results. It is, however, difficult to verify this information as turnout in the northern municipalities ranged from 62% to 89%.

C. VOTING AND VOTE COUNT

OSCE/ODIHR observers visited 504 out of the 849 polling stations (59.4%) in all 19 municipalities in which elections took place. The large majority of observers (86%) characterized the voting process as “good” or “excellent”, but there were polling stations, such as PS 62 in Bijelo Polje and PS 7 in Mojkovac, which the observers termed “poor”.

Observers noted a small number of irregularities, in particular with the secrecy of the vote (7%), stamping of ballots in advance (7%), polling station layout (3%), and identification (1%) and ink (1%) checks. Observers also noted unusual tensions or disturbances in 3% of the polling stations visited.

Voters were turned away without voting in 42% of polling stations visited, but the majority of these cases involved individuals who either came to the wrong polling station or were not able to produce valid identification. Serious violations such as voters failing to sign the Book of Electors led to the cancellation of voting in at least one polling station.

OSCE/ODIHR observers attended the vote count in 41 polling stations and characterized the counting process as “good” or “excellent” at 83% of the polling stations observed.

D. DOMESTIC OBSERVERS

Two domestic observer groups received accreditation to observe the elections – the Center for Democratic Transition (CDT) and the Center for Monitoring Elections (CEMI). CEMI monitored the elections in co-operation with the Center for Free Elections and Democracy (CeSID) from Belgrade.

In 80% of polling stations observed, non-partisan domestic observers were present. CDT and CEMI obtained accreditation for approximately 600 and 1,000 observers respectively, covering an overwhelming majority of polling stations. Both groups organized parallel vote tabulations. Their activities provided an exceptional level of scrutiny of the electoral process.

CDT also developed a code of conduct for political parties participating in the municipal election campaign. This code, which six political parties signed, built upon a similar agreement drafted for the parliamentary elections and sought to ensure that the campaign adhered to the law and democratic norms. In a preliminary report released on 16 May, CDT concluded that “in the majority of towns, the campaign was conducted in a correct or at least acceptable atmosphere”, but it also highlighted several negative tendencies.

E. TABULATION AND PUBLICATION OF THE PRELIMINARY RESULTS

OSCE/ODIHR observers monitored the aggregation of polling station results at some of the MECs in the hours following the closing of polling. Observer teams also visited the majority of MECs in the days following the elections in order to obtain the preliminary results of the elections and inquire about any complaints filed.

With the exception of the Niksic MEC where observers reported an environment not conducive to the orderly processing of the various polling boards, the tabulation process occurred in a transparent manner.

Final preliminary results were published in the State press on 17 May.

X. POST-ELECTION PERIOD

A. POST-ELECTION COMPLAINTS AND APPEALS

Five complaints were filed with the MECs within the 72-hour period foreseen by law for challenges to the election results. Four of these decisions reached the REC on appeal.

The REC upheld MEC decisions in Andrijevica and Rozaje in which the complainants sought to annul the results of voting at specific polling stations. The REC also upheld an MEC decision that dissolved two polling boards and ordered repeat voting in Ulcinj.

The REC overturned one MEC decision from Budva. The NSS/SRS sought to annul the results of Polling Station 14 due to discrepancies discovered during the vote count between the number of control coupons and voters who voted. The MEC initially rejected the complaint, but the REC overturned that ruling and this led to repeat elections at Polling Station 14 on 23 May. The NSS/SRS gained a seat following the repeat polling.

B. FINAL RESULTS

Annex 1 provides the final results for the municipal elections, including gains and losses of party seats in comparison to the 1998 municipal elections. The repeat voting held in eight polling stations in five municipalities from 19-25 May caused only slight changes in the results.

Although the formation of local coalitions to govern municipalities had not been completed at the time of this report due to ongoing parallel negotiations on a national governing coalition, the DPS and SDP with the support of the LSCG were likely to control nine municipalities.

The opposition parties SNP, SNS, and NS reached an agreement on 28 May to rule jointly in eight municipalities even though the three parties did not necessarily run together in these municipalities. Three ethnic Albanian parties gained the majority and formed a coalition government in Ulcinj, and the Liberals needed the support of either the SDP or the DPS to control the Cetinje municipality.

Most of the major political actors found reason to be pleased with the election results. The DPS, although it lost control over one municipality, performed better than expected in the northern municipalities and in general demonstrated that the Belgrade Agreement did not seriously affect its support. The SNP and its coalition partners gained seats on the coast to offset losses in the north and gained control over one more municipality than in 1998. The Liberal Alliance gained only one more seat overall than in the previous elections, but its support for the DPS is crucial to forming municipal governments in Bar, Budva, Kotor, Niksic, and Tivat. This provided the LSCG with a leverage in the negotiations with the DPS on the formation of a new national Government.

In post-election meetings with the EOM, the majority of political parties expressed satisfaction with the election results both as individual parties/coalitions and in terms of the overall balance of power. The parties believe that the results accurately reflect the comparative strength of political actors.

XI. RECOMMENDATIONS

The following recommendations, many of which reiterate recommendations from past EOMs to the Republic of Montenegro, could be considered:

A. LEGAL FRAMEWORK

1. The election law should be amended to reflect ownership of mandates by elected councilors. In particular, councilors should not forfeit seats due to a change in political affiliation.
2. Provisions that grant political parties to name half of candidates disregarding their position on the list should be amended.
3. Provisions outlining the status of independent councilors and the status of councilors in the event that a coalition or party dissolves should be incorporated into the law.
4. Consideration should be given to reducing the minimum number of councilors elected in each municipality.
5. The adoption of standing rules on the media during the electoral process would ensure a timely start to the campaign. These rules should regulate the role and the conduct of the media but should not restrict political discourse and debate.

B. ELECTION ADMINISTRATION

6. The mandate of the Republican Election Commission should be expanded to guarantee that it co-ordinates municipal as well as republican elections. In particular, its mandate should foresee the adoption of binding regulations necessary for clarifying the implementation of legal provisions.
7. The rights and duties of all members of the REC, MECs and PBs should be clearly defined, including the rights to raise matters for discussion, call for a vote, and receive advance notice of meetings. The election law should accord equal status to the permanent and extended members of commissions and PBs.
8. Consideration should be given to allow polling board members to elect their Presidents so as to enhance further political balance and transparency.
9. The rules of procedure for REC and MEC meetings can be further improved.

C. VOTER REGISTERS

10. Efforts to eliminate the remaining small number of errors in the voter registers should be continued in view of the presidential elections in the fall.
11. The accuracy of the information maintained by the Ministry of Interior should be improved. This requires substantial resources and the co-operation of the municipal Civil Status Offices and would be much more efficient after the completion of the Republic-wide permanent residence database.
12. Technical work on improving the voter registers should continue. Inclusion of father's name on the voter registers should be considered. On election day, the registration number of the ID card used for voter identification should be entered on the voter lists by the polling board.
13. Draft Voter Lists should be displayed at polling station areas after elections are announced.
14. Civic education to instill citizens with respect for their obligations under the law, in particular regarding their permanent residence, should be conducted.

D. ELECTION CAMPAIGN AND THE MEDIA

15. A strict separation of Government and political party activities should be enforced.
16. Provisions for campaign financing should be better defined. Political parties should be required to account publicly for campaign expenditures. The law should include sanctions for violations of campaign financing regulations by political parties or municipal authorities.
17. Failure by the media to clearly designate paid political advertisements as required by the law should be subject to sanction.

E. POLLING PROCEDURES

18. The grounds for dissolution of polling boards and annulment of results should be reviewed and limited only to serious violations.
19. Procedures for mobile and prison voting should be revised to ensure the secrecy of the ballot.
20. Additional measures such as placing completed ballots in envelopes before they are deposited in ballot boxes should be considered to enhance the secrecy of the ballot in polling stations.
21. Guidelines on the layout of polling stations should be modified to provide for a minimum size of the room and for the placing of polling booths and ballot boxes in positions that protect the secrecy of the ballot.
22. Training should be provided to all polling board members on voting procedures.

ANNEX 1: COMPARITIVE TABLE OF THE FINAL RESULTS

Changes to seats won in the 1998 municipal elections are marked in italics. Only those parties that won seats are shown.

Municipality	Seats	Political Party Acronym													
		DPS	SDP	LSCG	SNP	SNS	NS	NSS SRS	DSCG	DUA	BDK	SDA/ BMDK	SPJ	SKJ	PDP
Andrijevisa	30	9 (+4)	0		19 (-4)			2							
Bar	35 (+1)	12	5 (-1)	4 (-2)	10 (+2)			1 (+1)	2						1 (+1)
Berane	35 (+1)	16 (+3)	1	0	16 (-1)		2 (-1)	0		0					
Bijelo Polje	37	23 (+4)		0	13 (-3)		1 (-1)	0							
Budva	32 (-1)	14 (-2)		3 (-1)	14 (+1)			1 (+1)				0			
Cetinje	33	14 (-2)	1	16 (+3)	2 (-1)		0	0							
Danilovgrad	33	17 (+2)		1 (-1)	12 (-4)			2 (+2)				1 (+1)			
Kolasin	31	13 (+2)		1	16 (-3)		0	1 (+1)				0			
Kotor	33	13 (-3)		6 (+2)	13			1 (+1)							
Mojkovac	31 (-1)	15 (+1)		0	15 (-2)		1	0				0			
Niksic	41 (-1)	20 (+1)		3	18 (-2)			0							
Plav	32	11	7 (+2)	0	6 (-1)			0	2	2		4 (-1)			
Pljevlja	35 (-1)	14 (+2)		0	15 (-4)	4 (+3)	1 (-2)	1							
Pluzine	31	7 (+2)	0	0 (-1)	15	5	2	0 (-1)						2	
Rozaje	33	18 (-1)	5 (-1)	1	1 (-1)			0			7 (+3)	1 ⁹			
Savnik	31	15 (-1)			15		1 (+1)	0							
Tivat	32	14 (-4)		5 (+1)	11 (+2)			1				1 (+1)			
Ulcinj	33 (+1)	8		1	2 (-2)			1 (+1)	6 (-4)	9					6 (+6)
Zabljak	31	13 (+2)	0	0	11 (-4)	4 (+2)	1 (-1)	2 (+1)							

⁹ In Rozaje, the SDA ran together with the Party of People's Equality (SNR) as the Bosniac Muslim Democratic Coalition (BMDK).

ABOUT THE OSCE ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's main institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created in 1990 as the Office for Free Elections under the Charter of Paris. In 1992, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 80 staff.

The ODIHR is the lead agency in Europe in the field of **election** observation. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following six thematic areas: rule of law, civil society, freedom of movement, gender equality, trafficking in human beings and freedom of religion. The ODIHR implements more than 100 targeted assistance programs, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR **monitors** participating States' compliance with OSCE human dimension commitments. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR [website](#), which also contains a comprehensive library of reports and other documents, including all previous election reports and election law analyses published by the ODIHR.