



INTERNATIONAL ELECTION OBSERVATION MISSION

Republic of Montenegro — Parliamentary Elections, 10 September 2006

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Podgorica, 11 September 2006 – Following the invitation by the authorities of the Republic of Montenegro to observe the 10 September 2006 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) in the Republic of Montenegro on 9 August 2006. The OSCE/ODIHR EOM joined efforts with the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM).

Mr. João Soares (Portugal), Vice President of the OSCE PA and Member of the Parliament of Portugal, Head of the OSCE PA delegation, was appointed by the OSCE Chairman-in-Office as the Special Coordinator of the OSCE's Short-Term Observation Mission. Mr. Jean-Charles Gardetto (Monaco), Vice President of the PACE and Member of the Parliament of Monaco, led the Delegation of the PACE. Mr. Jørgen Grunnet (Denmark) heads the OSCE/ODIHR EOM.

The IEOM assessed compliance of the electoral process with OSCE Commitments and Council of Europe standards for democratic elections, and domestic legislation. Although local elections were conducted simultaneously with parliamentary elections in most of the Montenegrin municipalities, the IEOM monitored these elections only to the extent that they had an impact on the conduct of parliamentary elections.

This statement of preliminary findings and conclusions is delivered prior to the completion of the election process, including the announcement of final results and the expiry of legal deadlines for hearing possible complaints and appeals. A conclusive assessment of the entire election will depend, in part, on the conduct of the remaining phases of the process. The OSCE/ODIHR will publish a comprehensive final report approximately two months after completion of the elections. The PACE delegation will present its report to the Plenary Session of the Assembly in October 2006. The OSCE and the Council of Europe stand ready to assist the authorities and civil society of the Republic of Montenegro to further improve the electoral process.

PRELIMINARY CONCLUSIONS

The 10 September parliamentary elections in the Republic of Montenegro were the first after the proclamation of independence. The process was largely in line with OSCE Commitments and Council of Europe standards for democratic elections, although a number of reappearing challenges remain to be addressed.

In an inclusive process, the Republican Election Commission (REC) registered all candidate lists which had been submitted. Five parties, six coalitions and one group of citizens, across the political spectrum, contested these elections, providing voters with a wide choice.

The elections were called at short notice which had an impact on the election campaign. The funding of the election campaign from the State budget was contentious. The campaign was overall calm, orderly and low-key, and influenced by the recent referendum on state-status and its outcome. The

tone was moderate despite a few instances of inflammatory exchanges, however, the campaign climate deteriorated during the last days before the elections.

Parties complained that municipal and Republic authorities put undue pressure on voters and candidates. For example, the police questioned the leader of the Movement for Changes and raided – under a court order – several homes in Tuzi and detained two candidates from the Albanian Alternative list on the eve of the elections. Allegations of vote buying, one of which was substantiated, cast a shadow over the campaign environment.

A wide and diverse range of media provided voters with sufficient information about the contestants and their campaign activities. However, broadcast media, including public television, concentrated their coverage on the ruling parties and the Government. Contrary to existing legislation, including the Law on the Election of Councilors and Representatives (the Election Law), public Radio-Television Montenegro (RTCG) allocated free airtime proportionally rather than equally. Newspapers offered a variety of views and provided more information than the broadcast media.

The legal framework provides an adequate basis for the conduct of elections. However, contrary to international standards, the Election Law was amended after the elections were called. Some of the amendments include limitations to the rights of free speech and expression.

The mandate allocation system does not provide for a fully transparent process as it requires that only half of the seats won by a party or coalition are allocated according to the order of the candidates' names on its electoral list, while the party is free to allocate the remaining seats to any other candidate appearing on its list. Although this has repeatedly been brought to the attention of the authorities and political parties by past OSCE/ODIHR EOMs, this provision has not been removed from the law.

Contestants in the elections were entitled to representation on election-administration bodies at all levels. While the REC operated in a generally open and transparent manner, it took several contentious decisions, particularly regarding the remuneration of party-appointed Polling Board members and printing of ballots. The voter register was overall accurate and proved far less controversial than in previous elections.

Several national minority parties participated in the elections, either separately or in coalitions. Issues of inter-ethnic relations were largely absent from the campaign, with the notable exception of the Serb List, which based its campaign on calls for the defense of Serbs' rights. Representation of the Albanian minority was ensured through a special system for the election of five MPs in areas where Albanian voters reside. Women remained significantly underrepresented as candidates; only 14.6 per cent of all candidates were women, less than in the 2002 elections.

Some 98 per cent of IEOM observation reports assessed voting as “good” or “very good”, with isolated cases of procedural irregularities. Measures to safeguard the integrity of the vote were implemented largely in accordance with the law, although some problems were identified. Group voting was reported from a relatively high 8 per cent of polling stations visited. The vote count was assessed less positively (92 per cent “good” or “very good”) and procedural irregularities were frequently noted. The election-day process could benefit from further training of Polling Board members.

PRELIMINARY FINDINGS

Background

The President of the Republic of Montenegro, Mr. Filip Vujanović, on 11 July 2006 called parliamentary elections for 10 September. The date chosen was earlier than widely anticipated and came at the end of holiday season. Opposition parties complained that their views had not been taken into account despite the consultations the President had held with party leaders before calling the elections. In addition to parliamentary elections, elections of mayors and municipal councilors were held in 14 of the 21 municipalities.

Coming less than four months after the 21 May referendum on state-status and three months after independence, the 10 September parliamentary elections took place in a significantly changed political environment.¹ The demise of the pro-independence and pro-union blocs resulted in new political dynamics, with new parties also appearing on the political scene. A total of 12 candidate lists were registered to contest the 81 seats in the Parliament of the Republic of Montenegro.

The ruling coalition of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP), strengthened by the referendum's outcome, had to compete with an opposition that was in part divided by internal competitions. The main opposition forces in these elections included: the formerly pro-union coalition of the Socialists People's Party (SNP), People's Party (NS) and Democratic Serbian Party (DSS); the Serb List, which comprised the Serbian People's Party (SNS) and a number of smaller pro-Serbian parties; the newly-established party Movement for Changes (PzP); the coalition of the Liberal Party (LP) and the Bosniak Party (BS); and the Civic List (GL), uniting the Civic Party (GP) and the Green Party (ZS). Four lists targeted the vote of the Albanian community, up from two in 2002.

Election System and Legal Framework

The Republic of Montenegro has a unicameral Parliament elected for a four-year term. Under the Constitution, one Member of Parliament shall be elected to represent 6,000 voters. Based on the number of registered voters, the outgoing Parliament adopted a decision calling for the election of 81 Members of Parliament in these elections. Seventy-six mandates are allocated based on the results in all polling stations in Montenegro. The remaining five mandates are allocated, under special rules, based on the results in 70 polling stations located in areas where Albanian minority voters reside. To be eligible to participate in the allocation of the 76 mandates, a candidate list must win at least 3 per cent of all votes cast. The same threshold applies to the five mandates allocated in the 70 specially designated polling stations.

Parliament amended the Election Law on 28 July, after the elections had been called by the President. Key provisions of the amendments represent limitations on the rights of free speech and expression, which is not in line with OSCE Commitments and international standards for democratic elections; one amendment prohibited campaign speech that is offensive, slanderous, or breaches the rules of decency. Another amendment increased the blackout period for the publication of opinion poll results from seven to ten days and imposed a ban on the publication of preliminary results or estimates for three hours after the polls close. The Constitutional Court on 1 September ruled that the three-hour ban on publication of preliminary results or estimates was unconstitutional.

¹ The OSCE/ODIHR observed ten electoral events in the Republic of Montenegro since 1997. The Final Reports are available at <http://www.osce.org/odihr-elections/14207.html>

The Constitutional Court also ruled on 28 June that part of the formula for distribution of public funds for campaigns of electoral lists was unconstitutional as it gave parliamentary parties an advantage. This decision, coupled with the Government announcement in July that campaign funds from the State budget would not be available to political parties, limited the financial resources of electoral contestants. However, the Minister of Finance made a subsequent announcement that a total of € 205,000 would be distributed equally among the submitters of the 12 registered lists. While this amount is in line with a provision in the Law on the Financing of Political Parties which states that 10 per cent of the funds allocated for campaign purposes should be distributed equally, it remained unclear what funds, if any, would be available for distribution after the elections. Although the amount disbursed somewhat improved the financial resources of electoral lists, the legal limit on the expenditure of private campaign funds to 40 per cent of the public funds may have hampered the campaign efforts of electoral lists that restricted their expenditures to the legal limits.

Restrictions were also introduced by public Radio-Television Montenegro (RTCG) on the free access to be provided to electoral lists participating in the elections. Although the Election Law and other legislation stipulate that all submitters of candidate lists will be provided equal access, RTCG on 27 July issued rules that provide for free access to be allocated proportionally, based on a party's strength in Parliament.

The Election Law requires that only half of the seats won by a party or coalition must be allocated according to the order of the candidates' names on its electoral list. The party is free to allocate the remaining seats to any other candidate appearing on its list. This provision limits transparency and may be misleading to voters who cannot be certain of which candidates they are electing. Previous EOMs have repeatedly brought these provisions to the attention of the authorities and political parties in Montenegro. While the Parliament has had nearly a decade to correct this problem, this provision has not been removed from the law.

Election Administration

The parliamentary elections were administered by a three-tiered election administration: the Republican Election Commission (REC), 21 Municipal Election Commissions (MECs), and 1,130 Polling Boards (PBs). The REC and MECs are appointed for a term of four years, by the Parliament and the Municipal Assemblies respectively, while PBs are appointed by the MECs for each election. All election administration bodies have a "permanent" composition reflecting the political composition of the body that appointed them, and an "extended" composition which includes representatives of submitters of electoral lists.

The REC operated in a generally open and transparent manner, and its meetings were open to domestic and international observers. The REC also established a website. The REC and MECs met regularly and generally functioned well, taking the required decisions on all issues related to procedures and administrative arrangements.

Regrettably, the REC did not plan or conduct any voter-education programs, arguing that such activities were not part of its obligations.

The REC took a contentious decision that members of the extended composition of a Polling Board should be paid by the parties appointing them, arguing that public funds for the conduct of the elections were limited. However, extended members are also members of the election administration and should therefore be paid by the bodies funding the conduct of the elections.

There is no provision in the Election Law to prohibit persons standing as candidates in an election from holding positions as members of election commissions, which by their nature are required to be impartial and quasi-judicial bodies. The inherent conflict of interest between the political role of a candidate and the responsibility of a commission member makes such a dual function highly inappropriate and unacceptable.

A minor controversy was caused when the REC awarded the contract for printing the ballots without following public tender procedures. The printing house that was not awarded the contract, but had the lowest bid, suggested that the REC's decision was motivated by improper means. The REC defended its decision by noting that the printing house OBOD in Cetinje, which was awarded the contract, had more experience and a proven record for printing ballot papers. The other company was contracted by some MECs to print ballots for local elections.

Voter registration in Montenegro is passive, and eligible voters are included in the voter register based on the information provided *ex officio* by the Ministry of Interior and municipal registrar offices. On 1 September, the REC announced the total number of registered voters for the 10 September parliamentary elections – 484,430. The accuracy of the voter register was far less controversial than in previous polls, possibly as a result of thorough checks performed by the authorities and parties ahead of the May referendum.

Candidate Registration

Five parties, six coalitions and one group of citizens were registered in an inclusive process, representing a broad political spectrum and providing voters with a wide choice. All 12 lists submitted within the 16 August legal deadline were registered. In three cases, the REC asked submitters to rectify deficiencies on their lists, which they did within the 48 hours provided by the Election Law. Overall, 747 candidates competed for the 81 seats in the Parliament. The General Electoral List, which contained the names of all candidates, was published on 24 August and displayed in polling stations on election day.

Campaign Environment

The election campaign was generally calm, orderly and low-key, although campaign activities increased during the last two weeks. This was partly due to the early date of the elections, the summer holiday season, and limited funds, although the proximity of the very active referendum campaign may also have had an impact. Most parties' campaign strategies were at least partly influenced by the initial decision of the Government not to allocate funds from the State budget for the campaign, which led to much acrimony, particularly among opposition parties.

The main topics of the campaign were the economy, employment, environment, and European integration. The opposition saw shortcomings concerning the first three issues and also criticized the Government with regard to the performance of State institutions and its leading politicians. The ruling coalition, for its part, tried to capitalize on its success in the referendum and the subsequent independence and international recognition of Montenegro, and also presented itself as the guarantor for Montenegro's European integration. Economic growth, increased employment and more foreign direct investment were also dominant themes of the ruling coalition's campaign. The Serb List presented itself mainly as the advocate of the Serb population. It received support from abroad, by the Belgrade-based Serbian Radical Party, which raised concern and criticism among some competitors.

Most parties focused their activities on door-to-door campaigning and the moderate use of billboards, posters and media advertisement. Only the major political forces, including the ruling DPS–SDP coalition, the SNP–NS–DSS coalition, the Serb List, the LP–BS coalition and the Movement for Changes, organized sizable rallies and meetings throughout Montenegro. These meetings were often aimed at winning support not only for the parliamentary elections, but also for municipal races. The overall tone of the campaign was moderate, with a few instances of inflammatory exchanges reported by observers from the OSCE/ODIHR EOM. However, the campaign climate deteriorated during the last days before the elections.

Opposition parties claimed that the authorities put undue pressure on voters and candidates. On 7 September, the police questioned the leader of the Movement for Changes about alleged tax evasion. The day before the elections the police – under a court order - raided several homes in Tuzi, and detained a number of people, including two parliamentary candidates from the Albanian Alternative, on charges of plotting terrorist acts. On the evening of 31 August, seven members of the SNP–NS–DSS coalition’s campaign marketing team were informally questioned by the police after leaving a radio station where they attended a political program. The coalition assessed this as a case of pressure against their campaign team.

A recent transfer of some 70 police officers to new duty stations proved controversial. The opposition claimed that these officers were transferred because of their pro-union stance during the referendum. The Ministry of Interior rejected these claims, saying only six policemen had filed complaints on “social grounds”; however, 15 officers submitted notarized statements to the EOM saying that their superiors had put undue pressure on them before the referendum. The PzP alleged that its mayoral candidate in Bar had been dismissed from his position at the Port of Bar for political reasons. While this claim could not be substantiated and the person’s employment contract had apparently expired in early 2004, questions remain about the timing of the decision.

The EOM received a number of general allegations, none of which could be substantiated, of pressure being put on voters by State and local authorities or political parties.

Participation of National Minorities and Women

According to the 2003 census and its terminology, Montenegro’s population is made up of 43 per cent Montenegrins, 32 per cent Serbs, 12 per cent Bosniaks and Muslims, 5 per cent Albanians, 1 per cent Croats, and 7 per cent “others”. The Roma population is estimated to be around 20,000, including internally displaced persons (IDPs) and refugees.

The participation and integration of national minorities in Montenegro into the Republic’s electoral and political processes has generally been positive. A number of mainstream parties have had some success in integrating national minorities in their ranks and historically have had a strong appeal to national minority voters. Furthermore, parties representing minorities participated in the elections, providing these communities with a high level of choice. Four lists competed independently for the Albanian vote (up from two in the 2002 elections); the Bosniak Party was in a coalition with the Liberal Party, while the Croatian Civic Initiative was given one place on the DPS–SDP list.

The parties representing smaller minorities concentrated on issues pertinent to their ethnic groups and on increased participation in state and public institutions. Their campaigns focused largely on intra-ethnic issues, while discussions of inter-ethnic relations were mainly absent from the campaign, with the notable exception of the Serb List’s calls for the defense of Serbs’ rights.

Some 31,417 ballots, out of a total of 498,963, were printed bilingually, in the official language and Albanian, and were used in the 70 polling stations specially designated by the Parliament.

Women remain significantly underrepresented in Montenegrin politics. Only ten of the 75 members of the outgoing Parliament (13.3 per cent) were women. Two of the 21 mayors are women, and two women are government ministers. No significant efforts were made by state institutions, political parties or civil society to increase the participation of women candidates in these elections. This resulted in a decrease of female candidates from 16.2 to 14.6 per cent compared to the 2002 parliamentary elections, as only 109 of the 747 candidates were women.

The Media

A wide range of broadcast media, including more than 20 public media broadcasting nationwide or locally as well as a number of print media operate in Montenegro. The OSCE/ODIHR EOM conducted qualitative and quantitative analyses of primetime broadcasts of six TV stations – public television TVCG1, and private TV channels Elmag, IN, MBC, Montena and Pink M. In addition, four daily newspapers – privately-owned *Dan*, *Republika*, and *Vijesti* as well as state-owned *Pobjeda* – were analyzed. The EOM launched its media monitoring on 10 August.

The campaign rules adopted by public RTCG, which, contrary to the existing legislation, provided for proportional rather than equal free access for contestants, drew criticism, in particular from non-parliamentary parties. While RTCG's decision of 24 August to provide all competitors with additional time and to give more coverage to activities of non-parliamentary parties was an attempt to address the imbalance, it still did not result in the public broadcaster fully meeting the requirements of the law. By contrast, some local public media informed the EOM that they were allocating free airtime on an equal basis.

Despite the generally low-key campaign, citizens were able to receive information about political parties and their campaign activities through the media. Election-related and political issues, together with paid airtime, accounted for up to 13 per cent of the total primetime broadcasts on TV IN and Montena, and up to some 20 per cent on TVCG1, TV MBC and TV Elmag.

Overall, the media coverage of political parties was disproportionately in favor of the governing parties and the parliamentary opposition parties. This appeared to be partly due to the tendency of the media to focus on contestants with higher ratings reflected in opinion polls, but also to the significant differences in the intensity and visibility of the various contestants' campaigns.

TVCG1's coverage of contestants' campaign activities in special election programs, as well as the conduct of the debates on TVCG1 were generally in line with the rules adopted by the public broadcaster. However, over 2/3 of the news coverage on the public television was devoted to the Government, the President or the ruling coalition. The SNP–NS–DSS coalition received 8 per cent, the Serb List 4 per cent, and the LP–BS coalition 4 per cent. The Government received positive coverage in the documentary "From Elections to Elections", which featured Montenegrin political developments over the past four years. In the month preceding the elections, the four-part documentary was aired twice during prime time on TVCG1.

Among the private broadcasters, the election-related and political coverage of TV IN resembled that of public TVCG1. The Government received 37 per cent of all relevant news coverage, and the DPS–SDP coalition 22 per cent. Among opposition parties, the SNP–NS–DSS coalition received 10 per cent, and the Serb List 5 per cent. The coverage of the contestants in the news casts of TV Montena and TV MBC, though also providing more time to governing parties, was overall more

balanced. So was the coverage of political actors in news programs of TV Elmag, which in contrast gave slightly more coverage to opposition parties. Apart from advertisements, Pink M did not provide coverage of the campaign and the elections.

Compared to the broadcast media, newspapers provided more critical and analytical information about the political actors. State-owned *Pobjeda* and privately-owned *Republika* provided extensive coverage of the Government and the DPS–SDP coalition. Opposition parties received the most extensive coverage in the private daily *Dan*, which also criticized government. *Vijesti* provided more space to the governing parties than to the opposition, but overall, its coverage of political actors was more balanced than the other dailies monitored.

The dailies monitored by the EOM did not respect the campaign-silence period. Observers also received credible reports on violation of the campaign silence by a TV channel from Niksic.

Complaints and Appeals

Although the Election Law states that voters, candidates, and submitters of lists are to have access to election commissions and courts, few complaints and appeals were filed at the Republican level, two with the Republican Election Commission and three with the Constitutional Court. Some opposition parties claimed it was futile to rely on legal processes for redress of violations. The legal deadline of 24 hours for filing a case with the Constitutional Court should be extended in order to enhance the protection of suffrage rights.

Domestic and International Observers

A number of domestic non-partisan observer organizations, including the Center for Election Monitoring (CEMI) and the Center for Democratic Transition (CDT) undertook comprehensive, long-term observation of the election process, including media and campaign-finance monitoring. On election day, domestic non-partisan observers were present in 81 per cent of polling stations visited by the IEOM. Domestic observers also undertook quick count and parallel vote tabulation exercises. The presence of a high number of domestic non-partisan observers in polling stations throughout Montenegro on election day enhanced the transparency of the election process.

Election Day

Voter turnout was an estimated 70 per cent. IEOM observers generally reported a calm atmosphere, and 98 per cent of IEOM observation reports assessed polling proceedings as “good” or “very good”. Procedural irregularities observed included ballot boxes not being sealed properly in 6 per cent of polling stations visited.

International observers reported one instance – in Berane – of suspicious activities which strongly indicated a vote-buying scheme on the part of the DPS. Observers also reported isolated cases of campaign activities outside polling stations and a few instances of tension.

Measures to safeguard the integrity of voting were implemented largely in accordance with legal requirements. Problems were identified with voters signing the voter lists (4 per cent) and voters not being checked for or marked with invisible ink (3 and 4 per cent, respectively). In 4 per cent of visits, unauthorized persons were present in polling stations, usually party activists. Group voting was noted in a relatively high 8 per cent of visits, and proxy voting in 1 per cent. In 6 per cent of visits, observers noted that not all voters marked their ballots in secret. Access to polling stations for persons with disabilities was noted as difficult in 43 per cent of observations. Only 16 per cent of

PB chairs were women, and in 44 per cent of polling stations visited, no female PB member was present.

Counting was assessed less positively, with 8 per cent of counts characterized as “bad” or “very bad”. Again, procedural irregularities were frequently noted, especially during the reconciliation before opening the ballot boxes. Control coupons were not counted in 20 per cent of counts observed, and signatures on voter lists in 30 per cent. IEOM observers also noted that in 11 per cent, the determination of ballot validity was not reasonable and that in 7 per cent, PB members disagreed about ballot validity. In 8 per cent of observations, what appeared to be identical signatures were noted on the voter list, and in three cases, indications of possible ballot-box stuffing were observed. In 11 per cent of visits, PB members had problems filling in the results protocol, in 9 per cent not all PB members were given a copy, and in 19 per cent, the material was not transferred to the MEC by the PB chair and two extended PB members as required. Procedural problems observed during election day indicate that the process could benefit from further training of PB members.

The REC did not publish preliminary results throughout election night.

*This statement is also available in the official language.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission opened in Podgorica on 9 August with 27 experts and long-term observers deployed in Podgorica and six regional centers. On election day, the IEOM deployed some 200 short-term observers from 41 OSCE participating States, including a 27-member delegation from the OSCE PA and a 13-member delegation from the PACE. The IEOM observed voting throughout the Republic of Montenegro in 816 polling stations out of a total of 1,130, and counting was observed in some 75 polling stations. The IEOM was also present in 9 Municipal Election Commissions to observe the tabulation of results.

The IEOM wishes to thank the Ministry of Foreign Affairs, the Assembly of the Republic of Montenegro, the Republican Election Commission, and other national and local authorities for their assistance and cooperation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Mission to Montenegro and other international organizations and embassies for their support throughout the duration of the mission.

For further information, please contact:

- Mr. Jørgen Grunnet, Head of the OSCE/ODIHR EOM, in Podgorica (+381-81-231 876);
- Ms. Urdur Gunnarsdottir, OSCE/ODIHR Spokesperson (+48-603-683 122); or Mr. Konrad Olszewski, OSCE/ODIHR Election Adviser, in Warsaw (+48-601-292 307);
- Mr. Andreas Baker, OSCE Parliamentary Assembly, in Copenhagen (+45- 601-08030);
- Mr. Bas Klein, Parliamentary Assembly of the Council of Europe, in Strasbourg (+33-662-265 489).