



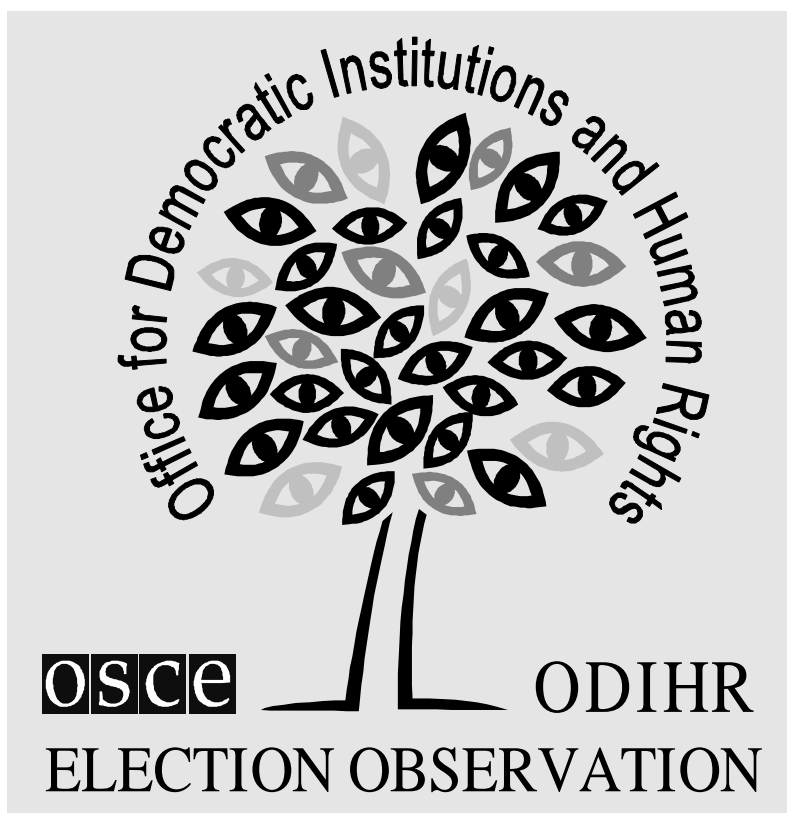
Office for Democratic Institutions and Human Rights

MONTENEGRO

EARLY MUNICIPAL ELECTIONS (PODGORICA AND HERCEG NOVI)

11 June 2000

FINAL REPORT



**Warsaw
18 August 2000**

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MONTENEGRO
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11 JUNE 2000
OSCE/ODIHR Final Report¹

I. EXECUTIVE SUMMARY

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights' (OSCE/ODIHR) Office in Montenegro concluded that the 11 June 2000 early municipal elections in Podgorica and Herceg Novi were well conducted and generally in line with OSCE commitments.

The election campaign was vigorously contested, mainly on national issues, against a complex, tense and uncertain political background. Fundamental freedoms were respected and campaigning was conducted peacefully throughout.

The election legislation was adopted by consensus between the governing coalition and the largest opposition party. It provided for a high degree of transparency, enabling political parties to follow all aspects of the process closely and to participate in decision making on election commissions. However, there is scope for further improvement, including: (1) a review of provisions for the allocation and termination of elected representatives' mandates, (2) improved protection of citizens' personal data, and (3) balanced media reporting on political subjects.

Election administrators adapted well to a new legal framework for the elections at short notice. Some minor deficiencies and failures to meet election deadlines did not materially affect the integrity of the process as a whole. Following a significant effort by municipal authorities, the quality of the Voter Registers was improved considerably.

Pluralistic media coverage enabled voters to make an informed choice on election day. State media generally respected the legal provisions, although its broadcasts gave the governing parties an advantage both in terms of overall airtime and positive coverage. Print media from Serbia circulated freely throughout the campaign and was a significant element of overall media coverage. Privately owned electronic media favoured the parties in Government and on occasions failed fully to respect the legal provisions. Conversely, TV Nova/YU Info, which broadcasts from sites under federal military control, gave clear support to the main opposition party.

On election day, voting was conducted in a calm and peaceful manner. Polling Boards performed their duties professionally and applied the legal provisions impartially. Observers reported that the quality of polling was impressive, though a few minor procedural infractions were noted. The turnout was high, 78.8% in Podgorica and 74.9% in Herceg Novi, and all sides promptly accepted the outcome, which strengthened public confidence in the electoral process.

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

II. ACKNOWLEDGEMENTS

Following invitations from the Speaker of Parliament and the Ministry of Foreign Affairs of the Republic of Montenegro, the OSCE/ODIHR Office in Montenegro observed the early municipal elections in Podgorica and Herceg Novi on 11 June 2000. Mr. Julian Peel Yates led the observation, and Mr. Paul O'Grady was appointed Co-ordinator of the observation effort.

This report consolidates the findings of nine long-term observers and election analysts who began their election observation activities on 8 May 2000, as well as 54 international short-term observers who followed the process on election day. In total, observers representing 24 OSCE participating States took part in the effort. The election observation was supported by the diplomatic community and international organisations based in Montenegro, including the European Community Monitoring Mission (ECMM). Observers visited 232 of the 244 polling stations in Podgorica and Herceg Novi.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Republican and Municipal Election Commissions and the Parliament of Montenegro for their assistance and co-operation.

III. POLITICAL BACKGROUND

In Podgorica and Herceg Novi, the 1998 elections returned municipal councils in which no party or coalition won an outright majority.² Following a post-election agreement between the coalition "For a Better Life" (*Da Živimo Bolje*) and the Liberal Alliance (*Liberalni Savez Crna Gora* - LSCG), a working majority was achieved in both councils. In autumn 1999, the LSCG withdrew from the agreement with the aim of provoking early elections, and opposition parties boycotted council sessions. The quorum was lost and the 2000 municipal budget could not be adopted in either council.

In Podgorica, the Government dissolved the council on 31 March and appointed an executive commission of three administrators headed by Government Ministers. In Herceg Novi, the LSCG replaced its representatives, but following continuous obstruction of the council's work, the Government shortened the council's mandate. On 9 March, President Djukanovic called for early elections in both municipalities to be held on 11 June.

The 11 June elections were more significant than the control of the two municipal councils. Combined, the electorates of the two municipalities constitute close to one third of the total electorate in Montenegro, and the results therefore represented an important test of public opinion at the mid point in the terms of both the Government and President. Furthermore, the elections could provide an opportunity for such a test in a lower risk environment than a

² In 1998, elections were conducted in all 21 municipalities of Montenegro concurrently with the parliamentary elections. The Democratic Party of Socialists (DPS) contested these elections jointly with the Social Democratic Party (SDP) and the People's Party (*Narodna Stranka* - NS) on the basis of a pre-election agreement as the coalition "For a Better Life" (excluding some municipalities, where the SDP ran independently). In Podgorica, this coalition won 27 of the 54 seats, the Liberal Alliance (LSCG) won four and the Socialist People's Party (*Socijalisticka Narodna Partija* - SNP) won 23. In Herceg Novi, the coalition "For a Better Life" received 15 of the 35 seats, the SNP 13, the LSCG three, and the Serbian Radical Party (SRS) and the Serbian People's Party (SNS) two each.

possible referendum on the status of Montenegro, which was also under discussion at the time.

IV. LEGAL FRAMEWORK

A. GENERAL OUTLINE

The Law on Local Self-Government (1995) stipulates that municipalities form the basic territorial units of local self-government in Montenegro, with the municipal council being the representative body. The councils have 30 members, plus an additional member for each 5,000 electors. In Podgorica, 54 councillors were elected and in Herceg Novi 35. The Mayor is elected by a majority vote in the municipal council.

The Constitution of the Republic of Montenegro (1992), the Law on the Election of Councillors and Representatives (1998, amended 2000, hereafter Election Law) and the Law on the Registers of Electors (2000, hereafter Law on Voter Registers) are the principal texts establishing the legal framework for municipal elections. Other laws relevant to elections include: the Law on Local Self Government; the Law on Political Parties; the Public Information Law; the Law on Public Meetings; the Law on Financing Political Parties; the Law on Temporary and Permanent Residence; and the Law on Identity Cards. In addition, regulations addressing the work of Polling Boards, media presentation during the election campaign and compilation of Voter Registers were also adopted by Parliament and other State bodies.

B. ELIGIBILITY – VOTERS AND CANDIDATES

Every Montenegrin citizen aged 18 or over who has permanent residence of at least 24 months in Montenegro and 12 months in the municipality has the right to vote in the municipal elections and to stand as candidate. The commonly accepted understanding of the term “Montenegrin citizen” (*gradjanin*) is a permanent resident of Montenegro with the Federal Republic of Yugoslavia’s citizenship (*drzavljanstvo*). In 1999, Montenegro adopted a new citizenship law, which uses a more specific term for “Montenegrin citizen” (“*drzavljanin*”). The new citizenship law has not resulted in any change of eligibility of voters already registered.

Political parties registered in Montenegro, coalitions of such parties and groups of citizens nominate candidates for councillors on the basis of “electoral lists”. An electoral list must contain a number of candidates not less than one third of the potential seats available. Submitters of election lists are obliged to collect signatures from at least 1% of the total number of electors registered in the municipality. Parties, coalitions or groups of citizens representing ethnic Albanian citizens of Montenegro are required to collect only 200 signatures.

Citizens temporarily resident abroad, serving in the federal army (VJ) or taking part in military exercises as well as those in pre-trial detention or serving prison sentences are entered in the Voter Registers according to their last place of residence. Persons deprived of “business capacity” by court order are deprived of the right to participate as voters or candidates.³

³ Citizens who lack “business capacity” are those who have been certified by court order as mentally

C. ELECTION SYSTEM

Municipal councils are elected for a four-year term by secret, direct vote, through a proportional representation system with the municipality as the constituency. Electoral lists must receive at least 3% of votes to participate in the distribution of mandates, allocated on the basis of the d'Hondt method.

D. AMENDMENTS TO THE LEGAL FRAMEWORK

The 11 June elections took place under a new legislative framework, adopted by consensus between the governing coalition (DPS, SDP and NS) and the SNP, the largest opposition party. Parliament adopted a new Law on Voter Registers, while the Election Law was significantly amended. The two Members of Parliament representing the two Albanian parties voted against the two laws because the ethnic Albanian community in the Municipality of Podgorica was denied preferential treatment. Both laws came into force on 18 March, nine days after the elections were called.

The two laws provide a sound, in some aspects improved, basis for conducting elections. The provisions affording the two main opposition parties increased participation in the work of election commissions and Polling Boards as well as the provision for non-partisan domestic election observation are of particular importance.

E. LEGAL ISSUES

1. Allocation and Termination of Mandates

The OSCE/ODIHR continues to be concerned about legal provisions for allocating and terminating the mandates of elected representatives. Article 96 of the Election Law stipulates that half the seats won by a party will be allocated to the first names on the candidate list and the remainder will be subject to a decision of the electoral list submitter. The Republican Election Commission advised the OSCE/ODIHR that it was common practice for the relevant election commission to select all seats won from the list of candidates in the same order listed. After the council is constituted, some members would resign and would be replaced with other candidates from the list based on a decision of the submitter. The practice enables the names of senior political figures to be registered on election lists, possibly without the intention of taking up their seats if elected. However, the practice misleads voters and reduces their ability to choose candidates.

Article 101(7) of the Election Law provides that the term of office for an elected councillor or representative shall be prematurely terminated if they cease to be members of the political party on whose electoral list they were elected. This article is triggered regardless of whether the loss of party membership is voluntary through resignation or follows expulsion from the party. This article may conflict with Article 77 of the Constitution of the Republic of Montenegro, which states: "Every deputy shall vote according to his own beliefs and may not be recalled". Furthermore, Article 101(7) may contradict the commitment formulated in paragraph 7.9 of the 1990 OSCE Copenhagen Document which states: "candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a

manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures”.

In general, articles 96 and 101(7) make elected representatives less accountable to voters.

2. Amended Residency Requirement

The amended Election Law alters the eligibility criteria by increasing the period of required residence in Montenegro from 12 to 24 months and by introducing an additional 12-month municipal residency requirement. *Inter alia*, the motivation for this change appears to be to prevent an influx of FRY citizens previously resident in other parts of the federation, including internally displaced persons, from qualifying as voters and thereby potentially upsetting the political balance in what is a small electorate.

The 12 months municipal residency requirement is reasonable. However, the amendment was introduced with retroactive effect after the elections were called, which is contrary to international standards. Article 109 of the Constitution of Montenegro provides that a law may not have a retroactive effect, except where required by public interest and so prescribed when adopted. In the end, the application of the new provisions denied suffrage to a relatively small number of voters, who under the previous legislation were eligible to vote.

3. Transparency Versus Protection of Citizens' Personal Data

The Law on Voter Registers creates a transparent framework for the compilation of Voter Registers, thereby enhancing the confidence of political parties and voters. The law introduces mechanisms for participants in the election process, including political parties, to request information relevant to the compilation of Voter Registers from State authorities and to seek correction of errors. In practice, political parties were given access even to some citizens' data held by the police.⁴ In the process, citizens' right to privacy regarding personal data held by authorities was severely compromised.

In addition, responsibility for entries in Voter Registers ultimately rests with individual citizens rather than political parties. Where political parties apply for the deletion of individual names from the Registers, such citizens should be advised of the action brought against them as well as the mechanism and deadlines for appeals.

4. Control Procedures on Election Day

The amended Election Law increased a variety of control procedures aimed at ensuring the integrity of the process on election day.

The amended law provides that each ballot shall be printed with a detachable coupon and each Polling Board shall have a unique stamp to mark ballot papers. Each coupon contains a unique serial number thereby improving ballot paper accounting that, in 1998, had been a contentious issue. The Election Law requires voters first to mark their ballot paper and then

⁴ Political parties were given access to applications for issuance of identification documents, photo and fingerprint registration forms, records of change of residency and citizenship. The SNP made use of the legal provisions and was granted over 90 hours of access to archives, checking over 3,000 records on civil data. The SNP were also invited to monitor the processing of applications for identification document cards. (Source: Podgorica MUP).

to allow a member of the Polling Board to detach the coupon from the ballot paper. However, this provision potentially diminishes the voters' right to cast their ballot in secrecy as it permits members of Polling Boards to handle marked ballots before they are placed in the ballot box. Furthermore, the inclusion of additional control procedures may eventually be counterproductive, surpassing the capacity of voters to understand the new processes and Polling Boards to implement the procedures accurately.

The amended law contains a number of provisions for dissolving Polling Boards on election day if certain violations or procedural irregularities occur.⁵ If all the provisions are followed to the letter, even minor infractions, including party representative not present at a polling station or campaign material placed within a 50-metre radius of a polling station, could result in repeat elections in a large number of polling stations. While violations on election day that have an impact on the outcome should trigger repeat polling, procedural errors that do not compromise the integrity of the ballot should not automatically do so.

5. The Election Campaign

The Law on the Financing of Political Parties (1997) provides some public funding for campaigning and guidance on campaign finance issues. But in general its provisions are too vague to promote transparency. The law leaves it to political parties to ensure compliance with the campaign spending ceiling (250 times the national average salary) and to specify the means of financial control. In addition, the law is unclear as to how campaign spending limits can be enforced.

At least two provisions in the Election Law relating to the campaign are contradictory. Article 50 states, "No property (money, technical equipment, facilities, etc) of State authorities, State-owned enterprises, public institutions and funds, or of the Chamber of Commerce and Economy of Montenegro, can be used for the presentation of electoral lists", whilst article 114 states "State and local administration bodies shall make their premises, equipment, means and other facilities for conducting the election campaign available and provide equal conditions for their using to all the submitters of electoral lists".

6. Other Legal Issues

The Election Law provides for both international and domestic observation of the elections. This is an improvement over the previous practice of regulating their participation through a decision of the Republican Election Commission. Article 111b provides that domestic observers shall be registered no later than five days before the election day. However, the law does not state the start date for domestic observer accreditation or specify their rights and obligations fully.

The amended law deleted article 86 of the previous law, which provided for the establishment of special polling stations in units of the federal army in order to give the electors serving in the army a possibility to exercise their right to vote. With the deletion of this article, the procedure to ensure the participation of voters in the federal army is now unclear.

⁵ See articles 69, 79, 81, 83, 89 which stipulate Polling Boards shall be terminated for a variety of infractions and articles 69, 70 and 72 which stipulate that Polling Boards may be dissolved in certain circumstances.

V. PRE-ELECTION PHASE

A. ELECTION ADMINISTRATION

1. Structure of the Election Administration

The Election Law provides for a three tiered election administration: the Republican Election Commission (REC), Municipal Election Commissions (MECs) and Polling Boards (PBs). Each has a basic composition (permanent members) and extended composition (authorised representatives of political parties, coalitions and citizens groups). Authorised representatives of the parties join the MECs 15 days before polling day, and PBs five days before polling day.

The REC has 11 permanent members, including a Chairperson, a Secretary and nine members, all appointed by the Republican Parliament. MECs have seven permanent members (including the Chairperson and Secretary) and are appointed by the municipal councils. The Polling Boards have a Chairperson and four members and are appointed by the MECs. Each of the largest parliamentary opposition parties may appoint one member to the REC. Thus, the Socialist People's Party and the Liberal Alliance had "permanent" members on the REC. Similarly, two permanent members of MECs and Polling Boards are appointed on the proposal of the two main opposition parties in the municipal councils.

To ensure professionalism in the work of election commissions, members of the REC and their deputies, as well as members of MECs, must be lawyers.

The inclusion of representatives of competing parties and coalitions in election commissions enhanced their political plurality. However, the extended commission members joined at a relatively late stage, after many of the important decisions had already been made.

2. Performance of the Election Administration

The MECs worked impartially and were able to meet nearly all election deadlines. The REC adopted comprehensive regulations and instructions.

During the pre-election period, only one decision of an MEC was appealed. The decision of the MEC in Herceg Novi to reduce the number of polling stations in the municipality from 42 to 37 was appealed to the REC, and then to the Constitutional Court, which upheld the decision of the MEC.

B. REGISTRATION OF PARTIES AND COALITIONS

The MECs in Podgorica and Herceg Novi registered seven and five election lists respectively. The main political forces contesting the elections were as follows:

The Republican governing coalition "For a Better Life – Milo Djukanovic" included the DPS, SDP and NS.⁶ The three parties have a pro-European integration orientation and stand

⁶ In Herceg Novi, the SDP ran independently of the coalition "For a Better Life", as in 1998. See page 2 "Political Background" for the full names of these parties.

behind the “Platform” presented by the Montenegrin Government to the Serbian Government about redefining the relationship between Montenegro and Serbia.

The pro-FRY opposition parties decided to run in a coalition “For Yugoslavia - Momir Bulatovic (Predrag Bulatovic)” in Podgorica, and under the same title less “Predrag Bulatovic” in Herceg Novi. The “For Yugoslavia...” coalition was agreed on 15 April between the Socialist People’s Party (SNP), the leading opposition party in Montenegro, the Serbian Radical Party (SRS), and the Yugoslav United Left (JUL). The Serbian People’s Party (SNS) joined the coalition shortly afterwards. The agreement made between the President of SNP Momir Bulatovic, Mirjana Markovic (JUL) and Vojislav Šešelj (SRS) appeared to create divisions within the leadership of the SNP in Podgorica. The two vice-presidents Predrag Bulatovic and Zoran Žižic initially expressed reservations over the agreement, but later promoted the coalition. In addition, the coalition was composed of four other parties: The Communist Party of FRY (KPJ), New Communist Party of FRY (Nova KPJ), RS – Nikola Pasic and Yugoslav Communists (Crna Gora).

The LSCG has a pro-European and pro-independence orientation.

The two parties representing ethnic Albanians in Parliament (Democratic Union of Albanians - DUA and Democratic Alliance in Montenegro - DSCG) submitted a joint election list in Podgorica, competing as “Together for Malesija”.⁷ The coalition contested the election only in Podgorica, where ethnic Albanians constitute some 10% of the total population. On Republican level policy issues, the Albanian parties support the ruling coalition.

In addition, three other election lists were registered in Podgorica, namely, the coalition “Serbian Unity” (*Srbska Sloga*), including the Serbian National Radical Party (SNRS) and the Serbian Democratic Party of Montenegro, the Liberal Democratic Party of Montenegro (LDPCG), a newly registered party, and the Alliance of FRY – Communists of Montenegro (SKJ, KCG). In Herceg Novi, a group of independent citizens were also registered, bringing the number of election lists to five.

No lists were rejected in either municipality, but the OSCE/ODIHR received a complaint from the “Bosniak Democratic Party of Sandžak” (BDP-Sandžak) that the Ministry of Justice rejected their application to register as a political party in Montenegro. Without this registration, a party cannot contest the elections. Thus the BDP-Sandžak did not nominate candidates.

However, two of the parties forming the SNP led coalition were also not registered in Montenegro (NKPJ and RS – Nikola Pasic). Nevertheless, the MEC unanimously accepted registration of their list and no appeal was received within the 72 hours deadline. Although, the decision was pragmatic, as a rejection would have compromised the participation of the SNP and its coalition partners, thereby potentially undermining the whole election process, such a decision may create a dangerous precedent for future elections.

⁷ Malesija is an area with a substantial ethnic Albanian population between Podgorica and the border with Albania.

C. VOTER REGISTRATION

The accuracy of Voter Registers has been one of the most contentious political issues in previous Montenegrin elections. The Voter Registers for the June 2000 elections were compiled under a new law. The main changes relate to the access granted to political parties to examine the Registers and to request amendments, corrections and deletions of Register entries.

Under the new law, the municipal Voter Registers are unified in a consolidated database of electors maintained by the Republican-level Secretariat for Development. The Secretariat is an advisory body and municipal authorities retained primary responsibility to maintain Voter Registers. Therefore, 21 separate Registers continued in existence, one for each municipality. When errors were found in the Registers, the Secretariat for Development was not mandated to introduce corrections but could only recommend corrections to municipal authorities.

1. Updated Voter Registers

In the 1998 elections, the presence of a large number of entries on the Voter Registers which lacked personal identification numbers was a source of concern to some political parties, despite the fact that voters with such entries could not vote.⁸ Article 24 of the new Law on Voter Registers stipulated that persons entered in the Registers without a personal identification document number or identification card number shall be deleted from the Register after a 30-day grace period. The electorate were advised of the decision through the State media and were given sufficient time to update their entries with the required information and thus remain on the Register. However, only some 450 electors actually did so and as a consequence, some 11,500 entries were removed from the Registers in May 2000. This decision, in conformity with the legal provisions, enjoyed the support of all political parties and reduced the concern among main opposition parties that irregularities could occur on election day.⁹

A large number of SNP activists devoted considerable effort to verifying the accuracy of individual entries in the Voter Registers, requesting the deletion of certain entries and assisting citizens with applications for inclusion by submitting requests to the authorities on their behalf. The OSCE/ODIHR noted that the municipal authorities and the Supreme Court worked long hours to comply with requests from some political parties and to adjudicate appeals. Efforts should continue to ensure that the accuracy of Registers in all municipalities is improved to the standard achieved in Podgorica and Herceg Novi.

2. Appeals

The Supreme Court adjudicated over 1,600 appeals regarding the Voter Registers, mostly concerning citizens in Podgorica municipality. Over 1,400 changes were made to the Registers and approximately 180 appeals rejected. Approximately 1,000 citizens were entered on the Registers and 100 deleted. Many of these changes were based on applications from political parties.

⁸ See OSCE/ODIHR Final Report on the 1998 Parliamentary Elections.

⁹ In 2000, the Registers included 111,606 voters in Podgorica and 22,018 in Herceg Novi. In 1998, these figures were 119,374 and 21,933 respectively.

D. MEDIA AND THE ELECTIONS

In general, Montenegro possesses an increasingly diverse media, particularly radio and print. Voters receive information from a variety of sources with differing political perspectives.

1. The Legal Framework

The Constitution of Montenegro protects the freedom of the press and enshrines the freedom of speech and the right for ethnic minorities to present information in their language. The Election Law contains a number of detailed media related provisions that, *inter alia*, establish the right of political parties, on an equal basis, to inform the public about their programs and activities. Other texts relevant to the media and elections include the Montenegrin Public Information Law and a special regulation adopted by Parliament concerning State media coverage during the election campaign. Referring to State owned media, article 16 of the Regulation on Media Presentation of Election Subjects provides for 3-minute broadcast slots during the election campaign on Montenegrin Radio and TV - half of that time free of charge and the other half paid, in line with market conditions.

The legal framework provides all parties and coalitions with equal access to the media through free airtime and roundtable discussions on State television, and coverage of their activities in the State controlled print media. However, the State owned media operate in a highly regulated framework and are obliged to report on Government activities in depth during news broadcasts. The activities and opinions of political parties are covered in other programs leading to an artificial separation between the opinion of the Government and its political opposition, thereby impeding normal political discourse. For example, the strict application of the legal provisions created an untenable situation in March 2000 when State owned TV was unable to report during the news about the resignation of Novak Kilibarda as President of the NS, as the matter did not concern the activity of State authorities.

In addition, the editorial policy of the State television is controlled by an Editorial Board composed of nominees of the parties represented in Parliament. Compared to the Editorial Board, the role of journalists and the authority of the Editor-in-chief is relatively weak. The Editor-in-chief takes part in the activities of the Editorial Board, but is not entitled to render decisions (article 26). In following the legal provisions and editorial policy of the Editorial Board, journalists working in the State owned media are de facto prevented from presenting a critique of the main political issues during the campaign.

There is a general absence of State regulation of privately owned electronic and print media. In the area of paid political advertising, there is no guarantee of equal terms for political parties, only a requirement to indicate that such broadcasts are paid.

2. Monitoring Conclusions

The OSCE/ODIHR election team began monitoring the printed media on 11 May and the electronic media on 13 May. The monitoring team analysed broadcasts of Channel 1 of the State owned *Radio Televizija Crna Gora* (RTCG1) on a daily basis, two privately owned stations (*Elmag TV* and *Sky Sat Televizija*), monitored on alternate days, and a 10 day sample of the news broadcasts of *TV Nova/YU Info*. In addition, three daily newspapers published in

Montenegro (*Pobjeda*, *Dan* and *Vijesti*) were monitored daily, and printed media from Serbia was monitored on an ad-hoc basis.

All submitters of election lists were entitled to free airtime during a special program (*Izbori 2000*) broadcast daily on RTCG1. In addition, two round tables for election contestants were held. The results of the OSCE/ODIHR monitoring indicate that RTCG1 generally fulfilled its obligations to report neutrally during the election campaign and largely complied with the provisions of the related legislation. However, RTCG1 gave disproportionate coverage to the Government and parties of the ruling coalition, particularly in its news broadcasts, where 83% of all “political” time was dedicated to the Government, the President or the parties of the ruling coalition.

Overall, the parliamentary parties enjoyed far greater television coverage than the non-parliamentary parties contesting the elections, mainly through the program “*Stranacko Ogledalo*” (Party Mirror) transmitted immediately after the main evening news and designed to inform on parliamentary activities. Three non-parliamentary parties contesting the election (“*Srpska Sloga*”, LDP and “Independent List Budec”) complained that this program gave parliamentary parties a distinct campaign advantage and was anomalous as Parliament was temporarily suspended until after the elections. Further, the parties clearly used this program to campaign in apparent contravention of the regulations adopted by Parliament.¹⁰

The print media reported independently, with *Dan* favouring the coalition “For Yugoslavia” and *Vijesti* reporting positively on the parties of Government. Both reported negatively on the political opponents of the parties they favoured. *Pobjeda* reported in a generally balanced manner, although it gave some advantage to the ruling coalition. Print media from Serbia circulated freely throughout the campaign and had a significant impact on the overall media coverage.¹¹ To a substantial extent the media in Belgrade were able to influence the climate of the campaign by raising issues to which the Montenegrin media found it necessary to respond.

The situation for the electronic media, and particularly for the TV, was slightly different. The only TV channel in favour of the pro-FRY opposition was the privately owned and unregistered channel YU Info/Nova TV, which broadcast from sites under federal military control.¹² The presence of this channel, broadcasting in violation of the Montenegrin Constitution and Public Information Law, paradoxically, assured a more complete representation of the political spectrum.¹³

¹⁰ These regulations stipulate “During the election campaign, the parties from the Parliament of the Republic of Montenegro cannot use the right to present their activities which are directly linked with the elections in the municipalities of Podgorica and Herceg Novi through their parliamentary function” (article 18).

¹¹ According to information supplied by the Secretariat for Information, 110,000 – 120,000 copies of print media from Serbia are distributed in Montenegro.

¹² YU Info broadcast two main news editions and many short news bulletins (3/5 minutes) during the day. On occasion, it broadcast interviews with politicians (repeated many times) and had a daily broadcast on the local elections in Podgorica and Herceg Novi.

¹³ The Constitution of the Republic of Montenegro states that “Publication of newspapers and public dissemination of information by other media shall be accessible to everyone without prior permission, subject to registration with the competent authority. Radio and television broadcasting organisations shall be established in accordance with law” (article 35, emphasis added). The Public Information Law states: “Public information media may be founded freely, without obtaining an approval and shall be registered with the Republican public information authority” (article 14). “Prior to putting the public

The privately owned television channels monitored by the OSCE/ODIHR gave strong support to the ruling parties, with *Elmag* devoting 88% of its political coverage to the Government and governing parties. The news broadcasts of Sky Sat also favoured the Government and governing parties, granting them 76% of the total time devoted to political subjects. During the last days of the campaign, Sky Sat broadcast extensive footage of two large rallies of “For a Better Life”.

Many paid advertisements were placed in the private media, a large number not indicated as such, as required by law. As some parties used paid time extensively, the authorities responsible should assess carefully if campaign expenditure limits were exceeded.

In general, the campaign silence period was respected. However, the print media from Serbia did not respect the request from the Montenegrin authorities to honour the campaign silence and continued distribution in Montenegro. The privately owned TV station Blue Moon broke the campaign silence on election day when it interviewed the mayoral candidate of the Coalition “For a Better Life”.

E. ELECTION CAMPAIGN

Despite an intense political competition, fundamental freedoms were respected during the pre-election campaign and political parties and their activists were able to express their opinions without interference.

The three main election contestants held many rallies and public meetings. The OSCE/ODIHR observers reported that, in spite of the deep rivalry between political parties and their supporters, all were able to campaign freely in a generally calm atmosphere.

The campaign in both municipalities was fought largely on national issues with the relationship between Serbia and Montenegro as the central theme. However, the campaign in Herceg Novi also focussed on local issues, such as tourism, privatisation and water supply.

The coalition “For Yugoslavia” campaigned on the continuation of the FRY and accused the Montenegro Government of buying votes, corruption and diverting foreign aid for campaign purposes. The third largest party, the LSCG, claimed that both coalitions were equally bad and maintained that the governing coalition was corrupt, abused the media, and intimidated voters through the police force.¹⁴ The Albanian parties campaigned on a noticeably more nationalist platform than previously. Their political program included increased minority rights and municipal status for Tuzi, the area in Podgorica municipality where the ethnic-Albanian minority is concentrated.

The murder of presidential security advisor, Goran Zugic, on the night of 31 May, raised tensions during the campaign.

information medium into operation, the founder is obliged to lodge an application for registration into the register of public information media to the competent Republican authority” (article 17). Thus far, the founders of YU Info have not made any official request to the Montenegrin authorities for the use of frequencies.

¹⁴ Both the SNP and the LSCG alleged a politicised police involvement in the elections, but the OSCE/ODIHR did not receive any evidence to substantiate these claims.

Political rivalry increased during the last two weeks of the campaign when parties began holding daily rallies, mostly with a negative tone. The ruling coalition "For a Better Life" accused the coalition "For Yugoslavia" of being little more than a mouthpiece for the Belgrade regime and of attempting to oust the Montenegrin Government using the federal army. The visit to Belgrade by leading SNP figures received wide publicity.

The overwhelming majority of campaign material posted publicly was produced by the governing coalition. Posters were placed on public buildings and private property, including shop windows, often without the agreement of owners.

VI. ELECTION DAY

A. GENERAL ASSESSMENT

Despite the tension underlying the pre-election period, polling was conducted in a calm and peaceful manner, with the Polling Boards applying the law meticulously.

The participation of authorised representatives from political parties was central to the level of confidence and, despite mistrust between members of some Polling Boards, almost all were able to work co-operatively and efficiently. On election day, only a few complaints were recorded, mostly concerning minor procedural errors. Voters were able to cast their ballots in secrecy and free from intimidation or attempts to influence their will.

The introduction of a number of new security features enhanced the integrity of the ballot, although the ballot paper coupon caused some confusion. The timely announced results were accepted promptly by all contestants.

B. TURNOUT

The turnout in both municipalities was remarkably high, with almost 79% participating in Podgorica and 75% in Herceg Novi. The improved accuracy of the Voter Registers contributed to these figures. Nevertheless, it is clear the citizens of Montenegro took their civil rights seriously and were enthusiastic participants in the election process.

C. DOMESTIC OBSERVERS

Three domestic non-partisan observer groups were accredited to observe the elections, namely the Montenegrin Helsinki Committee, the Centre for Democracy and Human Rights (CEDEM), and the Centre for Monitoring Elections (CEMI). The latter undertook also media monitoring and voter education projects.

All domestic observer groups received accreditation from the REC, although CEMI failed to accredit 600 observers it had recruited, as the REC argued not all were members of the organisation. Finally, the REC accredited 250 CEMI observers.

In general, domestic observer groups were able to conduct their activities without interference, although a few isolated cases of harassment and impeded access to polling stations were reported.

D. VOTING

On election day, OSCE/ODIHR observers visited 232 of the 244 polling stations, sometimes returning to the same polling station during the course of the day. Overall, observers reported positively on the process, assessing polling was well conducted in 84% and satisfactorily in 13% of observations. Observers reported a generally low profile for security personnel (MUP and VJ) and no instances where police were seen inside polling stations. In addition, observers did not record a single case of anyone attempting to influence the will of voters, or a single case of intimidation of voters. The attached in Annex 1 statistics, based on 314 reports from observers, indicate overall a very positive assessment of the polling.

E. VOTE COUNT

OSCE/ODIHR observers followed the counting of ballots in 31 polling stations. Overall, observers reported positively on the conduct of the count, with 23 teams reporting it was well conducted (74%), five teams reporting it was satisfactorily conducted (16%), and only three teams reporting it was poorly conducted (10%).

In all cases where the entire counting process was observed, all Polling Board members signed the result protocols and all were given copies. Of the 31 polling stations observed, Polling Board members recorded comments in six protocols, which were adjudicated later by the MECs.

F. TABULATION AND ANNOUNCEMENT OF PRELIMINARY RESULTS

OSCE/ODIHR observers monitored the aggregation of polling results at the MECs. Observers reported that, although there was some congestion at MEC Podgorica premises due to the relatively large number of polling stations delivering individual results, the process was completed in a transparent manner. Partial preliminary results were reported through the media and final preliminary results were announced on the morning of 12 June.¹⁵ The final results are attached in Annex 2.

VII. THE OUTCOME

All contesting the election accepted the outcome shortly after the announcement of preliminary results. In Podgorica, the LSCG submitted a total of 24 complaints concerning minor procedural errors.¹⁶ Six of these complaints were withdrawn by the LSCG, and the MEC rejected the remainder.

On 14 June, the SNP alleged that 4,000 DPS voters registered in Niksic municipality had voted in Podgorica. The DPS protested strongly that the allegation was wholly without foundation. OSCE/ODIHR observers found no evidence whatsoever to give credence to this allegation.

¹⁵ As one polling station in Podgorica was required to repeat polling on 16 June, and the LSCG submitted a number of complaints concerning polling procedure, the final results were announced later. The result of the single repeat polling could not affect the distribution of mandates.

¹⁶ These concerned mainly insignificant discrepancies in the completion of protocols, the number of control coupons and cast ballots as well as the number of ballots received and the number of registered voters.

In political terms, the swings in the two municipalities, which gave each coalition a clear-cut victory, were small but significant. The stated objective of the elections was achieved, namely unblocking the two municipalities that, after 1998, could be governed only by coalition. Both the Government coalition and the pro-Belgrade SNP, the principal party of opposition, had cause for satisfaction, with victory respectively in Podgorica and Herceg Novi.

The pro-FRY coalition performed most effectively in Herceg Novi, where the presence of a large number of long time refugees in the municipality from the conflicts in Croatia and Bosnia had an important impact. Other local factors were also significant. The parties of Government were satisfied with their performance in Podgorica, where their vote increased sufficiently to gain control of the council. The Liberal Alliance, which was responsible for triggering the elections when it withdrew from coalition with the governing parties in both municipalities, lost ground. The ethnic Albanian vote resisted the overtures from the Albanian nationalist coalition and voted as in 1998 for the governing parties.

The elections represented a considerable achievement for Montenegro. They were well conducted in a difficult and complex political environment, and against a backdrop of continuing unease between Podgorica and Belgrade.

VIII. RECOMMENDATIONS

The following recommendations should be considered:

A. LEGAL FRAMEWORK

- 1) The provisions of the Election Law relating to the allocation and termination of representatives' mandates should be reviewed to ensure democratic principles and Constitutional provisions are respected.
- 2) Although in practice complete results by polling station are available, the Election Law should include a specific obligation for their publication and broad dissemination.

B. ELECTION ADMINISTRATION

- 3) The political, ethnic, and gender pluralism of the permanent members of election commissions should be improved. Authorised representatives of the political forces contesting the election should be able to join election commissions and Polling Boards without undue delay.
- 4) The Election Law should stipulate the equal status of permanent and extended members of election commissions and Polling Boards. Consideration should be given to entitling Polling Board members to elect their Chairs.

C. VOTER REGISTERS

- 5) An enhanced role for the Secretariat for Development with the necessary power to produce a definitive Central Voter Register would further improve the Voter Register. Efforts to improve the accuracy of the Registers should continue in the 19 municipalities that did not take part in the 11 June elections.
- 6) Guidelines should be issued to ensure that the unusually open access provided for political parties to obtain information on citizens held by State authorities does not compromise voters' right to privacy and confidentiality.
- 7) The Law on Voter Registers and the Election Law should include specific provisions to ensure that no individual who was registered to vote at the time of adopting the new Montenegrin Citizenship Law loses this right as a result of its application.
- 8) Guidelines should be issued to determine the required documents evidencing voter eligibility.
- 9) The Law on Voter Registers should be amended to extend the deadline for voter registration by at least 24 hours after appeals are filled.

D. CAMPAIGN AND THE MEDIA

- 10) The law regulating State media should be expanded to include not only equal access to special election programs, but also to secure independence and political balance in news and other programs with political content. In general, there should be greater editorial freedom and a strengthened role for journalists to provide critical analysis.
- 11) An independent, transparent and accountable office should be charged with controlling and auditing campaign financial accounts.

E. POLLING PROCEDURES

- 12) The violations for which Polling Boards could be dissolved should be more restricted.
- 13) Procedures should be adopted to ensure that Montenegrin citizens serving in the federal army can exercise their voting rights.

F. ELECTION OBSERVATION

- 14) Provisions should stipulate in more detail observers' entitlement to inspect election documents and monitor election activities at all levels.

ANNEX 1 SUMMARY OF FINDINGS FROM OBSERVER REPORTS

Question on observation form	Answer	
	YES	NO
Was there any unrest or agitation during voting?	1.34%	98.66%
Was any form of campaigning occurring?	0.34%	99.66%
Were voters intimidated?	-	100%
Did anyone attempt to influence the will of voters?	-	100%
Did Polling Boards check voters' IDs?	100%	-
Were unauthorised persons present in polling stations?	2.32%	97.68%
Were police present in polling stations?	-	100%
Did a Polling Board member make a formal complaint on election day?(1)	6.44%	93.56%
Were any voters refused the right to vote? (2)	40.55%	59.45%
Ultraviolet ink used correctly? (used to prevent multiple voting)	99.66%	0.34%
Voters marking ballots in secrecy?	98.65%	1.35%
Was campaign material present within 50m of a polling station?	4.70%	95.30%
Were polling premises adequate?	91.25%	8.75%
Were illiterate or disabled voters assisted according to the rules?	91.96%	8.04%
Was the control coupon detached according to the rules?	97.66%	2.34%
Did the coupon procedure create confusion or compromise secrecy?	9.15%	90.85%
More than two persons at a voting booth at the same time (sometimes family members) (3)	6.40%	93.60%
Voters voting on behalf of another voter (proxy voting)?	0.67%	99.33%

- (1) Only one of these was sufficiently serious for the MEC to dissolve the Polling Board and decide to repeat polling. The others related to mainly minor procedural errors. The polling station was dissolved as the Polling Board had failed to ask voters to sign the book of electors when receiving a ballot.
- (2) In total, observers reported some 330 individual cases where Polling Boards refused individuals the opportunity to vote. Almost two-thirds of these were because their names did not appear on the extract of the voter Register at the given polling station. The majority of the remainder were because these citizens could not produce valid identity documents, only a very few were due to minor inconsistencies between the data on the extracts of Voter Registers and their identity documents.
- (3) Instances of group voting, (where family members mark their ballots at a voting booth at the same time) occurred relatively frequently, but on a significantly lower scale than in 1998.

ANNEX 2 **FINAL RESULTS**

Podgorica:

Party/Coalition	% of Votes	Seats/Councillors
Coalition <i>"For a Better Life – Milo Djukanovic"</i>	49.6	28 (+1 from 1998)
Coalition <i>"FRY – Momir Bulatovic (Predrag Bulatovic)"</i>	34.9	22 (-1 from 1998)
Liberal Alliance (LSCG)	7.6	4 (unchanged)
Coalition <i>"Together for Malesija"</i>	1.6	-
The Alliance of FRY – Communists of Montenegro (SKJ-KGC)	0.6	-
Liberal Democratic Party (LDPCG)	0.2	-
Coalition <i>"Serbian Unity"</i>	0.2	-

Herceg Novi:

Party/Coalition	% of Votes	Seats/Councillors
Coalition <i>"FRY – Momir Bulatovic"</i>	49.7	19 (+2 from 1998)
Coalition <i>"For a Better Life – Milo Djukanovic"</i>	38.8	14 (-1 from 1998)
Liberal Alliance (LSCG)	7.7	2 (-1 from 1998)
Social Democratic Party (SDP)	2.3	-
List of Independent Citizens	1.5	-