



OSCE/ODIHR OFFICE IN MONTENEGRO
OBSERVATION OF THE MUNICIPAL ELECTIONS
(PODGORICA AND HERCEG NOVI)
11 JUNE 2000

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Podgorica, 12 June 2000 – The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is issuing this statement on the 11 June municipal elections in Podgorica and Herceg Novi, prior to the completion of the entire election process. No final assessment can be made until after election day complaints have been reviewed, final results published and elected candidates installed in office. The OSCE/ODIHR will issue a comprehensive report on the elections within a month of the publication of the final results.

PRELIMINARY CONCLUSIONS

- **The 11 June municipal elections in Podgorica and Herceg Novi were well conducted and generally in line with OSCE commitments.**
- **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 participate in decision making on election commissions and polling boards. However, there is scope for continued improvement, including ensuring full respect for citizens' rights, uniform application of all legal provisions and balanced reporting on political subjects in the media.**
- **The state administration adapted well to a new legal framework 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 commendable effort by the municipal authorities and some opposition parties, the quality of the voter registers has improved considerably, which should increase public confidence.**
- **The election campaign was vigorously contested, mainly on national issues, against a complex, tense and uncertain political background. Nevertheless, fundamental freedoms were respected, and it is noteworthy that campaigning was conducted peacefully throughout.**

- **Media coverage of the elections enabled voters to make an informed choice on election day. Montenegro has an increasingly diverse electronic and print media. State media generally respected the legal provisions, although its broadcasts gave the governing parties an advantage both in terms of overall airtime and more positive coverage. Print media from Serbia circulated freely throughout the campaign and had a significant impact on overall media coverage. Privately owned electronic media favoured the incumbent parties and on occasions failed fully to respect the legal provisions. Conversely, the unregistered station TV Nova/YU Info, which broadcasts from sites under federal military control, gave clear support to the main opposition party.**
- **Voting was conducted in a calm and peaceful manner. Polling boards are to be commended for applying the legal provisions efficiently. Observers reported that in 97% of the polling stations observed, voting was well conducted. 314 visits were recorded to 232 polling stations.**

PRELIMINARY FINDINGS

Legislative and Regulatory Framework

The elections took place within an amended legislative framework, adopted by consensus between the governing coalition and the largest opposition party. The legal provisions further enhance the integrity of the ballot and afford the two main opposition parties increased participation in the work of election commissions and polling boards. The OSCE/ODIHR welcomes the inclusion of provisions permitting non-partisan domestic election observation. However, some concerns remain and there is scope to improve the legal framework further.

The issuing of clear guidelines concerning access for political parties to information held by state authorities would lessen the potential for misunderstandings.

The OSCE/ODIHR continues to be concerned regarding the legal provisions for allocating and terminating elected representatives' mandates. These are contrary to accepted democratic standards, make elected representatives less accountable to voters than to political parties, and may run counter to the legal obligation for representatives to vote in accordance with their convictions.

The legal framework provides all parties and coalitions with access to the media through free airtime and roundtable discussions on state television, and coverage of their activities in the state controlled print media. There is a general absence of state regulation of privately owned electronic and print media. However, the state media operates in a highly regulated environment, which results in the incumbent administration enjoying a distinct advantage in terms of quantity of coverage in news broadcasts.

The amended election law provides an increased variety of control procedures aimed at ensuring the integrity of the election process on election day. However, the continual introduction of additional control procedures may eventually be counterproductive, surpassing the capacity of the voters to understand the new processes and polling boards to implement the procedures without error.

Voter Registers

Political parties exercised their rights to access to information relevant to voter registers held by state authorities. In particular, a large number of SNP activists devoted considerable time and effort to verifying the correctness of individual entries in the voter registers, requesting the deletion of certain entries and assisting citizens with applications for inclusion. These efforts together with those of the municipal authorities, the Secretariat for Development and the Supreme Court, made a significant contribution to improving the accuracy of the voter registers. However, whilst the legal provisions concerning the voter registers certainly promote transparency, it is generally accepted in international practice that responsibility for entry in voter registers ultimately rests with individual citizens rather than political parties. If guidelines are issued in future, they should ensure that the unusually open access for political parties to information held on citizens by state authorities provided for in the law, does not compromise voter's rights.

In 1998 the presence of a large number of entries on the voter registers which lacked personal identification numbers was a source of concern, despite the fact that voters with such entries could not vote. The decision to delete a large number of such entries in May 2000 enjoyed the support of all political parties and reduced the concern among the main opposition parties that irregularities could occur on election day. The electorate was advised of this decision through the State media and were given sufficient time to update their entries with the required information and thus remain on the register.

The amended election laws place considerable demands on the state and municipal authorities and some were unable to meet all legal deadlines and all requests for information. This failure was a particular cause for concern among the two main opposition parties. It arose when amended legislation was enacted after the elections were called, requiring the municipal authorities and the Secretariat for Development to respond rapidly to new legal obligations. However, the timing of some deadlines in the new law was unrealistic. Overall, the OSCE/ODIHR considers that the state authorities worked in good faith to improve the quality of the voter registers. This effort should continue to ensure all obligations are met in future and applied to all 21 municipalities, thereby improving confidence among political parties.

It is regrettable that decisions of the Supreme Court regarding some 20 individual amendments to the voter registers could not be enforced, as to do so, would have breached the deadline for closing the voter registers. This anomaly should not reflect on the work of Supreme Court who acted impartially in adjudicating over 1,100 appeals.

Election Administration

The inclusion of representatives from the two largest opposition parties in Parliament among the permanent membership of election commissions greatly contributed to the transparency of the election. Efforts were made to build consensus and all members were able to participate in the decision making process. The inclusion of representatives of the election lists later in the process further enhanced the political plurality of election commissions. However, there were inconsistencies in the implementation of the legal provisions regarding party and coalition registration.

The Media

Montenegro possesses an increasingly diverse range of media sources and voters are able to receive information from a variety of sources with differing political perspectives. However, the State owned *Radio Televizija Crna Gora* (RTCG1 and 3) are highly regulated and obliged to report on government activity in depth. The activities and opinions of political parties are covered in other programmes leading to an artificial separation between the opinion of the government and its political opposition, thereby impeding normal political discourse. It also prevents journalists in the state owned media from presenting analysis of the main political issues during the campaign.

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 media related legislation. However, in fulfilling its legal obligations, RTCG1 gave disproportionate coverage to the government and parties of the ruling coalition particularly in its news broadcasts, where 83% of all time dedicated to the Government, the President or the parties of the ruling coalition. Overall, the parliamentary parties enjoyed far greater coverage than the non-parliamentary parties contesting the elections.

The privately owned television monitored by the OSCE/ODIHR gave strong support to the ruling parties in their regular and special programming. Many paid advertisements were placed and some were not correctly indicated as such. As some parties used paid time extensively, the authorities responsible will need to assess carefully if campaign expenditure limits have been exceeded.

In its news broadcasts, the privately owned, un-registered television station TV Nova/YU Info, clearly favoured the main opposition coalition and the TV station reported negatively on the governing coalition.

The print media reported independently with *Dan* and *Vijesti* each favouring different parties and reporting negatively on others. The state owned newspaper *Pobjeda*, reported in a generally balanced manner and although it gave some advantage to the ruling coalition, it fulfilled its obligation to cover the activities of all parties contesting the elections. Print media from Serbia circulated freely throughout the campaign and had a significant impact on the overall media coverage.

The Serbian print media did not respect the request from the Montenegrin authorities to honour the campaign silence and continued to distribute its publications in Montenegro.

The Election Campaign

Despite the 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. Many rallies and public meetings were held and in spite of the deep rivalry between political parties and their supporters, all were able to campaign freely in a generally calm atmosphere. However, fearing a potential clash and intrusive policing, the *Liberalni Savez Crna Gora* (LSCG) considered it necessary to re-schedule its main campaign event after the police gave permission to another party to hold a rally in Podgorica on the same day. Some opposition parties alleged a politicised police involvement in the elections, but the OSCE/ODIHR did not receive any evidence to substantiate these claims.

Some negative forms of campaigning took place and the OSCE/ODIHR is concerned by one incident where it is alleged that voters were offered inducements to vote. Albeit an isolated occurrence, if proved, it would be a serious violation.

Election Day

Despite the tension present during the pre-election period, polling was conducted in a calm and peaceful manner, with the polling boards applying the law to its letter. The participation of authorised representatives from political parties was central to developing confidence and the OSCE/ODIHR is encouraged that despite mistrust between members of some polling boards, almost all were able to work co-operatively to implement the process efficiently. On election day only a few complaints were recorded. 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 decision to accredit three domestic NGOs as election observers improved the transparency of the process further.

Results were announced in a timely manner, which strengthened public confidence.

This preliminary statement is based on the findings of the OSCE/ODIHR Office in Montenegro, which began its election observation activities on 8 May. On election day, 54 international short-term observers followed proceedings in polling stations. In total, observers from 24 OSCE participating States were represented in the observation effort. The OSCE/ODIHR also received reports from 6 ECMM accredited election observers. The election observation was conducted by the OSCE/ODIHR Office in Montenegro, headed by Mr Julian Peel Yates and co-ordinated by Mr Paul O'Grady.

The OSCE/ODIHR Office in Montenegro wishes to express appreciation to the OSCE participating States for the generous secondment of observers as well as the Ministry of Foreign Affairs, the Republican and Municipal Election Commissions and the Parliament of Montenegro for their assistance and co-operation during the course of the election observation.

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

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