



## **Election Observation Mission Republic of Montenegro May 1998**

### **Preliminary Statement issued on 1 June 1998**

**Issued by the OSCE Chairman-in-office Representative Mr Javier Rupérez President of the OSCE Parliamentary Assembly in conjunction with the OSCE/ODIHR On-Site Co-ordinator Mr. Kåre Vollan**

This is the preliminary statement of the Organisation for Security and Co-operation in Europe's (OSCE) Election Observation Mission for the 31 May Montenegrin Parliamentary Elections. No final assessment can be drawn until the vote count and verification procedure have been completed, and the final results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations.

This report is based upon the reports of 21 core staff and Long Term Observers from the OSCE Office for Democratic Institutions and Human Rights, and 117 Short Term Observers including 28 from the OSCE Parliamentary Assembly. On election day, observers visited close to 700 polling stations representing 65 % of all the polling stations. The OSCE/ODIHR will also observe the post-election day process, including the installation of the new Republican Assembly.

#### **Summary of Conclusions**

**The Parliamentary election was generally well conducted and represents a significant improvement over the previous elections held in the Republic of Montenegro. The election is a step forward towards meeting OSCE commitments. The verification and adjudication process must now be completed in a timely and comprehensive manner, and all political forces should work constructively towards the full respect and orderly implementation of the results.**

**Most recommendations made by the OSCE Election Observation Mission in 1997 and by the Technical Assistance Team in 1998 have been implemented. The legal framework and administrative procedures were adopted by consensus between all parliamentary parties, and the elections were carried out without any major problems on election day.**

**The election campaign was characterised by a fierce competition and high degree of distrust between the main contesting parties. This has resulted in a negative campaign and tense atmosphere. Also, certain parties have expressed an unjustified**

lack of trust in the integrity of the electoral process. It is essential that all parties work now at establishing a climate of dialogue and confidence in Montenegro.

The state media respected generally the legal provisions for election coverage in the special election campaign programmes. The news and the rest of the programmes showed a clear dominance of the ruling parties, going beyond the duty of reporting on the activities government and president.

On the other hand, the Serbian state media gave strong support to the opposition parties. These media did not respect the Montenegrin regulations for campaign coverage.

Shortly before the elections the parties showed positive will to find solutions to the remaining problems, such as the way of handling the 32,000 persons entered in the voters register without a personal ID number and the system for controlling the ballot papers.

Election day was characterised by a high turnout, as well as calm and correct implementation of the voting and counting procedures. The election officials should be commended for administering a complex process.

#### The Legal Framework

The Election Observation Mission is pleased to note that most of the recommendations issued by the OSCE/ODIHR Technical Assistance Team in February 1998 have been incorporated in the electoral legislation. The laws provide a good framework for a correct election.

Two issues were, however, still controversial. Firstly, the control of ballot papers from the printing to the count of the votes has been a major issue. The original arrangement defined by the Republican Election Commission (REC) would have implied a verification stamp after the printing at central level only. Upon a change in the Election Law on 19 May, the procedure was changed into an extremely strict system of stamps and annotations at central, municipal and polling station level. The stamping of all ballots by the polling boards on the morning of the elections with a stamp unique to the polling station and with all party representatives present, provided an adequate measure for the control of ballot papers.

The other major issue was the quality of the voters register. Even after an extraordinary effort made by the Municipalities and the Secretariat for Development in establishing a central, computerised register, some 32,000 entries still remained in the register without a unique personal ID number. The contesting parties were of the opinion that these persons should not be allowed to vote, because of the possibilities for misuse of wrong entries. The OSCE Election Observation Mission supports the decision made by the REC in agreement with all the parties that the 32,000 persons entered in the voters register without a unique ID number should not be allowed to vote on election day, since their identity cannot be established in a uniform and secure manner.

All candidate lists were given a chance to have members in all election commissions and polling boards. This represents an essential element of control of the election process. The election law stipulates that half of the seats won by a party will be allotted to the first names on the candidate list and the rest will be given to candidates after an internal decision of the submitter of the list. It is also stated that a representative's mandate expires

if he or she ceases to be member of the party submitting the list. These provisions limit the transparency of the allocation of mandates and the voters' ability to decide on the allocation of seats, and are contrary to commonly accepted standards.

The Parliament decided to implement a proportional system in one single constituency, but with a provision for this election only to give the Albanian minority a special arrangement to elect five representatives in special polling stations. This arrangement can have some unintended side effects which could work contrary to securing representation for minorities. In future elections a system of regional representation combined with proportional party representation should be considered.

### The Campaign

The high tension between the parties contesting the elections fortunately did not translate into widespread violent actions, and only a few incidents, of a minor nature, were reported.

Over six hundred official rallies took place around the country at which a small number of minor incidents were reported, such as the use of tear gas at two rallies in Nikšić .

An increase in police presence and activities has been noted throughout the country in the past two weeks. Complaints have been raised about alleged unlawful activities by state authorities, such as house searches without warrants. These cases should be duly investigated by the authorities, and if necessary corrective measures should be taken.

Whilst state money allocated to parties for campaign purposes should logically have been paid as soon as parties lists were accepted, it was not transferred until very late, one week prior to the elections.

### Media

The media played a crucial role during the election campaign. It is encouraging to see the increasing participation of media in the election in Montenegro. The media spectrum consists of electronic and print media issued both locally and from Serbia which support different political forces.

State media has an obligation to neutrality. In Montenegro, state media seem to have met its obligations under the media law to provide all political parties with equal access in the special election programme, "Izbori'98". The obligations of the law, however, placed strict demands on state media that were technically impossible to fulfill and the coverage fell short of providing voters with analytical information.

In state television, programmes outside Izbori'98, such as the news, have been clearly in favour of the ruling party, and state affairs are reported on in a neutral or positive way without any critical comments. Statistics from the Osservatorio di Pavia show that time outside the special election program was dominated by coverage of the ruling party to a degree that exceeds the need for information about government activities. This is exemplified by the amount of time during news programs given to the government (47.5%) and the ruling party coalition (10%), of which the majority was positive coverage. Significant access to state television was limited to the ruling party coalition (22%, of which 91% was positive) and the leading opposition party (9%, of which 47% was negative). The remaining 15 parties and coalitions received less than 7% of time on state television, and the Liberal Alliance received only 0.3% of that broadcast time.

It should also be noted that state TV violated the media law by publishing opinion polls the last week before the elections.

The state newspaper *Pobjeda* met its responsibilities mandated by the media law, although a disproportional amount of space outside the election section was dedicated to the activities of the ruling party (94 %).

There are no federal laws or arrangements on the co-ordination of media behaviour during the election campaign, and Serbian media did not respect the Montenegrin laws regarding campaign silence or the ban on publicising opinion polls the last week before the elections.

State-controlled Serbian media, including popular newspapers and RTS received by satellite throughout the country, were extremely biased in their coverage of the Montenegrin elections. *Politika* devoted 45% of its election articles to negative coverage of the ruling party and the government of Montenegro. A second newspaper, *Politika Express*, gave 80% of election-related space to the Montenegrin government, but this coverage was entirely negative.

Serbian satellite broadcast of state television dedicated the majority of election time during the news to the promotion of the SNP (80 %) and was overly biased against DPS.

#### Election Day

The voting was generally conducted in a calm and correct manner. The high turnout showed that the citizens of Montenegro wanted to exercise their civil rights and take responsibility over their future.

Some problems were reported including a slow process in some polling stations, overcrowded polling stations and queues. Some of these problems could possibly have been overcome by using the parties' authorised members of the polling boards more actively in the administration of the work.

The observers' reports include the following:

- Two of the polling stations observed had not applied the polling station stamp on the reverse side of the ballot paper. In one of the cases the voting was suspended and the polling station closed.
- A number of voters were turned back because of minor inaccuracies on the ID number. A recommendation issued by the REC at mid day contributed to a solution of the problem, even though it may have caused some differences in the treatment of voters.
- Family voting is still a widespread practice.

An insignificant number of cases of intimidation was reported by the observers. The 32,000 names in the voters registers representing voters that should not be allowed to vote, were almost everywhere reported to be administered according to the instructions. It should also be noted that no ethnic tension was reported by the observers. The observers rated highly the quality of the voting process.

The REC started to publish intermediate result at 02.00 Monday morning. It represents a great improvement of transparency from earlier practise. However an even more continuous transmission of early, preliminary results should be considered for the future.

In the evening of election day the police barred the traffic to the SNP headquarters for a little more than one hour, but the situation was fortunately resolved without any incidents of violence.

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*Upon invitation from the Speaker of the Republican Assembly of Montenegro, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Montenegro on 10 April 1998. The OSCE Election Observation Mission would like to thank the Montenegrin Republican Assembly, the Republican Election Commission, the Government, and parties for a supportive co-operation.*

*Mr. Javier Rupérez, President of the OSCE Parliamentary Assembly and of the Foreign Affairs Committee of the Spanish Parliament, was designated by the OSCE Chairman-in-Office as his Representative to the Election Observation Mission.*

*Mr. Kåre Vollan was appointed by the OSCE/ODIHR as the Head of Election Observation Mission, upon being seconded by the Government of Norway.*

*This statement is based upon the collective findings of observers seconded by 26 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly, the OSCE Participating states, local Embassies, as well as a number of NGOs. In total, 117 short term observers and 21 long term observers and core staff members were deployed throughout the Republic of Montenegro. Osservatorio di Pavia conducted a detailed analysis of the two state TV channels, upon being seconded by the Italian government.*

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