



**Republic of Montenegro
Federal Republic of Yugoslavia
Municipal Elections – 15 May 2002**



INTERNATIONAL ELECTION OBSERVATION MISSION

Statement of Preliminary Findings and Conclusions

Podgorica, 16 May 2002 – The International Election Observation Mission (IEOM) for the 15 May 2002 elections of Councilors to Municipal Assemblies in the Republic of Montenegro, Federal Republic of Yugoslavia is a joint effort of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE).

PRELIMINARY CONCLUSIONS

The 15 May 2002 elections of Councilors to Municipal Assemblies in the Republic of Montenegro, Federal Republic of Yugoslavia, generally were conducted in accordance with international commitments and standards for democratic elections. The elections built upon progress noted during the 2000 early municipal by-elections and 2001 parliamentary elections in the Republic, though shortcomings remain.

The international commitments and standards for democratic elections are formulated in the 1990 Copenhagen Document, the case law of the European Court of Human Rights, and UN resolutions and other documents. These criteria require that the vote be universal, secret, accountable, transparent, free, fair, and equal.

The municipal elections were overshadowed by the breakdown of the governing coalition and anticipated changes in the State status. The majority of political parties viewed the elections as a test of their support in the run-up to presidential and possible early parliamentary elections later this year.

Features contributing to this positive evaluation include:

- Broad participation of political parties and coalitions in the elections, including parties representing national minorities;
- Continued improvement of the accuracy and transparency of the voter registers;
- Representation of political parties on election commissions at all levels; and
- Broad access for domestic observer organizations to monitor the polling and counting.

As during previous elections, the voter registers again were contentious. The EOM followed up on numerous complaints on the issue and found that the accuracy of voter registers had further improved, although a small number of errors well within the parameters of established democracies with similar registration systems still remained. Moreover, the EOM found no evidence to support allegations that deliberate attempts were made to manipulate the voter registers. Nor did the EOM find evidence to question the integrity of the voter registers.

A broad range of electronic and print media, including a TV channel devoted exclusively to the pre-election campaign, provided voters with sufficient information. However, all media were biased.

While noting the strengths of the electoral framework in Montenegro, other shortcomings remain, including:

- Control of electoral mandates by political parties and coalitions;
- Lack of uniformity in the administration of the elections resulting from a passive role adopted by the Republic Election Commission;
- Blurring of State and political party functions;
- Violation of the campaign silence period by the print media; and
- Isolated incidents of violence.

On election day, the voting and counting processes were carried out largely in accordance with the legal and procedural requirements and in a calm atmosphere. The 70% turnout was a strong indication of high voter interest. The few shortcomings noted on election day involved isolated incidents of violence and insufficient attention to the secrecy of the vote.

The OSCE/ODIHR and the CLRAE are prepared to assist the authorities and civil society of Montenegro to overcome the remaining challenges and to build on the progress already accomplished in previous elections.

PRELIMINARY FINDINGS

Background

The 15 May 2002 municipal elections in 19 of the 21 municipalities of the Republic of Montenegro/ Federal Republic of Yugoslavia (FRY) took place in a dynamic political environment. Elections did not take place in Podgorica and Herceg Novi where early municipal elections were held in 2000. The breakdown of the governing coalition brought on by impending changes in State status shaped the context of the elections. Another factor was the adoption by the FRY Parliament of the Law on Co-operation with the International Criminal Tribunal for Yugoslavia (ICTY).

On 14 March 2002, Montenegrin, Serbian, and federal officials with European Union mediation signed the Belgrade Agreement proposing to restructure relations between Serbia and Montenegro, to adopt a new Constitutional Charter, and to replace the FRY with “Serbia and Montenegro”. The Belgrade Agreement effectively ended plans for holding a referendum on the independence of Montenegro in the immediate future, significantly impacting the political landscape in the Republic.

In April 2002, the Liberal Alliance of Montenegro (LSCG) and the Social Democratic Party (SDP) withdrew support for the Government headed by the Democratic Party of Socialists (DPS) of President Milo Djukanovic. The SDP and the Liberal Alliance interpreted the Belgrade Agreement as failure by the DPS to fulfil its election promise to hold a referendum. On 19 April, the Prime Minister returned his mandate to the President, but later informed that he did not resign. The prolonged debate surrounding the return of the mandate provoked speculation in the media about the possibility of early parliamentary elections.

The main opposition party, the Socialist People’s Party (SNP) came under criticism for finally agreeing to support in the Federal Parliament the Law on Co-operation with the ICTY. Thus, with republican presidential elections scheduled for the fall and speculations about

early parliamentary elections, the local elections provided insight into the level of support enjoyed by parties.

Legislative Framework

The legislative framework for the municipal elections, consisting of the Constitution, the Law on the Election of Councilors and Representatives (hereinafter the “Election Law”), the Law on the Voters’ Register, and other laws, provides an adequate basis for democratic elections. However, two features of the system of distribution and control of electoral mandates are not conducive to the development of democratic institutions.

First, the election law provides that only one half of the seats won by a party or coalition is allotted to its candidates according to the order of the candidates on the electoral list. Other candidates on the list fill the second half of the seats at the discretion of the party or coalition. Thus, voters do not necessarily know which candidates they are electing. Second, the electoral mandate belongs to the party and not to the elected councilor. In the event an elected councilor ceases to be a member of a party, the party has the right to strip the mandate from the individual and assign it to another candidate on its electoral list.

The OSCE/ODIHR and the Council of Europe repeatedly have brought these issues to the attention of the authorities and the political parties in Montenegro for revision, including after the 2000 and 2001 elections, but to no avail.

Election Administration

A three-tiered election administration in Montenegro includes the Republican Election Commission (REC), the Municipal Election Commissions (MEC), and the Polling Boards (PB). Political parties were represented at all levels. Although some parties criticized the dominance of polling board presidencies by the DPS in several municipalities, all parties gave general support for the work of the commissions.

While the Election Law requires the REC “to coordinate and supervise” the elections, the REC interpreted its role primarily as an appellate body for decisions of MECs. In addition, the REC did not have the mandate to issue binding instructions and undertook a limited number of other tasks such as accreditation of observers and organization of prison voting. This resulted in a lack of uniformity, in particular in the supply of ultraviolet lamps, indelible ink, and ballot boxes. Thus, the MECs were responsible for administering these elections.

The prolonged period of holidays between 1 and 6 May adversely affected the preparations for these elections as well.

Election Campaign

Thirty-two parties, some of which joined in 11 coalitions, contested the elections. In addition, one citizens’ group registered an electoral list in Budva. The major coalitions included:

- DPS and SDP in 10 municipalities;
- SNP, Serbian People’s Party (SNS), and People’s Party (NS) in 9 municipalities;
- SNP and SNS in 6 municipalities

- People's Socialist Party (NSS) and Serbian Radical Party (SRS) in all 19 municipalities

The main coalitions during the 2001 parliamentary election, the DPS/SDP and SNP/SNS/NS, competed in five municipalities: Budva, Danilovgrad, Kotor, Niksic, and Tivat. The Liberal Alliance ran alone in 17 municipalities and the NS in nine.

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

The economy, privatization, social policy, and local issues were important campaign themes. The future status of Montenegro remained topical. Anonymous campaign posters targeting the SNP with reference to the Law on Co-operation with the ICTY appeared in a number of municipalities. However, the campaign was calm and quiet in general. Most parties preferred door-to-door campaigning and small meetings instead of large campaign rallies, although this changed to some extent in a number of municipalities as election day drew near.

Several parties complained about vote buying, intimidation of voters, pressure on employees to vote for certain parties, and abuse of State resources during the campaign. However, the EOM did not receive any evidence documenting these allegations. The EOM is aware of only 6 MEC decisions that were appealed to the REC. The REC did not reverse any MEC decision – 4 of the appeals were rejected as groundless, and 2 did not meet the deadline for submission. Although the REC decisions could be appealed to the Constitutional Court, none was filed.

Some parties claimed that a lack of sufficient funds hampered their ability to campaign. In particular, the Liberal Alliance requested that the REC intervene on its behalf to release municipal campaign funds. The REC declined, indicating that reimbursement of campaign expenditures is the responsibility of the municipalities under Article 7 of the Law on Political Party Financing. Nonetheless, provisions on campaign financing were not applied uniformly.

In Niksic and Budva, violent incidents took place against opposition activists. In Niksic, unidentified individuals attacked NSS/SRS supporters. The perpetrators have not been identified to date. In another incident in Niksic on the eve of elections, the SNP reported an explosion in their local office. The EOM inspected the premises and found little damage. A police investigation is ongoing. In Budva, the nightly "poster war" between supporters of the DPS/SDP and SNP/SNS/NS escalated into violence. The local Office of the Prosecutor opened an investigation into the case.

Participation of Women in the Electoral Process

The electoral lists submitted by parties and coalitions included 392 women candidates, representing 11.88% of the total. Five women headed electoral lists, and 27.04% of women candidates occupied positions in the top third of lists. Among the parties and coalitions that registered more than 100 candidates, the SDP had the highest number of women candidates with 18.5%. The two main coalitions, DPS/SDP and SNP/SNS/NS, allocated respectively 12.13% and 12.67% of their lists to women.

Party campaigns and election coverage in the media generally lacked information targeted at women. Awareness of women's right to equal participation in politics remains limited.

Voter Registers

A remarkable level of transparency characterizes the voter registers in Montenegro. The law ensures that all political parties receive both electronic and hard copies of the register at a very early stage of the electoral process, thereby affording them full opportunity to audit the register. The law also allows the parties to inspect the archives of the Ministry of Interior (MI) regarding permanent residence and ID cards. During the pre-election period, the MI provided information about 76,490 individual records to parties. The law also permits citizens to inspect the voter registers, but the practice is not uniform across the Republic. In some municipalities, lists are displayed for inspection in the local community offices (*mjestna zajednica*) and in others at the municipal office.

Only municipal authorities can amend the Municipal Voter Registers (MVR), provided they have paper evidence of changes from the municipal Civil Status Offices (CSO) or the local branches of the MI. In a positive development, in May 2001 the Constitutional Court abolished the right of political parties to request changes to the voter register without the knowledge of subject citizens.

The Secretariat for Development (SD) maintains an electronic Central Voter Register (CVR), a merged compilation of the MVRs from all 21 municipalities. The CVR enables the identification of potential duplicate records in the MVRs. However, the SD cannot change the CVR, and instead is expected to inform other relevant agencies of potential problems for action.

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

The EOM received numerous complaints about the voter registers, investigated these, and found the following:

- A complaint submitted by the LSCG regarding some 42 suspected duplicate records with identical JMBGs was well founded. The same complaint also alleged an additional 615 duplicate records due to identical old ID registration numbers. This part of the complaint was not accurate as only 25 records are likely to be duplicates, and another 25 must be verified for possible but unlikely duplication. In the vast majority of cases, the individuals with suspected duplicate records were in fact different people.
- Another complaint from the LSCG alleged that persons known to be deceased are on the voter registers. However, investigation showed that the individuals named in the complaint were not registered as deceased in the municipal records. The same complaint also provided a list of 137 citizens, mostly from Niksic but also from Berane, whose date of birth is not recorded in the voter register and therefore, the complaint alleged, these individuals are deceased. Investigation showed that these individuals' date-of-birth was

omitted in the MVR in error. But without further investigation, this fact alone is not sufficient to conclude that the subject individuals are deceased.

- A number of complaints from SNP concerned the deletion of records from the voter registers in Bijelo Polje, Niksic, and Budva due to missing information at the local MI on citizens' permanent residence. Individuals whose records were deleted for such reasons have appealed and have been reinstated in the voter registers. The EOM received these complaints during the last week of the campaign and is still investigating the allegation.
- Another complaint from the SNP dating back to 2001 related to an allegation that 613 names were deleted from the voter registers in Podgorica. While the SNP made no direct allegation of wrongful deletion of these names, the EOM undertook a thorough investigation of the matter in an attempt to exclude any insinuation of fraud. This investigation showed that the deletions were part of a legitimate procedure to update the voter register in Podgorica and no violations of the law were established. The OSCE/ODIHR will publish a detailed report on this matter shortly.
- A third complaint from the SNP listed 69 names deleted from the voter register in Budva following the cancellation of their permanent residence status by the local police. The EOM established that these records were deleted from the police records for permanent residence and the voter register around the end of March 2001, prior to the parliamentary elections, without informing the concerned individuals. In this same period, 381 such deletions were made in Budva, 9 of which were subsequently reinstated following appeals. In addition, 38 similar decisions have been made elsewhere in the Republic during March and April 2001. Such unilateral action raises concerns as voters, albeit a small number, may be disenfranchised.

According to the Law on the Voter Register, citizens can request amendments to the voter register through the competent local authority until 25 days before the election. During an additional 15-day period, amendments can be requested only through the Supreme Court.

The Supreme Court received 1,527 requests for changes to the voter register, 973 of which were requests for additions to the voter registers, 240 were requests for deletions from the registers, and the remainder were requests for other changes, additions, and corrections of data. The Supreme Court denied 8 requests that failed to meet the deadline for submission, rejected 68 requests, and granted the requests in the remaining 1,451 cases.

While the accuracy of the voter register has improved, errors still exist in spite of the significant effort undertaken during the past year to remove inaccuracies. However, the error rate of the voter registers in Montenegro falls well within the parameters of established democracies with similar registration systems. If citizens reported more regularly about changes in permanent residence or other civil events, the accuracy of the voter registers would be further enhanced. Nonetheless, the EOM found no evidence to support allegations that deliberate attempts were made to manipulate the voter registers. Nor did the EOM find evidence to question the integrity of the voter registers.

Media Coverage of the Pre-Election Period

Voters in Montenegro have access to a broad range of print and broadcast media with the exception of some northern municipalities where the electronic media has limited reach. The

highly regulated State media generally fulfilled its obligations to the contestants as prescribed by law, but overall it favored the incumbents. Most private media – print and electronic – openly supported one of the major political parties or coalitions. Strict rules for electoral coverage reduced the ability of State media to analyze political issues, no debates were broadcast, and the Parliamentary Channel format failed to present interesting political discourse.

On 30 April, the National Assembly of Montenegro adopted a regulation establishing the “Rules of Media Presentation for Submitters of Electoral Lists”. The majority of these rules applied to the State media and required them to provide equal access to all participants. After the regulation was adopted, the electronic State media shifted all electoral coverage to the Parliamentary Channel, which also offered equal free airtime to all contestants.

Only parties with substantial financial resources could purchase ads. Media outlets did not comply with the requirement that paid advertisements must be designated as “Paid Election Spots and Advertisements”. *Dan* and *Glas Crnogorca* violated the 48-hour silent period before the elections, and *Glas Crnogorca* also published an opinion poll on 12 May in violation of the law.

The EOM monitored the print media – *Pobjeda*, *Vijesti*, *Dan*, *Glas Crnogorca*, and *Publika* – and the broadcast media – RTCG1, the Parliamentary Channel, *TV Elmag*, *IN TV*, and the Yugoslav station *Yu Info*.

The State-owned RTCG1 generally met the provisions of the media regulations prohibiting pre-election campaign coverage during its news programs, but favored the Government in its overall programming.

The two private channels, *TV Elmag* and *IN TV* did not offer free airtime to contestants. Both channels carried limited coverage of political issues and the electoral campaign. During its news programs, *TV Elmag* provided generally neutral political coverage to all participants. *IN TV* devoted most of its coverage to the Government and the DPS. *Yu Info*, monitored as a sample from 23-30 April, provided limited coverage of the election campaign.

Pobjeda devoted more than half its political content to the Government, President Djukanovic, and the DPS. The private dailies *Publika* and *Vijesti* also provided positive coverage of the DPS and SDP. However, *Dan* and *Glas Crnogorca* tended to devote positive political coverage to the SNP and its partners, and reported negatively on the Government and the President.

Domestic Observers

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

CDT and CEMI accredited approximately 600 and 1,000 observers respectively, covering an overwhelming majority of the 849 polling stations. Both organized parallel vote tabulations. Their activities provided an exceptional level of scrutiny of the electoral process.

Election Day

On election day, voting and counting processes were carried out largely in accordance with the legal and procedural requirements, and the turnout of over 70% was a solid indication of the high voter interest. In 80% of polling stations observed, non-partisan domestic observers were present. Although the elections took place in a generally calm atmosphere, isolated violent incidents were reported, including shooting outside of one polling station in Budva and the stabbing of a party activist in Niksic following the vote count.

The large majority of observers characterized the voting (86%) and counting (81%) as “good” or “excellent.” A small number of irregularities were noted, in particular with the secrecy of the vote (6%), stamping of ballots in advance (4%), and identification (1%) and ink (1%) checks. Serious violations such as voters failing to sign the voter register led to the cancellation of voting in at least one polling station. Procedures for mobile voting and voting in prisons did not always provide for sufficient secrecy of the ballot, in particular when the number of voters was small. No significant problems were observed concerning the vote count.

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

MISSION INFORMATION & ACKNOWLEDGMENTS

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The IEOM issues this statement before the final certification of the election results and before a complete analysis of the IEOM observation findings. The OSCE/ODIHR and the CoE/CLRAE will issue comprehensive reports shortly after the completion of the electoral process.

This statement is based on the election preparations and campaign observations of eight election experts of the OSCE/ODIHR EOM stationed in Podgorica and 10 long-term observers deployed in Berane, Bijelo Polje, Budva, Niksic, and Pljevlja for three weeks prior to election day. The statement also incorporates the election day findings of 114 observers, including 9 from the CLRAE, reporting from some 500 polling stations out of a total of 849 polling stations in all 19 Municipalities where elections were held.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, and the Ministry of Foreign Affairs, the Ministry of Interior, the Republic Election Commission, and other Republic and Municipal authorities of Montenegro for their cooperation and assistance during the course of the observation.

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