

## **CG/CP (8) 5 REV**

# **Standing Committee Report on the observation of the early parliamentary elections in Montenegro, Federal Republic of Yugoslavia 22 April 2001**

**Rapporteur : Mr Tomas JIRSA (Czech Republic)**

*Adopted by the Standing Committee on 31 May 2001*

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At the invitation of Mr Svetozar Marovic, President of the Montenegrin Parliament, and of the Yugoslav authorities, through their Consul General in Strasbourg, the Congress of Local and Regional Authorities of Europe (CLRAE) was invited to observe the early parliamentary elections held on 22 April 2001. The elections were called by the President of the Republic of Montenegro on 20 February, following the People's Party's withdrawal from the governing coalition and the Montenegrin Parliament's decision to dissolve itself.

At its meeting of 7 March 2001, the Bureau of the Congress decided to send an observer delegation comprising Mr Tomas JIRSA (Czech Republic, L, Head of the delegation), Mrs Ayse Bahar CEBI (Turkey, L), Mr Fabio PELLEGRINI (Italy, L), Mr Constantinos TATSIS (Greece, R) and Mrs Lea TOLONEN (Finland, R), accompanied by Mr Alessandro MANCINI and Miss Sylvie AFFHOLDER (Congress Secretariat). Meanwhile, the Parliamentary Assembly of the Council of Europe had appointed six observers: Mr Andreas GROSS (Switzerland, SOC), Mrs Vera SQUARCIALUPI (Italy, SOC), Mr Lauri VAHTRE (Estonia, EPP), Mr Claude FREY (Switzerland, LDR), Mr Cevdet AKÇALI (Turkey, EGD) and Mr Pierre GOLDBERG (France, UEL), accompanied by three members of its Secretariat.

The Council of Europe delegation worked closely with the election observation mission appointed by the OSCE/ODIHR and wishes to thank Mr Vulchanov, Head of the Mission, and his team for their assistance and logistical support. The OSCE's preliminary statement is appended.

The Council of Europe delegation took part in the preparatory meetings organised by the ODIHR, which provided an opportunity to discuss matters with Mr Marovic, President of the Montenegrin Parliament, Mr Lukovac, Minister for Foreign Affairs of Montenegro, and representatives of the main political parties standing for election and non-governmental organisations. The Congress delegation also met Mr Maric, Secretary of the Association of Municipalities of Montenegro, and Mrs. Starovlah, responsible for international relations, and was briefed on the situation in the country by Mrs Eva Tomic, the Council of Europe Secretary General's special representative in Podgorica. The delegation wishes to thank Mrs Tomic and Mr Mladen Perazic for their valuable assistance in preparing for the observation mission and the information they supplied.

It should be noted that the Congress has been collaborating closely with local authorities in Montenegro for several years. The Association of Cities of Montenegro was granted observer status in 1997, enabling it to keep track of the work of the Congress, particularly under the auspices of the Stability Pact. The Congress took part in the observation of local elections in Podgorica and Herceg Novi on 15 June 2000 (see Mr Claude Casagrande's report CG/BUR (7) 45) and supported the opening of a Local Democracy Agency in Niksic, inaugurated on 11 May 2001.

### **PREPARATION OF THE PARLIAMENTARY ELECTIONS: POLITICAL BACKGROUND**

#### ***Montenegro: a brief statistical overview***

Montenegro is a republic of the Federal Republic of Yugoslavia. The population is estimated at 600 000 inhabitants. It is divided into 21 municipalities, with between 3 500 and 112 000 electors. According to the 1991 census, the population is composed of:

- 61.7% Montenegrins
- 9.3% Serbs
- 14.5% Moslems
- 6.5% Albanians
- 8% other communities, including 1% Croats.

There are an estimated 20 000 Roma. The Albanian population is concentrated in the municipalities of Bar and Ulcinj and Tuzi district in Podgorica. The Bosniac/Moslem population is concentrated in the north of the country, in the municipalities of Plav, Berane, Rozaje and Bjelo Pole.

#### ***Relations between Serbia and Montenegro***

The political backdrop to the organisation and conduct of the elections was provided by the discussions under way between Belgrade and Podgorica about future relations between Serbia and Montenegro, an issue that dominated political parties' agendas in the run-up to the elections.

The "For a Better Life" coalition that came to power in 1998 after the previous parliamentary elections, under the leadership of Milo Djukanovic, took a pro-western stance, thus distinguishing it from the regime of Slobodan Milosevic and the policies supported in Montenegro by the Socialist People's Party (SNP).

The adoption of amendments to the Federal Constitution of Yugoslavia on 6 July 2000, with the support of six pro-Milosevic members of parliament from Montenegro authorised to sit in the Federal Chamber of the Republics, modified the system for electing the Chamber and the Federal President, depriving Montenegrin representatives of their influence on federal affairs. The Montenegrin authorities then approved measures suspending, *de facto*, the authority of federal institutions in Montenegrin territory. For example, the Montenegrin Republic took over responsibility for the customs service, pensions, foreign policy, the central bank and currency matters. Moreover, the parties in the governing coalition boycotted the federal elections of September 2000, with all the Montenegrin seats in the federal Parliament being filled by representatives of the Socialist People's Party (SNP) and the People's Socialist Party (NSS).

On the basis of the Platform put forward by Milo Djukanovic in 1999, the Montenegrin authorities gave priority to the question of future relations between Montenegro and Serbia, including a referendum on Montenegrin independence. The Montenegrin Parliament passed a Referendum Act in February 2001, which the federal Constitutional Court ruled unconstitutional because of a provision that only Montenegrin citizens with more than two years' residence in Montenegrin territory would be entitled to vote.

A sweeping victory in the elections of 22 April would have given Milo Djukanovic a large parliamentary majority, thus enabling him to call a referendum. The results could then have been confirmed by a two-thirds majority of the newly elected Parliament.

Montenegrin independence, the subject that dominated political debate, was a recurrent feature of all the parties' manifestos. Certain observers described the parliamentary elections of 22 April 2001 as a « pre-referendum ». However, the Congress delegation's terms of reference were confined to observing the conduct of the elections. It does not intend, therefore, to make any pronouncements on this subject.

### **The preparation of the elections**

The ODIHR mission was deployed on 29 March 2001 and supervised the preparation of the elections, in particular the various political parties' access to the media. The results are described in the OSCE's statement of preliminary findings and conclusions (Appendix 5).

The opposition parties, as well as the Centre for Democratic Transition, expressed concern about the issuing, during the weeks preceding the election, of 50 000 identity cards and 10 000 driving licences, which might have served to falsify the electoral registers. However, observers failed to confirm the existence of « phantom voters » at the elections and these fears seem unjustified.

The delegation welcomes the involvement of non-governmental organisations in the run-up to the elections. It was particularly impressed by the contribution of the Centre for Democratic Transition, which prepared a code of good conduct, signed by representatives of ten political parties, to secure mutual respect between parties, and co-operation between parties and their candidates and members of the election commissions, prevent corruption, voter intimidation and threats of or incitements to violence against individuals and groups and ensure that the results were respected, if the elections were democratically conducted. In a statement dated 11 April, the Centre said that in general the parties had abided by their undertakings, but it criticised the use of threatening language by the "Together for Yugoslavia" coalition at a meeting in Bjelo Pole, where the Bosniac minority were warned of the possible consequences of Montenegro's separation from Serbia.

With the support of the OSCE/ODIHR, the NGO "Women in Politics" campaigned on behalf of women's participation in political parties and their inclusion in winnable places on the lists. Whereas women constitute 51.4% of Montenegro's population, they accounted for 5.8% of outgoing members of parliament and 4.2% of municipal councillors, while there was not a single woman mayor or member of the government. An agreement aimed at securing 30% of the places in Parliament for women was signed by a certain number of political parties on 23 February 2001; others supported the agreement but the NSS did not sign or support it.

The parties included the following number of women on their lists:

DPS 10 out of 63 candidates 16%

SDP 4 out of 14 candidates 29%

Total "Victory for Montenegro" 14 out of 77 candidates 18%

LSCG 17 out of 74 candidates 23%

"Together for Yugoslavia" 17 out of 77 candidates 22%

*(this coalition had supported but not ratified the agreement of 23 February)*

NSS *(did not sign or support the agreement)* 15 out of 77 candidates 20%

### **The electoral procedure**

Voters had to elect 77 members of parliament, in a single constituency under a proportional representation system, in 1090 polling stations. The Election Act provided for one representative per 6000 voters. It was necessary to win at least 3% of the vote to secure any seats in Parliament.

Five seats were reserved for representatives of the Albanian minority, based on the results in the 70 *special polling stations* making up the "sub-constituency". This system was designed to give an advantage to parties representing this minority. It was accompanied by a transferred vote system that operated as follows. If a party obtained less than 3% of the vote in the "sub-constituency", its votes were to be transferred to the general constituency. Similarly, if a party obtained less than 3% of the vote in the general constituency, its votes were to be transferred to the "sub-constituency". There was to be no transfer in the case of parties failing to securing 3% in either general or sub-constituency.

## Observation of the elections

Reflecting the importance of these elections, 214 international observers, including 17 from the Council of Europe and 36 from the OSCE's Parliamentary Assembly, attended them and visited 738 polling stations in all the 21 municipalities. In addition 1486 and 1207 local observers were deployed by, respectively, the Centre for Democratic Transition and the Centre for Monitoring Elections.

The eight Congress observers were included in the deployment plans of the OSCE/ODIHR, which had been drawn up by long-standing OSCE observers. The Congress delegation visited some 40 polling stations, in the municipalities of Ulcinj, Podgorica, Rozaje and Pluzine. This provided coverage of a variety of geographical regions, urban and rural, and communities, in particular Albanian in Ulcinj and Bosniac in Rozaje.

## Election results

There had to be fresh elections in three polling stations (with a total of 1200) electors). The People's Party had obtained 10 666 votes, but was 299 short of the 3% threshold. However, the results of these fresh elections did not enable Mr Bulatovic's party to secure a seat in Parliament.

The results of the elections of 22 April 2001 were as follows:

| Electoral List                                                                                        | Number of votes | Percentage | No. of seats in Parliament |
|-------------------------------------------------------------------------------------------------------|-----------------|------------|----------------------------|
|                                                                                                       |                 |            | (total = 77)               |
| <b>Coalition "Victory for Montenegro"</b>                                                             | 153 946 votes   | 42.04 %    | 36                         |
| Coalition of Milo Djukanovic (Democratic Party of Socialists - DPS and Social Democratic Party - SDP) |                 |            |                            |
| <b>Coalition "Together for Yugoslavia"</b>                                                            | 148 513 votes   | 40.56%     | 33                         |
| (Socialist People's Party - SNP, People's Party - NS and Serb National Party - SNS)                   |                 |            |                            |
| <b>Liberal Alliance of Montenegro</b>                                                                 | 28 746 votes    | 7.85 %     | 6                          |
| <b>Democratic Union of Albanians (DUA)</b>                                                            | 4 232 votes     | 1.15%      | 1                          |
| <b>Democratic Alliance of Montenegro (DS)</b>                                                         | 3 570 votes     | 0.97 %     | 1                          |

The results of the election for the five representatives from the sub-constituency were as follows:

Liberal Alliance 1 152 6.004% 0  
Democratic Alliance (DS) Mehmet Bardi seat 3 268 17.031% 1  
Coalition "Together for Yugoslavia" 1 515 7.89% 0  
Democratic Union of Albanians seat 3 932 20.49% 1  
Coalition "Victory for Montenegro" seats 7 117 37.09% 3

## Conclusions of the Congress delegation

The delegation welcomes the very high turnout of Montenegrin voters (81%) and their sense of civic commitment to these elections.

It also welcomes the good atmosphere in the polling stations and the co-operation between the members of the different political parties and the election commissions, with the exception of one polling station visited where lack of co-operation prevented its opening at 8 am.

The delegation was impressed by the standard of training of members of the election commissions and their knowledge of electoral procedures. However, it regrets the limited number of women in these commissions and invites the Montenegrin authorities to increase women's involvement at future elections.

The practice of family voting was not observed to any significant extent, except in a few limited cases involving elderly persons' votes.

Certain legal provisions were designed to increase the confidentiality of votes, for example making each polling station's voting stamp distinctive and numbering voting slips.

The delegation considers that establishing a sub-constituency helped to increase the Albanian minority's representation in Parliament and notes with satisfaction that bilingual Montenegrin/Albanian voting slips were supplied to voters in these special polling stations.

The Congress wishes to express its satisfaction and congratulates the Montenegrin authorities on the smooth running of the elections, which serve to strengthen its democracy. It calls for the opening of genuine dialogue between all sectors of society, in the light of the results of these early elections.

## **APPENDIX**

Strasbourg, 21 April 2001

### **APPENDIX I - Observation mission in Montenegro (19-23 April 2001)**

#### **Elections parlementaires anticipées de 2001**

##### **Partis en lice**

SNP Parti du Peuple Socialiste  
NS Parti du Peuple  
NSS Parti Socialiste du Peuple  
DPS Parti Démocratique des Socialistes  
LSCG Alliance Libérale  
DUA Union Démocratique des Albanais  
DSCQ Alliance Démocratique des Albanais  
PDP Parti pour la Prospérité Démocratique  
SDA Parti de l'Action Démocratique  
IDU Union Démocratique Internationale  
SNR Parti de l'Egalité Nationale

Les municipalités du Monténégro : forces politiques en présence (avril 2001)

En 1998, les élections municipales et les élections municipales anticipées de 2000 (à Herceg Novi et Podgorica), le Parti du Peuple (NS) s'est présenté aux élections avec le DPS et le SDP mais a quitté la coalition en décembre 2000 et est considéré depuis lors comme un parti d'opposition.

La répartition des sièges au Parlement du Monténégro

#### **suite aux élections de 1998**

78 seats overall

SNP: 29  
People's Party : 7  
DPS: 30  
SDP : 5  
LSCG : 5  
DUA : 1  
DSCG :1

As elected in 1998:  
" For a Better Life Governing Coalition  
DPS + SDP + NS: 42

Government Supporters  
LSCG + DUA + DSCG: 7

Opposition  
SNP: 29

Following break-up of governing coalition  
Government  
DPS + SDP: 35

Government Supporters  
LSCG + DUA + DSCG: 7

Opposition  
SNP + NS: 36

**INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Montenegro / Federal Republic of Yugoslavia  
Parliamentary Election - 22 April 2001**

**Statement of Preliminary Findings and Conclusions**

**Podgorica, 23 April 2001** - This statement of preliminary findings and conclusions is issued by the International Election Observation Mission (IEOM) for the 22 April 2001 early election of Representatives to the Assembly of the Republic of Montenegro, Federal Republic of Yugoslavia. The IEOM is a joint effort of the Organization for Security and Cooperation in Europe - including the Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly, and the Council of Europe's Parliamentary Assembly and its Congress of Local and Regional Authorities of Europe.

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**Preliminary Conclusions**

The 22 April 2001 election of Representatives to the Assembly in the Republic of Montenegro, Federal Republic of Yugoslavia, was generally conducted in accordance with OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document and the Council of Europe standards. This assessment confirmed the progress noted during the 2000 municipal by-elections in the Republic, though shortcomings remain.

The election was held prior to the expiration of the term for which the Assembly was elected in 1998. The Assembly was dissolved in February as a result of a split in the ruling coalition that left the remaining parties without a majority. The split occurred over the future of Montenegro within the Federal Republic of Yugoslavia, an issue that fully dominated the election campaign.

Positive features of the electoral process in Montenegro include:

- Broad participation of diverse political parties and coalitions in the election, including parties representing minority interests;
- Large number of electronic and print media, including a parliamentary TV channel devoted exclusively to the pre-election campaign, giving voters access to a broad range of information and opinions;
- Exceptional transparency regarding access to and scrutiny of the voter register by political parties and citizens;
- Inclusive representation of political parties on election commissions at all levels;
- Publication of detailed voting results at polling station, municipality and central levels; and
- Broad access for domestic observer organizations to monitor the polling and counting.

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

- Control of election mandates by political parties and coalitions;
- Insufficient transparency for the allocation of five parliamentary seats reserved for specially designated polling stations serving national minorities;
- Indications of political pressure on State employees, particularly police, on one hand, and involvement of police in campaign related activities including isolated incidents of violence against opponents on the other;
- Rhetoric, using language beyond acceptable limits, during the final stage of the campaign;
- Inflammatory campaign statements from some members of the opposition, stressing the risk of ethnic tension and urging members of the Albanian and Bosniak Muslim minorities not to vote should a referendum election be called;
- Questionable interpretation of laws relating to the composition of municipal election commissions and polling boards;
- Small number of errors in the voter register that must be remedied before any future polls in Montenegro;
- Election propaganda during the 48-hour campaign silence period on 20-21 April in all print media; and
- Lower proportion of women candidates than in some OSCE participating States, resulting in fewer women having the opportunity to be elected.

The IEOM received numerous complaints from the opposition regarding large numbers of falsified ID, and duplicates, "phantom voters", names of deceased persons, and omissions in the voter register. The IEOM investigated these complaints and found that a small number of errors (less than 1% of the total number of voters) exist in the voter register, although a significant effort was undertaken to improve the register during the past year. However, the IEOM found that the degree of accuracy of the voter register falls within the parameters of established democracies with similar registration systems. Similarly, allegations that the Montenegro Ministry of Interior had received 50,000 blank ID forms to hand over to ineligible voters proved groundless. Thus, the IEOM found no evidence to support allegations that the voter register was manipulated.

Based on the observations of 214 international observers visiting 738 polling stations in all 21 Municipalities on election day, the voting process and counting were carried out largely in accordance with the legal and procedural requirements and in a calm atmosphere for an overwhelming proportion of cases. Most significantly, the turnout was high, indicating voter confidence in the process, and voters appear to have been able to exercise their right to vote freely. The main difficulty noted on election day was with some individuals not finding their names on the voter registers and consequently not allowed to vote. This appears to be mainly as a result of an inadequate understanding of the proper procedures for eligibility and for updating their data on the voter register. These cases seem isolated and not related to any particular group.

## **Preliminary Findings**

### **Background**

This election was precipitated by the withdrawal of the People's Party (NS) from the governing parliamentary coalition elected in 1998. The withdrawal of the NS left the remaining coalition partners, the Democratic Party of Socialists of Montenegro (DPS) and the Social Democratic Party (SDP), without a majority in the Assembly. The NS withdrew as a result of their rejection of a new platform adopted by DPS and SDP, calling for a redefinition of Montenegro's relationship with the Republic of Serbia as a union of two independent and internationally recognized States. The NS rejected the platform in favor of a reformed federation. The Assembly was dissolved in February 2001, followed by a call for new elections. Thus, the future status of Montenegro dominated fully the election campaign.

A total of 16 parties and coalitions successfully submitted candidate lists for this election. Generally, they fell into two major blocs: (1) the "Victory for Montenegro" coalition, including the DPS and SDP; and (2) the "Together for Yugoslavia" coalition, including the NS, the Socialist People's Party (SNP) and the Serbian People's Party (SNS). Individually registered parties, taking a more radical stance on each side of the pro-independence/pro-federation divide, shadowed the two main coalitions. The Liberal Alliance (LSCG) is committed to unqualified independence. The newly formed People's Socialist Party (NSS), an offshoot of the SNP representing former Prime Minister of FRY Momir Bulatovic, is strongly pro-federation.

Contestants representing national minority interests included the Bosniak-Muslim Democratic Coalition of Montenegro, made up of the Party of Democratic Action (SDA), the International Democratic Union (IDU) and the Party of National Equality (SNR). Albanian parties running individually were the Democratic Union of Albanians (DUA), the Party for Democratic Prosperity (PDP), and the Democratic Alliance in Montenegro (DSCG).

### **Legislative Framework**

The legislative framework for these elections, consisting of the Constitution, the election law, the Law on the Register of Electors, 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.

A unique feature of the election law is that, although citizens vote for electoral lists, only one half of the seats earned by the party is allotted to their candidates according to the order in which the candidates are listed. The other half of the slate is filled by other candidates on the list solely at the discretion of the party or coalition. Thus, voters do not necessarily know the candidates they are electing. This feature has specific relevance to the five seats allotted to votes cast at special polling stations serving national minorities. The REC has resisted issuing rules clarifying how vague provisions in the law are to be implemented regarding the manner in which the results of voting at these stations are calculated or the candidates selected to fill these mandates.

According to the election law, the electoral mandate belongs to the party and not to the candidate. In the event that an elected official is no longer a member of the party on whose list he or she was elected, the mandate is forfeited and the vacancy is filled by the party from among other candidates remaining on the electoral list. The OSCE/ODIHR has repeatedly brought this issue to the attention of the authorities and the political parties in Montenegro for revision, but to no avail.

### **Election Administration Structures**

The administration of elections is decentralized and no single authority is ultimately responsible for the coordination and conduct of the election and voter registration process as a whole. A hierarchy of election commissions and polling boards is envisioned, with a linear chain of command authorizing the Republic Election Commission (REC) to "coordinate and supervise" the work of Municipal Election Commissions (MEC), which in turn, appoint and supervise the Polling Boards. The Republican Election Commission and Municipal Election Commissions are appointed for a term of four years providing the potential for continuity in the administration of the elections. In addition, the law contemplates that representatives of the two opposition parties earning the most votes in the previous election have their members in the permanent composition of the election commissions and boards, and that each submitter of an electoral list has its representative on the commissions during the election period. Such political balance on the commissions provides a level of transparency and monitoring.

Notwithstanding this structure, however, a conflicting legal provision stipulates that "bodies administering the election shall be responsible for their work to the body that appointed them." In the case of Municipal Election Commissions, they are appointed by the Municipal Councils. Through a questionable political agreement, participation of political parties in the municipal commissions and boards has, in a number of cases, been interpreted to mean membership based on the political balance within the elected Municipal Councils. The split in the former ruling coalition also had its effect on some Councils. In response to shifts in political will, some Councils have side-stepped the law by prematurely interrupting the four-year terms of commission members to reappoint members along political lines. Where such strategies have occurred, even minor issues or practical matters have been decided along political lines with political minority members overruled on every issue. The REC has been reluctant to intervene on the basis that they have no authority over Municipal Councils. However in Plav municipality, where the MEC was not approved by the Municipal Council, the REC took over its functions.

Duties relating to the registration of voters are shared by the Ministry of Internal Affairs (MUP), responsible for maintaining the data related to the identity documents and permanent residence on which the register is based, Municipal Registrars who use the data from the civil status books maintained by the municipal administration and from MUP to compile the voter register within the Municipality for each polling station, the Secretariat for Development that compiles the Republic-wide voter register by merging municipality registers, the Ministry of Justice that supervises the work of municipal officials in updating their registers based on investigation of claims and challenges, and the Supreme Court that has sole authority to rule on appeals regarding the register.

## **Certification of Electoral Lists**

Every party or coalition that submitted an electoral list was successfully certified to appear on the ballot. No application was rejected.

However, there are concerns relating to the Bosniak Democratic Party of the Sandjak. In spite of three successful appeals to the Supreme Court over the past year, their application for registration as a party continues to be rejected in a legal battle between the Supreme Court and the Ministry of Justice. The party was consequently not able to participate in the last two elections in Montenegro. The Ministry of Justice argues that the party does not meet the requirements of law since it includes members outside the territory of Montenegro, and the party program and activities cover the Sandjak that extends into Serbia. The Ministry of Justice has wrongly interpreted the Supreme Court decision to provide the basis for not registering the party.

## **Election Campaign**

The election campaign remained calm and dominated by the central pro- and against independence divide. However, negative campaign rhetoric and personal attacks against the leaders of the two main coalitions were dominant. During the later stage of the campaign, this rhetoric escalated beyond acceptable limits. The defacing of campaign material also became a feature of the campaign.

## **Voter Registers**

As in prior elections, the voter registers have come under politically motivated criticism, though overall, the registers have greatly improved since 1998. The law ensures that all political parties receive both electronic and hard copies of the register at a very early stage of the process, affording them full opportunity to investigate and file claims and objections regarding individual records. The SNP/"Together for Yugoslavia" coalition filed a number of complaints with the appropriate authorities as well as with the IEOM.

Based on the IEOM's investigation with the full cooperation of the parties, MUP offices and the Secretariat for Development, the following can be concluded:

Complaints regarding some 4,700 suspected duplicate records were generally unfounded. A search of individual records by the IEOM in various municipalities demonstrated that, in the majority of cases, the individuals suspected of having duplicate records were in fact different people. Thus, the number of actual duplicate records among the 4,700 suspect pairs of records submitted is around 350, a fact subsequently acknowledged by the complainant in a letter dated 13 April.

Another major complaint related to some 12,000 selected records of suspected "phantom" voters on the register. According to the complainant, in around 1,400 cases out of the 12,000 records, research demonstrated that MUP offices could find no supporting record of an actual individual. The complainant contended that these represent "phantom" voters. The IEOM investigated a limited number of alleged "phantom" voters through the electronic and paper archives of MUP, and established that some of these cases were already corrected, while others remain to be addressed.

Another complainant alleged that persons known to have passed away are on the voter register. Although the Supreme Court rejected the complaint for not providing sufficient evidence, the IEOM investigated the allegation and found that the persons referenced in the complaint are not registered as deceased in the municipal records.

The IEOM received allegations that the Montenegro Ministry of Interior had ordered 50,000 blank identification cards and these cards might be handed fraudulently to ineligible voters. The IEOM investigated the allegation exhaustively, met with the Ministry, inspected the computer system for the issuing of ID cards, verified the number of ID cards issued in prior years, and concluded that the allegation was groundless. The Ministry had received 12,000 blank ID cards, but this number was well within the limits of normal use by the Ministry. Additional allegations that falsified ID forms were also in circulation are under investigation.

Based on investigation on the above and additional complaints, the IEOM estimates that the number of duplicates and other omissions in the entire register of over 447,000 voters is below 1% and that they appear to be residual from prior years.

Due to the burdensome nature of the decentralized process and the reliance on voters to promptly report changes in their circumstances, errors exist in the voter register in Montenegro, in spite of the significant effort undertaken to improve the registers during the past year. Nonetheless, the degree of accuracy of the voter register in Montenegro falls within the parameters of established democracies with similar registration systems. More significantly, the IEOM found no evidence to support allegations that a deliberate attempt was made to manipulate the voter register. On the contrary, on 18 April, the Secretariat for Development published in the State newspaper Pobjeda the list of duplicates and other omissions remaining in the database in an attempt to prevent any possible electoral abuse. Nonetheless, these discrepancies must be remedied before any future polls in Montenegro.

The IEOM concludes that the extraordinary degree of transparency and party participation in the scrutiny of voter register has contributed significantly to the accuracy of the voter register. This extraordinary transparency was also extended to the IEOM, granting it access to research the Republic voter register. The IEOM was also provided with a hard copy of all polling station voter lists, giving IEOM observers an opportunity to verify that the polling station extracts on election day correspond with the records produced by the central voter register.

However, the timetable provided in the laws for the submission of claims, research of documents and issuance of final decisions is too constrained to satisfy both the administrators and interested parties. Additionally, the administrative procedures for

appropriately marking the names of the deceased in the municipal records require improvement. Moreover, although the Secretariat of Development has the mandate to identify deficiencies in the voter register, it does not have the legal authority to supervise Municipal Registrars to implement corrections in the register. Finally, the extraordinary transparency afforded to political parties may in some cases jeopardize the privacy of data included in the voter register and gives the parties the right to initiate changes to the register without the consent of voters.

### **Government Involvement in the Campaign**

The IEOM received complaints about political pressure on government workers to secure their allegiance to the governing party. Such allegations are difficult to prove. However, in some cases related specifically to police officers, such pressures were more explicit. Among officers interviewed, two claimed that they were dismissed as a result of their political affiliation. Other police officers interviewed claimed that, while they still retained their posts, their political preferences and religious affiliations have come under attack by their superiors. Clearly, such use of influence has no place in a democratic society.

Moreover, evidence supports allegations that police have actively engaged in campaign activities in support of the ruling party at the local level. In at least two confirmed instances, special police in plain clothes were involved in violent incidents against supporters of the opposition. In one case, a victim who had reportedly shouted a derogatory remark at a political rally, was assaulted by police and hospitalized. In another case, the offices of the NS in Bijelo Polje were vandalized and members of the branch were held at gunpoint. Calls to local police for assistance went unheeded. According to party representatives and published news reports, two of the eight officers involved were suspended from duty. Corroborating reports from neutral sources confirmed by the IEOM have indicated that plain-clothes police officers were seen at DPS rallies on more than one occasion. In addition, evidence substantiates complaints that campaign material supporting the DPS were on display in police stations in several municipalities.

The IEOM has taken note that political parties in the governing coalition of the specific municipality maintain their offices in government-owned buildings, but those in the opposition in those municipalities do not have the same privileges. Thus, the DPS and SDP have their party offices in government-owned buildings in Podgorica, while the SNP has similar privileges in Herceg Novi. Such practices undermine the principles on which democratic elections are based, and blur the distinction between political party and government functions.

The IEOM also took note of a news item in Politika of 31 March, claiming that the DPS was involved in the distribution of food assistance in an attempt to "buy votes." The IEOM confirmed that such distributions had indeed taken place as an ongoing practice for an extended period of time. They related to private donations and consignments to the DPS from companies and individuals, and distributed through private party channels. There was no indication that DPS markings appeared on any of the goods distributed. However, those conducting the distribution were known members of the party. Moreover, records on such distributions were not maintained. The IEOM also received evidence that the DPS distributed coupons, clearly marked with the party logo, offering free blood typing services at the local hospital in at least one municipality. Citizens must provide a certificate costing 7.50 DEM indicating their blood type before they could obtain the new Identity Card. In both these cases, persons benefiting from the goods or services did not appear to be under pressure to vote for the DPS or to vote at all.

While this type of party activities is not prohibited by law, nonetheless, it creates the perception of undue influence, especially when the process is not transparent. Such perceptions can be avoided if such activities are regulated by law.

### **Media Coverage of the Pre-Election Period**

Voters in the Republic of Montenegro have access to a broad range of print and broadcasting media. State-owned and private media from Montenegro as well as print media from Serbia are available, while some broadcasting media (including the 3rd Channel of State TV) rebroadcast television and radio news from Serbia. The availability of numerous and diverse media provides voters with access to a wide variety of information and views and enables them to make an informed choice on election day. However, State media only partly respected their obligation to provide balanced and unbiased coverage. Most private media were openly supporting one of the major political parties or coalitions. Moreover, all printed media violated the 48-hour campaign silence period prior to election day.

Under regulations adopted by the Montenegrin Assembly in February 2001, State television, State radio, and the State newspaper Pobjeda are obliged to cover the election campaign, providing equal access to all participants. State TV set up a special Parliamentary Channel in March, which was well accepted by all parties. State radio and Pobjeda had special programs and pages. Most parties made use of the free access to State media, and the coverage within the special formats was equitable. However, some of the smaller parties chose not to take advantage of free access to the State media's special coverage. Generally, the main parties and coalitions received more coverage due to the larger amount of material submitted and the higher number of campaign events.

In keeping with the parliamentary regulation, reporting on parties and their campaign activities was almost absent from the regular news. In its news, State TV focused mostly on Montenegrin and federal authorities. Around 41% of all relevant news was devoted to Montenegrin authorities, and another 34% to federal. Coverage of Montenegrin authorities was almost exclusively positive, while over 35% of the coverage of federal authorities was in a negative context. However, State TV news did not give the incumbents undue coverage - on average, the main evening news devoted just over two minutes to Montenegrin State officials and authorities. Pobjeda, however, devoted 59% of its editorial contents (outside the special supplement) to Montenegrin authorities, and another 14% to the ruling coalition. Most of this coverage was positive, while there was a fairly high amount of negative news about the Coalition Together for Yugoslavia and the federal authorities (around 30% and 50% of their respective total).

Among the private print media, Vijesti followed a similar editorial policy as Pobjeda, but its pro-government stance was less pronounced both in quantitative and qualitative terms. Dan was heavily supportive of the NSS, to which it devoted 40% of its political coverage, and extremely critical of the ruling parties and the Montenegrin authorities. The Montenegrin edition of the Belgrade daily Blic had less coverage of the Montenegrin election campaign than the Montenegrin newspapers. Blic focused its



coverage on the authorities at the federal and republic level and on the two main coalitions. The daily was balanced overall and carried relatively little news in a negative tone or context. Politika from Belgrade had even more limited coverage of the Montenegrin elections and instead reported mostly about federal authorities. Politika was highly critical of the Montenegrin authorities and even more so of the ruling parties.

Private TV Elmag as well as YU-Info, which broadcasts from Yugoslav Army facilities, had rather limited news coverage of the election campaign. TV Elmag in its news focused on the Montenegrin and federal authorities and the two main coalitions and did not report in a negative context. In other programs, TV Elmag gave airtime only to parties who paid. The Coalition Together for Yugoslavia and the SRS took the most advantage of this. In YU Info's news, around 56% of the relevant time went to the federal authorities, and another 22% to the Coalition Together for Yugoslavia, while the Montenegrin authorities and the ruling coalition received 14% and 4% respectively. In the overall programming, this trend was similar, with 60% for federal authorities and 25% for the Coalition Together for Yugoslavia. YU Info was critical of the ruling parties and to a lesser extent of the Montenegrin authorities.

### **Participation of National Minorities**

Montenegro has had a positive record on inter-ethnic relations and the integration of national minorities in the electoral process. Minority rights are guaranteed in the Constitution and secured in the electoral system through the designation of special polling stations in areas with high levels of concentration. In addition to parties formed specifically to represent the interest of Albanian and Bosniak Muslim communities, both have also integrated into the main parties, particularly the DPS, as voters and to some extent as candidates.

However in this election, the issue of national minorities developed as a key element of the rhetoric between the two main coalitions. The opposition made a number of alarmist statements highlighting the threat of Albanian separatism in the event of independence.

### **Participation of Women in the Electoral Process**

An agreement signed by several of the major parties, pledging that 30% of their candidates would be women, represents a positive step to advance the participation of women in the electoral process. The SDP and the LSCG complied with the agreement. However, overall the number of women candidates remained low - 16% for the coalition "Victory for Montenegro" and only 2.6% for the coalition "Together for Yugoslavia". In addition, issues specific to women were generally absent from party campaigns and election coverage in the media. Also, awareness of women's rights to equal participation in party activities remains limited.

### **Domestic Observers**

Three domestic observer groups were accredited to observe the elections - the Montenegrin Helsinki Committee for Human Rights, the Center for Democratic Transition (CDT), and the Center for Monitoring Elections (CEMI) in Cooperation with the Center for Free Elections and Democracy (CeSID) from Belgrade. No problems were reported with the accreditation process for domestic observers.

CDT and CEMI accredited 1,486 and 1,207 observers respectively, providing for an exceptional level of scrutiny in the electoral process. CDT monitored the campaign activities according to a code of conduct signed by political parties. CEMI in cooperation with CeSID monitored the media. Both groups conducted civic education programs and observed the election day proceedings.

### **Election Day**

The more than 80% turnout of voters on election day, confirmed by domestic observers, is an indication of their level of confidence in the process. After monitoring the voting process in 738 (67.7%) out of 1,090 polling stations in all 21 municipalities, international observers characterized the conduct of the poll positively in 87% of cases, "fair" in 7% of cases, and "poor" in 1%. This characterization was confirmed by domestic observers interviewed by international observers.

Significantly, citizens appear to have been able to exercise freely their right to vote. In only four cases, international observers noted "undue influence" on voters in polling stations, with local administration officials "assisting" or "directing" voters in two cases, and police or other security officers involved in another case. However, in 66 additional cases, party supporters were also "assisting" or "directing" voters. Moreover, "tension" was noted in polling stations in 3.8% of observations. In one polling station, an angry voter destroyed the ballot box in a polling station in Niksic and the voting there will have to be repeated.

In over 90% of polling stations visited, the voting procedures were administered correctly, with "serious violations" noted in less than 1% of cases observed, "minor violations" noted in less than 2% of cases, and no opinion given in around 6% of observations. Thus, each voter was not asked to show a proper ID or not asked to sign the voter register in 0.6% of cases observed. In a few cases, voters refused to have the indelible ink applied to their finger and polling had to be suspended temporarily. The secrecy of voting was violated in 3.8% of observations, group voting was permitted in 10.5% of cases, and proxy voting in 1.8%.

According to reports submitted by international observers, the most significant number of problems on polling day related to individuals not finding their names on the voter registers and not allowed to vote. In about one third of these cases, individuals could not produce proper identification documents and were not allowed to vote in accordance with the law. In less than two thirds of these cases, individuals could not find their names on the voter registers. Some of the latter appear to have been omitted from the registers incorrectly, others appear not to have followed the proper procedures to update their data. These cases did not appear to be linked to any particular group and were isolated individual cases. Clearly, a thorough civic education

program is required to inform voters and political parties on the eligibility and the proper procedures for updating the voter registers.

As for the vote count, international observers rated the process "poor" in only 1.4% of cases observed, with the organization of the counting rated "poor" in 2.8%. The tabulation of the vote count at the MEC level was also rated positively, with only three cases of disorganization reported.

Domestic observers were present in 83% of polling stations visited by international observers during polling and 67% during the vote count, with a slightly higher presence of CDT than CEMI. With the exception of some isolated incidents, they had full access to the voting and counting processes.

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

#### **MISSION INFORMATION & ACKNOWLEDGMENTS**

Mr. Tiit Kabin, Vice President of the OSCE PA, was appointed by the OSCE Chairman-in-Office as the Special Coordinator for the Election Observation Mission in Montenegro. Mr. Claude Frey leads the Parliamentary Assembly of the Council of Europe delegation. Mr. Tomas Jirsa leads the Congress of Local and Regional Authorities of Europe delegation. Mr. Nikolai Vulchanov heads the long-term OSCE/ODIHR Election Observation Mission.

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

This statement is based on the election preparations and campaign observations of seven election experts and 10 long-term observers deployed in Podgorica, Herceg Novi, Niksic, Berane and Mojkovac for four weeks prior to election day, and the election day findings of 40 Parliamentarians and 174 short-term observers reporting from 738 polling stations out of a total of 1,090 in all 21 Municipalities.

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.

**For further information and complete appendix please contact [webcplre@coe.int](mailto:webcplre@coe.int)**