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Report on the observation of local elections in Podgorica and Herceg Novi (Montenegro, Federal Republic of Yugoslavia) 11 June 2000

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I. Introduction

Following the Liberal Party's decision last autumn to withdraw its municipal councillors from the "For a better life" coalition and the boycott by the opposition parties, the Podgorica and Herceg Novi municipal councils no longer had the necessary quorum to adopt the budget for 2000. The Government decided to dissolve the Podgorica municipal council on 31 March and appointed a three-man commission, comprising Mr Mugosa, Health Minister, Mr Soc, Justice Minister, and Mr Burzan, Deputy Prime Minister, to look after the city's day-to-day affairs. In Herceg Novi, although the Liberal Party replaced its municipal councillors, the city was not being run satisfactorily. The Government therefore decided to shorten the councillors' term of office. On 9 March President Djukanovic called new local elections in Podgorica and Herceg Novi.

In a letter dated 5 May, Mr Marovic, Speaker of the Montenegrin Parliament, invited the Congress of Local and Regional Authorities of Europe to observe the elections. On 9 May the Congress Bureau appointed Mr Casagrande (France), Congress Vice-President, Mr Mildon (Turkey), Congress Vice-President, and Mr Bucci. The Congress delegation was led by Mr Casagrande and accompanied by Ms Affholder, member of the Congress Secretariat, and, during preparation of the observation mission, by Mr Locatelli, Head of the Congress Secretariat. The programme of meetings held by the delegation is set out in Appendix I.

The Congress delegation visited Montenegro from 7 to 12 June 2000. The mission was organised locally by Ms Dajkovic, who had co-ordinated the Congress' work with refugees in Montenegro in 1999. The delegation would like to thank the Montenegrin parliamentary and government authorities for their invitation and co-operation, the local authorities and non-governmental organisations for their co-operation, the OSCE for its extremely useful contribution to the preparation of the mission, especially Mr Peel Yates, Head of the OSCE Office and Mr Paul O'Grady, co-ordinator of the OSCE observer mission, and Ms Dajkovic for her valuable assistance. The Congress delegation would like to highlight the warm welcome it received during its preparations for the mission and observation of the elections.

II. General context

These local elections were the first test at the polls for Milo Djukanovic and his coalition of opposition parties since they came to power in the Republic of Montenegro in 1998. The size of the electorate in Podgorica and Herceg Novi was 111,606 and 21,933 respectively, representing one-third of the Republic's total population.

Given the difficult relations between the Republic of Montenegro and the Federal Republic of Yugoslavia and the vague calls for independence and nationalist tendencies of some political parties, the election campaign was dominated by these national issues while questions of local democracy were largely ignored. Since local authorities in Montenegro have very limited powers, local politics were particularly low on the agenda during the campaign, which was nevertheless extremely lively and vigorously contested. No incidents were recorded in connection with the election campaign or the holding of mass rallies. However, Montenegro is still dominated by an atmosphere of violence. On 31 May, Goran Zugic, adviser to President Djukanovic, was murdered. Meanwhile, the federal army, which has 20,000 men on Montenegrin territory, has been active (in particular setting up random checkpoints).

The scrutiny of the international community was testimony to the importance of these elections. The OSCE/ODIHR organised an observer mission involving a team of five people in their main office, four long-term observers and sixty observers during the elections themselves. Meanwhile, the Centre for Democracy and Human Rights, the Helsinki Citizen Committee and the Belgrade Centre for Free Elections also deployed more than 250 local observers between them.

III. Preparation of the elections

The day before the elections, the two teams of Congress observers each contacted all the local party leaders, the chair of the municipal election commission and the OSCE representatives in order to evaluate the preparation of the elections and the election campaign. The parties that contested the elections are listed in Appendix II.

A parliamentary working group revised Montenegro's election legislation. The political parties came to an agreement on amendments to the Act on the election of councillors and representatives and the adoption of an Act on the registration of voters, both of which came into force on 18 March 2000. Only the representatives of the two Albanian parties voted against this legislation because it did not contain any provision for positive discrimination in favour of the parties representing the Albanian minority in the Municipality of Podgorica.

Media coverage of the election campaign

The Electoral Provisions Act was revised on the basis of recommendations put forward by the OSCE following its observation of the 1998 Montenegrin parliamentary elections. Article 51 made provision for equal access to the state media (Montenegrin Radio and Television Corporation and daily newspaper, *Pobjeda*). The OSCE, which monitored media coverage of the election campaign, considered it satisfactory. The only political party to complain was the coalition of Albanian parties, "*Together for Malesija*", which was prevented from publishing its manifesto in Albanian in the state-owned daily newspaper.

It should be noted that the private television station "*TV Nova/YU Info*", with logistic support from federal army barracks, broadcast programmes in support of Mr Bulatovic's coalition without being authorised to do so and without being registered with the Montenegrin authorities. The OSCE is unable to assess the impact of this television station, the strength of whose signals varied during the campaign. The coalition parties, meanwhile, did not dare criticise the station, which had been directly set up by Belgrade. Milo Djukanovic's coalition representatives in Podgorica, for example, considered it a type of provocation that did not merit a riposte. Nevertheless, the broadcasts ceased during the final days of campaigning.

Composition of the local and republican election commissions

The transparency of the elections was helped by the fact that all the political parties were represented on the republican and municipal election commissions (under the terms of Articles 30 and 25 of the Electoral Provisions Act respectively) and were thus able to air their views throughout the election campaign. The main parties had agreed on the composition of the election commissions.

Registration of candidates: example of the Bosniac/Sanjak Democratic Party

The list of candidates was closed twenty days prior to the elections. The only problem, which arose during talks between Mr Cuatrecasas and Dr Ugljanin, President of the Bosniac National Council of Sanjak, concerned the participation of Sanjak representatives in the local elections. According to Dr Ugljanin, the party had been banned from participating because the word "Sanjak" appeared in its title. The Congress delegation asked to meet the Sanjak Ministry of Justice and OSCE representatives to discuss this question.

Most of Sanjak is actually on Serbian territory, but also includes some municipalities in Montenegro (Rozaje, Plav, Bileje Pole). Bosniacs, still known as "Moslems", make up 14% of Montenegro's population (and 9% of Podgorica's). They have their own political party, the *SDA*, although it did not enter these elections.

On 17 April 2000 the Sanjak representatives asked the Ministry of Justice to allow the Bosniac/Sanjak Democratic Party to participate in the elections. However, it appears that they did not receive the Ministry's reply, apparently sent on 21 April, since they then contacted the OSCE, which pursued the matter with the Ministry of Justice. The Ministry replied on 8 May, inviting the Sanjak representatives to a meeting, which was held on 16 May. The Deputy Minister, Mr Radulovic, explained why the Ministry was reluctant to allow the party to be registered: firstly, its statutes were designed to protect the rights of the Bosniac minority and promote the independence of the Sanjak region, which straddled Serbia and Montenegro. Secondly, some members of the Bosniac/Sanjak Democratic Party were resident in Serbia. The party was therefore invited to rewrite its statutes in order to be officially registered - a condition that the Sanjak representatives refused to accept. Consequently, in its decision of 26 May, the Ministry of Justice announced that the Bosniac/Sanjak Democratic Party had been refused permission to participate in elections in Montenegro and invited its representatives to take their case to the federal authorities. The Sanjak representatives criticised this decision in the press and lodged an appeal with the Montenegrin Supreme Court on 22 June 2000.

The delegation considers that the Ministry of Justice complied with the proper legal procedures and gave priority to negotiation, as is the custom. The delegation, regretting the fact that Sanjak candidates were unable to stand at these elections, invites the Sanjak representatives to register their party in accordance with the regulations in order to avoid similar problems in the future¹.

Compilation of voter registers

In the light of the OSCE's comments following the 1998 elections, voter registers, which had included the names of people who were dead or had emigrated, were revised. The central register of voters used to be the responsibility of the Secretariat for Development, whereas local registers were drawn up by the municipal authorities. The voter registers were made public and the names of persons about whom certain details were missing were published in the press. Individual citizens and political parties could apply to the Supreme Court to amend the list. The parties were each given a copy of the final voter registers. Some opposition party representatives said before the elections that they were unhappy that they had not been given access to the final registers earlier. As a result, the *SNP* was allowed to check, before the election was held, that the copy it had been given was identical to the voter register used in the polling station. Not only the *SNP* but also other political parties made extensive use of this possibility on election day.

Generally speaking, the delegation was satisfied with the preparation of the elections. There were no major incidents directly connected to the elections during the campaign, which was fiercely contested and mainly focused on national issues. The delegation was able to observe the last election rallies in Podgorica, which were very well attended. The level of activity was comparable to that seen in national elections.

IV. The elections themselves

The Congress delegation visited 54 polling stations in all (22 in Podgorica and 32 in Herceg Novi). On the whole, they were all very well organised. The election commissions we met conducted the elections seriously and professionally. As provided by law, the elections were monitored by representatives appointed by the political parties. No pressure (in the form of a military presence or propaganda in the vicinity of polling stations) was exerted on the voters, who were well informed. The delegation was pleased to find that bilingual ballot papers were used in the Albanian-speaking municipalities.

The delegation also noted that persons who were unable to leave their home or hospital could use a mobile ballot box, supervised by two representatives of different political parties, while voting was also held in prisons for those prisoners who were entitled to vote.

However, in addition to the two teams' specific observations (see Appendix IV), the delegation would like to draw attention to a few general points that arose during its observation mission:

Ballot papers

At the opposition parties' request, each ballot paper had a tear-off slip. One election commission member, picked at random, was responsible for tearing off the slip after each voter had filled in the paper. This practice is questionable, since many papers were not folded properly and it was possible to see which candidate the voter had voted for either when the slip was detached or when it was dropped into the transparent ballot box (many papers were only folded loosely in half).

The delegation, whilst recognising that this system was designed to limit the risk of fraud, considers that the tear-off slip did not make the vote significantly more secure in view of the numerous other precautions taken to prevent cheating. Moreover, it made the task of counting the votes more onerous.

The delegation recommends that the voting procedure be simplified by abolishing the tear-off slip and that, if the ballot papers are not put in envelopes, they should at least be folded twice.

Voter registers

The general revision of the registers that took place before the elections led to some people being removed or omitted from the list. Surveys carried out at the polling stations suggest that this affected less than 1% of the electorate. From the explanations we received, it appears that most of the people concerned had failed to check whether they were registered within the allotted time (and thought that information was automatically passed on from one authority to another). Occasionally the wrong identity card number had been recorded in the voter register. Some election commission chairs, particularly in Podgorica, suggested that these voters contact the central election commission which, in some cases, spotted an error and was able to authorise the local commission chair to allow the unregistered voter to vote.

Appropriate measures should be taken on election day to enable unregistered voters to vote, especially if a clerical error has been made and the voter is known to be acting in good faith.

Reduction in the number of polling stations in rural areas

The reduction in the number of polling stations in rural areas means that some voters have to travel very long distances (up to 25 or 30 km there and back). At first glance, this does not seem to have affected turn-out. However, more detailed analysis should be carried out.

The distance that voters have to travel should be the main factor in the opening and closing times of polling stations, rather than the number of voters, especially if there is no public transport service.

Family voting

A few cases of "family voting" were observed, although this cannot be said to have influenced the election results. Election commission members were careful to limit this practice to cases where it seemed absolutely necessary (eg voters with visual impairments or disabilities).

V. Results

In Podgorica the election was won by the government coalition. However, the opposition was victorious in Herceg Novi. Since the elections were contested on issues of republic-wide significance, the ruling coalition in Montenegro has not been destabilised, although the opposition, which advocates a policy of co-operation with Serbia, remains very strong. The preliminary results are reproduced in Appendix III to this report.

VI. Conclusions

The delegation is satisfied with the way in which the elections were conducted. The problems mentioned above do not appear serious enough to cast doubt on the election results. Despite the important national issues at stake, the elections were very peaceful, complied fully with the legal procedures and can be considered both free and fair.

APPENDIX I

Programme of the delegation of the Congress of Local and Regional Authorities of Europe (CLRAE) in Montenegro²

Composition of the CLRAE delegation

- Mr Casagrande (France), Congress Vice-President, Secretary of the Association of Local Democracy Agencies, head of delegation
- Mr Mildon (Turkey), Congress Vice-President
- Mr Bucci (Italy), Congress member
- Mr Locatelli, Head of Congress Secretariat
- Ms Affholder, responsible for the programme of Local Democracy Agencies, Congress Secretariat

APPENDIX II

Political parties represented in the Podgorica and Herceg Novi municipal elections, 11 June 2000 Source: OSCE

Podgorica

3 parties and 4 coalitions were registered in the Municipality of Podgorica.

"Yugoslavia - Momir Bulatovic (Predrag Bulatovic)" coalition

Comprising the Socialist National Party (*SNP*), Serbian Radical Party (*SRS*), Serbian People's Party (*SNS*), Yugoslav United Left (*JUL*), Communist Party of Yugoslavia, New Communist Party, Yugoslavian Communists and the Nikola Pasic Radical Left Party

"For a better life - Milo Djukanovic" coalition

Comprising the Democratic Party of Socialists (*DPS*), the People's Party (*NS*) and the Social Democratic Party (*SDP*)

Liberal Alliance of Montenegro - Miroslav Vickovic (*LSCG*)

"Serbian Unity" coalition

Comprising the Serbian National Radical Party of Montenegro (*SNRS*) and the Serbian Democratic Party of Montenegro (*SDS*)

"Together for Malesija" coalition

Comprising the two Albanian parties: Democratic Union of Albanians (*DUA*) and Democratic Alliance of Montenegro (*DSCG*)

Voice of Montenegro - Liberal Democratic Party of Montenegro (*LDPCG*)

Alliance of Yugoslavia - Communists of Montenegro (*SKJ-KCG*)

Herceg Novi

3 parties and 2 coalitions were registered in Herceg Novi:

Liberal Alliance of Montenegro (*LSCG*)

"Yugoslavia - Momir Bulatovic" coalition

(*SNP, SRS, SNS, JUL*, Communist Union, New Communist Party, Nikola Pasic Radical Left Party)

Independent Citizens Group - Dr Djordje Budic

Social Democratic Party - Zarko Rakcevic (*SDP*)

"For a better life - Milo Djukanovic" coalition

Comprising the Democratic Party of Socialists (DPS) and the People's Party (NS).

APPENDIX III

Preliminary results of 2000 elections in Podgorica and Herceg Novi, 14 June 2000 **Source: OSCE**

Podgorica

The turn-out in Podgorica was 78.8%.
The Council consists of **54 seats**.

Party	% of votes	Seats/ Councillors
"For a better life - Milo Djukanovic" coalition	49.9	28 (+1 compared to 1998)
"Yugoslavia - Momir Bulatovic/Predrag Bulatovic" coalition	39.6	22 (-1 compared to 1998)
Liberal Alliance (LSCG)	7.6	4 (no change)
"Together for Malesija" coalition	1.6	-
"Alliance of Yugoslavia - Communists of Montenegro (SKJ-KCG)"	0.6	-
Liberal Democratic Party (LDPCG)	0.2	-
"Serbian Unity" coalition	0.2	-

Herceg Novi

The turn-out in Herceg Novi was 74.9% (16,511 of 22,040 registered voters).
The Council consists of **35 seats**.

Party	% of votes	Seats/ Councillors
"Yugoslavia - Momir Bulatovic" coalition	49.7	19 (+2 compared to 1998 ³)
"For a better life - Milo Djukanovic" coalition	38.8	14 (-1 compared to 1998)
Liberal Alliance (LSCG)	7.7	2 (-1 compared to 1998)
Social Democratic Party (SDP)	2.3	-
Independent Citizens List	1.5	-

APPENDIX IV

Report by the team of observers in Herceg Novi

HERCEG-NOVI team: C. Casagrande/Y. Mildon
Interpreter: Ms Sonja Spadijer

1. Timetable
2. Conclusions of the Herceg Novi delegation

General conclusions:

We managed to meet the leaders of all the parties contesting the elections except those of the Independent Citizens List, with whom we were unable to make contact. This group kept a very low profile during the campaign and never took its seat on the election commission.

Voting was peaceful and there was generally a good atmosphere in the polling stations.

The delegation was warmly welcomed in (almost) all the polling stations. We did not notice any hostility!

No incidents were reported.

All the candidates' observers were in attendance at each polling station. None of them complained about how the voting was conducted.

The voters we spoke to said they were well informed about the issues on which the elections were being contested.

The "vote at home" system for persons unable to travel worked satisfactorily.

A list of prisoners from Herceg Novi was compiled and they were able to vote in Podgorica, where they were being held.

APPENDIX V

Report by the team of observers in Podgorica

Team of observers: Mr Bucci / Ms Affholder

Interpreter: Ms Vesna Todorovic

The team of election observers in Podgorica agrees with the findings of the Herceg Novi team insofar as the elections were conducted satisfactorily, there were no incidents, the Congress observers were warmly welcomed and there were no complaints from political party observers.

We were unable to contact two parties because nobody was present at the headquarters of either the "Alliance of Yugoslavia - Communists of Montenegro (SKJ-KCG)" or the "Serbian Unity" coalition. However, both these parties played only a minor role in the elections.

For further details and complete appendix, please contact: webcplre@coe.int

¹ NB An application for registration was submitted to the Federal Ministry of Justice on 24 June 2000.

² During this mission, initial contacts were made with a view to the establishment of a Local Democracy Agency in Montenegro.

³ In 1998 the *SNP* won 13 seats, the *SNS* 2 seats and the *SRS* 2 seats. The *SNS* and *SRS* were part of the "Yugoslavia" coalition.