



Centar za demokratsku tranziciju - CDT

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PRELIMINARY REPORT OF THE CENTER FOR DEMOCRATIC TRANSITION FOR THE ELECTIONS ON 20 OCTOBER 2002

GENERAL ASSESSMENT OF THE PROCESS

Elections held on 20 October in Montenegro were generally conducted in a fair and democratic atmosphere, which would enable constitution of the Republic and local parliaments in Podgorica and Tivat in accordance with the expressed will of the citizens. The campaign of the political parties was conducted in an acceptable environment. And, although there were certain positive steps forward, the campaigns of the political parties still need to be more directed at solving citizens' problems.

The election administration was well adjusted to the new legal regulations in a short period of time. Some minor omissions and oversights could not influence the general positive impression of the work of the Republic and Municipal organs responsible for administering elections.

CALLING OF ELECTIONS

The Center for Democratic Transition began realization of its election monitoring project as soon as the elections were called.

Unfortunately, we have to state that the election laws were changed soon after elections were called, which is not in accordance with the international standards -- although we understand the fact that these laws were adopted by party consensus.

Significant party divisions and lack of trust among participants of the election competition marred the beginning of elections. In the near future something has to be done in order to overcome political divisions that, at the end of the day, can cause damage at the expense of citizens who expect from political parties solutions to vital problems and not empty political discussions.

CDT PRE-ELECTION ACTIVITIES

On September 17, 2002, the Center for Democratic Transition carried out an action to control the correctness of the voter's lists, as well as the effectiveness of the work of the municipal administration in their updating. Control of the voter lists symbolically began at 12 pm in all Montenegrin municipalities with 1,000 CDT activists.



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During the campaign, the Center also monitored the activities of political parties on the basis of a Code of Conduct, which was signed and supported by all parliamentary parties in Montenegro at the initiative of the Center for Democratic Transition. In cooperation with the National Democratic Institute from Washington DC, CDT formed a joint commission of the representatives of the political parties and, on the basis of more than 200 reports from our monitors, observed the respect of the Code.

CAMPAIGN

On the basis of monitoring the political party campaigns in the pre-election period, for the first time, we can say that almost all political parties talked about problems that concerned the citizens (economy, corruption, privatization and social issues).

At the same time, we believe that negative aspects of campaign were the following:

- Clashes of party opponents in Niksic and Berane
- A great number of inappropriate statements by party leaders
- Appearance of anonymous political materials in all municipalities
- Destroying of public and private property by graffiti and propaganda materials
- Incidents linked to banning journalists from party rallies

Details regarding violations of the Code of Conduct can be found on our website: www.cdtmn.org.

Still, we would like to emphasize in this statement some of the most important problems during the campaign.

CDT condemns putting up posters on traffic signs in all municipalities, which endangers the lives of citizens and costs Montenegrin citizens money when the signs need to be replaced. According to our knowledge, each new traffic sign costs around 30 euros.

In all countries, it is very difficult to separate state and party resources. We noted the use of the state functions and resources for party purposes. We believe that this points to the need to pass new amendments in the election Law that could address these problems.

On the basis of information that we received and the validity of which we are still checking, the accusations of certain parties about bribing, blackmailing and pressuring voters are one of the most serious problems of this campaign. The Center for Democratic Transition does not have enough evidence to arrive at a general conclusion.



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We note that the burden of proof for these statements is the responsibility of those making these accusations, as well as the responsibility of state organs. If those statements are correct, we believe that those examples are grave violations of the Code of Conduct of the Political Parties during the Campaign. Unfortunately, according to our opinion, the law does not explicitly regulate these cases. The Center for Democratic Transition calls upon those who have evidence to present them to the responsible state organs and invites the state administration to confirm the truthfulness of those statements.

ELECTION DAY

On the day of elections, we observed the course of the electoral procedures at more than 90% of the polling stations with more than 1,000 monitors. We conducted a Parallel Vote Tabulation in order to control the election results, and we were the first to present projected results to the Montenegrin public.

We welcome the initiative of the Republic Election Commission (REC) that, in the cooperation with CDT and others, carried out voter education about novelties in the election law. For the first time in Montenegro, the joint action of the Republic Election Commission and nongovernmental organizations was realized in order to introduce the election procedure to the citizens.

The amendments in the election law, as well as the new appointment of election bodies, after calling for elections could have caused confusion and are not advisable. Fortunately for all of us, these changes did not cause problems, and we believe that the election organs did their job professionally despite the short period of time.

Also, the changes made to the election commissions and Polling Boards did not cause disrespect of the election procedure in the majority cases.

Article 71a of the Law on Election of Councillors and Representatives was incorrectly interpreted in several cases.

Also, there were a few instances in which the Polling Boards did not respect the legal procedure because the member of the Polling Board in charge of identification of the voters announced out loud the name of the voter.

These problems were noted at 2% of the polling stations (1,101).



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SUGGESTIONS

The election laws in Montenegro provide an adequate basis for fair and democratic elections. However, they also need to be improved, made more precise and respected.

First, we notice an improvement of the work of the REC. On the basis of our experience and knowledge about the role of similar bodies in the countries of the region, we state that RIK could more actively use Article 32, paragraphs 1 and 2 of the Law on Election of Councillors and Representatives, to clarify and explain the election procedure.

CDT calls for additional changes of the election laws.

- Regulations about dissolving of polling boards needs to be modified and made more precise. The number of violations that enable dissolution of the Polling Boards needs to be reduced.
- Results need to be made available by polling stations -- and not just at the Republic or Municipal levels
- There is a need to separate state and party functions.
- The law on financing political parties provides information on public financing of party campaigns and gives guidelines about issues related to financing of the campaign. In general, these legal regulations are too unclear to contribute to improved transparency. The law needs to regulate the use of resources that come from the state budget, as well as private donations.