



EUROPEAN PARLIAMENT

**DELEGATION TO OBSERVE THE  
REFERENDUM IN MONTENEGRO**

**(19-22 May 2006)**

**Report by  
Mr Yelko KACIN,  
Chairman of the delegation**

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## 1. Context

On 12 January 2006, the Conference of Presidents took note that the Republic of Montenegro was among the countries accorded priority status with a view to sending a delegation to observe the referendum on ending the Union with Serbia.

By letter of 7 March 2006, the Speaker of the Parliament of Montenegro, Mr. Ranko Krivokapic, had informed the President of the European Parliament, Mr. Josep Borrell Fontelles, of his wish that the Institution should monitor the referendum process in the country.

Consequently, on 15 March 2006, the Election Coordination Group wrote to the President of the European Parliament, asking him to authorise the sending of a delegation to Montenegro to observe the state status referendum in that country, due to be held on 21 May 2006.

The Conference of Presidents, on 6 April 2006, authorised a delegation composed of 7 members, to be appointed by the political groups on the basis of the rolling d'Hondt system taking account of the non-attached Members, to observe the referendum on the possible independence of the Republic of Montenegro from the State Union with Serbia, due to be held on 21 May 2006.

Consequently, the Coordination of the Political Groups communicated to the General Directorate III of the General Secretariat that the ad hoc delegation would be made up of 3 Members of the EPP-ED Group, 2 Members of the PES Group, 1 Member of the ALDE Group and 1 Member of the IND/DEM Group.

The EPP-ED decided to designate Mr Aldis Kuskis and to give up one of its seat in favour of the Green group, while it was not able to fill its third seat; the PES decided to designate Mr. Robert Evans, while it was not able to fill its second seat ; the Greens decided to designate Mr. Milan Horacek; the IND/DEM Group was not able to appoint any Member and gave up its seat to the GUE Group, which designated Mr Erik Meijer and the ALDE designated Mr Jelko Kacin.

The European Parliament would undertake the 2006 referendum observation jointly with the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the OSCE and the Congress of Local and Regional Authorities of the Council of Europe in the framework of the OSCE-ODIHR International Referendum Observation Mission.

## 2. Constituent and preparatory meeting

The ad hoc delegation held its constituent and preparatory meeting on 10 May 2006 in Brussels. The "doyen d'age" **Mr Meijer** opened the meeting and the candidature of **Mr Kacin** for the chairmanship of the ad hoc delegation was put forward.

He was subsequently elected chairperson of the ad hoc delegation.

The ad hoc delegation then heard the Ambassador of Serbia and Montenegro to the EU, **Mrs Nincic**. She said that 2006 was indeed a very difficult year for Serbia and Montenegro. Two very important matters would be faced in parallel: the status of Kosovo, which was a delicate question, domestically, for Serbia, and the future of the State Union, after the referendum to be held in Montenegro. The fact that these two issues have to be resolved at the same time as economic transition, renders the situation even more complicated. Nevertheless, Serbia and Montenegro can be relatively satisfied of its economic results: the twin track approach used by the European Commission for preparing the country for an SAA has proved effective. Serbia and Montenegro actually have 4-5 % of GDP growth and inflation is decreasing. More than 1000 medium and large enterprises have been privatised, mostly by selling them. She hoped that the country would be able to sign an SAA by the end of 2006.

Concerning the referendum on independence in Montenegro, she was positively impressed that the campaign had been conducted regularly so far and hoped that this would be the case until the end of the process. Expectations, on compliance with democratic standards were very good. She hoped that the voting would also be transparent. She expected a very little difference in the support from the pro-independents and the pro-unionists. In any event, Belgrade and Podgorica, after the results proclamation, should sit together and discuss the possible implications.

The delegation heard afterwards **Mr Sarkic**, Deputy Head of Mission of Serbia and Montenegro to the EU and Representative of the Republic of Montenegro. He was pleased to note that there was a positive atmosphere in Montenegro on the forthcoming referendum. The day before, a big rally of the pro-independentists had taken place peacefully. To present the Republic of Montenegro, he indicated that the country's surface was a little more than that of Flanders, and larger than Malta, Luxembourg and Cyprus. Montenegro had succeeded in staying away from the bloody conflicts which had affected the Western Balkans in the Nineties and had already achieved a positive economic situation. Mentioning economic statistics, he indicated that most of the privatisations had already been carried out and the investors could already find a friendly environment in the republic. Tourism was increasingly important, with Russian and EU citizens representing around 60 % of the visitors, and many others coming from Serbia.

Concerning the preparation of Montenegro for European integration, he reported on the points of criticism highlighted by the EU: administrative capacity, compliance with WTO requirements, and other political issues particularly linked to the Copenhagen EU accession criteria, but added that he was confident that such issues would be resolved soon, in the interest of everybody.

Coming to talk about the referendum, he informed members that 1132 polling stations would be operating on referendum day, from 8 a.m. to 8 p.m., with a staff of 6 persons to represent the different blocks. Registered voters were around 407.000. International referendum observation would be organised by the OSCE/ODIHR with around 200 observers, and other observers would come from national appointments. Concerning the expected results, he considered that a clear result would be in the best interest of everybody; he reported that, according to polls, the 55 % in favour of independence was likely to be reached. Of course, many questions would be raised in the case of a result

between 50 and 55 % in favour of independence. The political majority in the country should then indicate the way forward which, in his opinion, would be again towards independence, during the next few months.

The delegation then had an exchange of views with a representative of the European Commission, **Mr Maragos**. He clarified that the Commission was not directly involved in the referendum process, but nevertheless it had decided to support the activity of Mr Lajcak, Personal Representative of Mr Solana for the referendum in Montenegro. The EU, especially after the adoption by the Montenegrin Parliament of the law on referendum, was very interested in the technical evaluations by the OSCE/ODIHR and was also, obviously, preparing for the "day after". It was expected that the Council would issue in the next week, conclusions in view of the holding of the referendum: these conclusions would insist on basic principles, such as that the law should be implemented, that unilateral moves should be avoided and that the referendum results should be accepted. There were only two possible results: either 55 % in favour of independence would be achieved or not. He added that, for many reasons, future relations between Serbia and Montenegro should be the best possible. On the SAA negotiations, he recalled that, in the beginning of April, the Commission had disrupted them because of unsatisfactory co-operation with the ICTY from Serbia, but if conditions for a resumption would be fulfilled rapidly, he was confident that negotiations could be concluded around the end of the year. Should Montenegro become independent, the Commission would ask the Council to approve a modification of the SAA negotiation mandate. In the case of termination of the State Union, Serbia would be the legal successor State, and also for Serbia the Commission would need a slight modification of the SAA negotiation mandate. In fact the Commission was already working on the basis of a three-track approach (one for the Union, and one for each of the republics).

Members asked questions on: 1. the date of availability of the results, on 2. who actually had the right to vote, on 3. what would be the concrete differences for citizens' life in Montenegro, if independence would be achieved, and on 4. whether opinion polls were available in Serbia.

**Mr Sarkic** answered that 1. each polling station had, on average, around 600 voters, the results of each stations would be electronically transmitted to the Referendum Central Commission, which was expected to release official results on Monday, 22, or Tuesday, 23 May, that 2. the citizens of Serbia and Montenegro, who had permanent residence in Montenegro for at least two years would have the right to vote; that 3. there were historical, political and economic reasons for Montenegro's move towards independence. One could also consider that Serbia, including Kosovo, was more than 6 times larger than Montenegro; **Ambassador Nincic** answered on 4. that , at the present stage, no realistic polls could be mentioned but, it seemed that, in Serbia, the majority would support some kind of union with Montenegro, and would express reservations on the proliferation of smaller and smaller states. Having said that, she also observed that the majority of Serbian citizens would accept the referendum's results anyway. Obviously, one of the most delicate problems was that of the more than 100.000-strong community of

Montenegrins living in Serbia, who had been excluded from the referendum process and were worried about their future.

**Mr Maragos** added that, on referendum day, there was a theoretical possibility that some staff of the polling stations would refuse to accomplish administrative tasks for the record of the results. But, in such a case, the President of the Central Referendum Commission, who was an international official, would take over and proceed to the counting. He reported that, according to some estimates, voters' turn-out could reach 87 %. Concerning the remarks by Ambassador Nincic on the exclusion of some Montenegrins from the voters' lists, he said that, as the Venice Commission had stated in its opinion "on the compatibility of the existing legislation in Montenegro concerning the organisation of referendums with applicable international standards", Montenegrin voters' lists had to be maintained, being among the most accurate in the region. There was no reason why they should be changed.

The ad hoc delegation then agreed on the programme of joint briefings with the other parliamentary observers of the OSCE Parliamentary Assembly, Council of Europe Parliamentary Assembly and Congress of Local and Regional Authorities of the Council of Europe, as well as on a separate programme of meetings for the EP members only (Annex 1 - attached to the present report) and decided to deploy 5 teams of observers to the following destinations: Podgorica and Budva; Cetinje; Kolasin and Bjelo Polje; Ulcinj; Niksic.

### **3. Development of the mission, Friday, 19 May 2006**

#### ***Briefing programme***

The members of the ad hoc delegation arrived in Podgorica on **Friday, 19 July**, where the briefing programme, organised by the OSCE-ODIHR for parliamentarians taking part to the international referendum observation mission (from the Council of Europe Parliamentary Assembly, the OSCE Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe and the European Parliament), started at 17,00 in the Hotel Crna Gora.

#### ***Introductory remarks by the Head of the IROM and political analysis***

After welcoming remarks by **Prof. Yalcintas**, Vice-President of the OSCE PA, Head of the OSCE PA Delegation and Special Coordinator of the OSCE Short-term Observers, **Mr Gardetto**, Head of the Council of Europe PA Delegation, **Mr Kacin**, Head of the EP delegation and **Mr Whitmore**, Head of the Congress of Local and Regional Authorities of the Council of Europe Delegation, **Ambassador Grunnet**, Head of the International Referendum Observation Mission, presented a picture of the situation in Montenegro in the months preceding the referendum. The climate had been very polarised and the

campaign intense, with a door-to-door approach. Rallies of the two blocks had been rather peaceful. He reported that the Ministry of Interior had put in place a new database for managing the voters' lists in view of the referendum and this had been a sensitive issue between the two blocks. There were still some discrepancies in the data, following a cross-check of the Central Voters Register against centralised electronic data held by the Ministry of Interior but these were manageable, in his view. He then mentioned the story of the 3 supporters of the pro-Union block, one of whom was a member of the Republican Referendum Commission, who had been put in jail on charges of involvement in cases of false registration of voters. They had been subsequently released and the RRC had been able to continue its work. Notwithstanding, discussions were still ongoing on how the ballots should be correctly voted. In concluding, Ambassador Grunnet reported that the IROM was made up of around 350 short term observers, among which 54 were the OSCE PA members, 18 the Council of Europe PA members, 5 the EP members and 27 the members of the Congress of Local and Regional Authorities of the Council of Europe.

**Ambassador Badescu**, Head of the OSCE Office in Podgorica, mentioned that the Office had opened in 1999, explained what was the mandate of the Organisation in Montenegro:

- to promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Montenegro within the OSCE framework in all three of its dimensions: human, politico-military, economic and environmental aspects of security and stability;
- to facilitate contacts, co-ordinate activities and promote information exchange with the Chairman-in-Office, OSCE institutions, OSCE field operations - particularly with those in South-Eastern Europe, as well as co-operation with international organizations and institutions;
- to establish and maintain contacts with local authorities, universities, research institutions and non-governmental organizations (NGOs) and assist in arranging events with OSCE participation;
- to perform other tasks deemed appropriate by the Chairman-in-Office or other OSCE institutions and agreed on between the Republic of Montenegro and the OSCE.

and considered that its presence was still necessary. She also referred to the activities of the Montenegrin Parliament in the field of democratisation. She observed that the referendum campaign had been conducted in an acceptable way and according to higher democratic standards, in comparison with other countries of the region. She mentioned the fact that each block was actually convinced to have the required majority.

**Mr Ristovski**, Head of the Council of Europe Office in Podgorica, reported that their Office had opened in 2000. In 2001, negotiations in the framework of the former Federal Republic of Yugoslavia had started. He passed in review the various stages for the formation of the State Union of Serbia and Montenegro and observed that there had never

been a real understanding between Serbia and Montenegro to enable the Union to function. The Council of Europe had actively monitored the Union's activities in the field of legal standards and, more recently, its Venice Commission had issued the well known opinion "on the compatibility of the existing legislation in Montenegro concerning the organisation of referendums with applicable international standards", which so much had influenced the process for the preparation of the referendum on independence in Montenegro.

### *Domestic observers groups*

**Mr Canovic and Mrs Komar** admitted that, in order for Montenegro to achieve an agreement on the law on referendum and to improve the quality of its democratic standards, an external influence had been necessary. They also considered that the rate of 55 % in favour, set for the recognition of the possible independence of the country, had by now probably been accepted by the people. Coming to concrete recommendations to the parliamentary observers for the referendum day, they advised them to contact on the spot the long term observers of the OSCE/Odihr, who would be able to provide a fair picture of the situation, and stressed that the most important issues to be investigated were: the way the local electoral commissions took their decisions; whether confidentiality and anonymity of the vote were ensured ; whether agents in uniform were present in the polling stations; whether and how people in hospital or other institutionalised people were allowed to vote.

### *Media representatives*

**Mr Rutovic** observed that, by now, Montenegro had a media framework comparable with that of the countries of Western Europe. Freedom of the media was being promoted. In cooperation with the EU, the Committee for media coverage of the referendum campaign had been put in place, including an equal number of representatives (6) for each block, the Unionists and the Independentists.

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After the end of the briefings, the members of the European Parliament delegation travelled to Petrovac, where the Chairman, Mr Kacin, hosted a dinner with

- Mr Raunig, Head of the Austrian Office in Podgorica
- Mr Zobel, Head of Office at the German Consulate in Podgorica
- Mrs Radovic, Representative of the British Embassy in Montenegro
- Mr Branko Lukovac, President of the Movement for an Independent Montenegro
- Mr Rakovec, General Consul of Slovenia
- Mr Anderlic, Member of the Slovene Parliament.

**Saturday, 20 May 2006**

***Referendum observation Mission Core Team***

**Ambassador Grunnet**, Head of the OSCE/Odihr ROM, recalled that members of the Republican Referendum Commission were still arguing on the way the ballots should be filled on referendum day.

Political overview and background to the referendum

**Mr Mitchell**, ROM political analyst, first presented the question asked to voters, which had been considered well drafted and unambiguous: "Do you want the Republic of Montenegro to be an independent State with full international and legal personality?". In the course of the referendum campaign, the question and possible consequences of both answers had been explained to the citizens. For Montenegro's independence, it would be necessary that 55 % of the valid votes are cast for the option "yes", provided that the majority of the total number of registered voters has voted on the referendum. He then presented the most important political parties and leaders of the two blocks:

Pro-Independence Bloc: Party of Democratic Socialists (DPS, the ruling party led by Prime Minister Milo Djukanovic), Social Democratic Party (SDP), Democratic Union of Albanians (DUA), Democratic League of Montenegro (DSCG), Liberal Party (LP), Civic Party (GS) and the Bosniak Party (BP). The main political figures of the bloc were, apart from the Prime Minister already mentioned: Mr Vujanovic, President of Montenegro, Mr Marovic, President of Serbia and Montenegro, Mr Krivokapic, Speaker of Parliament, all of them members of the DPS; Mr Zivkovic, of the Liberal Party, Mr Pavicevic, of the Civic Party and Mr Dinosa, of the Democratic Union of Albanians.

Pro-Union Bloc: it was composed of political parties that form the parliamentary opposition and mainly: Socialist People's Party (SNP, led by Predrag Bulatovic), People's Party, led by Mr Popovic, Serbian People's Party, led by Mr Mendic, on the rise, the Democratic Serbian Party (DSS), which was a small party, and the Bosniak Bloc for Unified Sandjak (a coalition of non-governmental organisations).

Mr Mitchell also provided data on the demographic composition of the Montenegrin population: according to a 2003 census, 40-42 % Montenegrins, 30 % Serbs, 12-14 % Bosniaks and Muslims, 7 % Albanians, 1 % Croats and 1 % Roma.

He reported that, concerning women's participation in politics, this was still poor: for example, only 10 members of Parliament out of 75 were women (7,5 %).

Legal and referendum framework

**Mr Chambers, IROM Deputy Head of Mission**, reported that the constitutional basis for the referendum was provided by the Constitutional Charter of the State Union of Serbia and Montenegro (of 2003) and by the Constitution of the Republic of Montenegro



(of 1992, notably art. 2 and 119), both of which required for a referendum to be held to effect any change in the state-status of the Republic. There had been, though, a dispute on possible contradiction, or divergent interpretation, of the Constitution and the law on referendum.

A Republican Referendum Commission (RRC) had been instituted, along with 21 Municipal Referendum Commissions and 1118 Polling Boards. The principal of equal cross-party representation had been followed, for example, the RRC had 8 members from the Pro-Independence Bloc (PIB) and 8 from the Pro-Union Bloc (PUB).

The voters register (Central Voter Register - CVR) had been considered of good quality: it was prepared on the basis of a "passive" system, whereby the names of eligible voters had been included following information provided ex officio by the Ministry of Interior and municipalities and citizens had been entitled to check their registered status and to announce possible inaccuracies. The Register therefore responded to high levels of transparency, and allowed inspection not only by the public, but also by political parties. Many complaints had nevertheless been introduced, especially from the PUB side.

He reported that, on 4 May, following political agreement between the government and representatives of the opposition, a cross-check had taken place between the Central Voter Register and a centralised electronic database held by the Ministry of Interior on citizens having permanent residence. This had allowed to deal with complaints, to add names and to withdraw other names, which contributed to resolve almost all the problematic cases.

### Campaign activities

**Mr Mracka, IROM Media Analyst**, said that Montenegrin citizens had access to information via some 21 TV Channels, 5 of them being public and 16 private, 55 Radio Channels, 16 of which public and 39 private, 1 News Agency, called "Mina", privately owned and around 100 printed media.

The Serbian television covered around 30 % of the territory of Montenegro, in particular the mountainous North.

He mentioned the provisions for the functioning of the campaign through the media. The legal framework was comprehensively governed by the Law on the referendum on State Legal Status: it provided citizens with the right to be informed in a truthful, timely and unbiased manner, under equitable terms, about the referendum process and different referendum options. The Law also required media to provide assistance to voters in making an informed choice through specific information programmes and public debates in which both referendum sides would take part. The public broadcast media were under an obligation to provide equal presentation to the different referendum options and to publish and adopt regulations on their coverage of the campaign, and all outlets did so before the launch of the campaign. The Law also appealed to all privately-owned media, as well as any foreign media available in Montenegro, to adopt a Code of Conduct that promoted fair and equal coverage of the referendum campaign.

Local NGOs had created a self-regulatory body to monitor medias' behaviour.

Mr Mracka also showed some videos with spots of the two blocks and commented on their content. The main slogan of the PIB was: "for the Montenegro we love", while the slogan of the PUB was: "there are enough of us to say no" or " Montenegro not for sale".

#### Polling procedures and observation forms

**Mr Chambers** briefly commented on some practical aspects, which would be useful to know for observers on referendum day: ballots were printed in Cyrillic, with the exception of ballots for Albanian communities, which were printed with Latin characters. He passed into review the forms to be filled by the observers, and noted that the form "B1" (Annex 2) was the most important (voting form), where, in particular, observers were supposed to note their remarks on possible unauthorised campaign material or campaign activities, polling station environment, unauthorised persons present and the voting procedure.

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Observers had, subsequently, a meeting with **Mr Vlahovic**, Minister of Foreign Affairs. He explained in detail the procedure which had led to the organisation of the state status referendum. The procedure had been long and complicated and it had brought in itself, obviously, also dramatic moments, but the stakes were high and indeed the Montenegrin citizens, as they had the sovereignty, would have to decide. He was confident that the referendum would not provoke any major disorder. Of course, no celebration would be permitted before confirmation of the official results, but referendum results would have to be accepted. Unfortunately, as it could be seen in past reports from the OSCE/ODIHR, one of the most significant problems was that Montenegrin opposition, with the exception of the People's Party, had not accepted election results.

Concerning the post-referendum period, he regretted to say that Belgrade had not accepted to sit together with the Montenegrin counterpart to discuss the various possible options. On the contrary, the Montenegrin Government had adopted a declaration on relations with Serbia after the referendum which contained a positive and friendly message.

To a question from the assistance on whether the negotiating team for the talks with Serbia in the aftermath of the referendum would be composed only of representatives of the PIB or would also involve opposition representatives, Minister Vlahovic answered that he would be in favour of opening the doors to the various political groups.

Observers had subsequently a meeting with **Ambassador Lipka**, Chairman of the Republican Referendum Commission. Speaking in Serbo-Croatian, he reminded some of the principal aspects of the referendum legal framework. Another referendum on state status, according to the law, could be repeated after three years. He specified that any claim for irregularity should be submitted in 72 hours as from the commission of the irregularity and the RRC would have to respond to all claims.

The RRC was supposed to announce the official results of the referendum not later than 15 days after. He was pleased to note that the referendum campaign had been conducted well.

Later on, observers met with senior representatives of the two blocs.

The **Pro-Independence Bloc** was represented by Mr Brajovic, of the Social Democratic Party, Mr Hasani, of the Democratic Union of Albanians, Mr Dukaj, of the Democratic Alliance of Montenegro and Mr Vujovic, of the Civic Party.

The **Pro-Union Bloc** was represented by Mr Kaludjerovic, of the Socialist People's Party, Mr Popovic, of the People's Party and Mr Rojcevic, of the Democratic Serb Party. They drew attention to the numerous irregularities observed concerning the preparation of the voters' lists, and reported that some people had been the subject of extraordinary pressure, even in their working places. Mr Popovic stressed that pressure had in particular been used on civil servants and all those belonging to the State apparatus who were not of the same opinion as Mr Djukanovic. Montenegro had become, using Mr Popovic's words, the "private State of Milo Djukanovic". These pressures had been in violation of the Montenegrin Constitution and laws. Also in the private sector, such as in some supermarket chains and hotels, people had been apparently asked to sign a declaration accepting the fact that they would not be able to go to vote on referendum day. Mr Rojcevic added that the majority had also attempted to buy votes. Furthermore, the Ministry of Interior had refused to issue new identity cards for those who had denounced that their document had been stolen.

After the end of the briefings, the EP delegation split into five teams, as agreed in the course of the preparatory meeting, and each of them, according to the case, met the long term observers of the IROM to get a regional briefing.

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The afternoon of Saturday was spent for meetings reserved to the EP delegation only.

First meeting: **Mr Ranko Krivokapic**, President of the Parliament of Montenegro. He was pleased to note that Montenegro had shown a high degree of political maturity, taking into account that no disorder had occurred during the referendum campaign. On the other hand, he regretted that the pro-Union Bloc, first, had accepted the rules of the game and the role of the EU, but then, was not happy with the expected outcome. He expected the referendum to be intensively observed, both by domestic and international observers. The European Union had ensured a strong presence, which was a welcome element in his view.

The Pro-Independence Bloc had tried to maintain a low profile in the campaign if one looks at the main slogan, "for the Montenegro we love", it mainly reminds one of a tourism advertisement. They were ready to discuss with Serbia in the framework and immediately after the declaration of independence. Of course, Montenegro would ask the European Union to continue the Stabilisation and Association negotiations without

necessarily waiting for Serbia. In the course of the summer, Montenegro intended to be admitted to the OSCE<sup>1</sup>; subsequently, a new Constitution would have to be adopted, in agreement with the Council of Europe, and in particular its Venice Commission. New parliamentary elections would be called in September. There were also some theoretical proposals, to elect a constitutional assembly, which would have to undertake, in the beginning, the drafting of the new Constitution, to be delivered by November at the latest. Afterwards, the assembly would continue to function as a "normal" parliament.

From the economic point of view, Montenegro already had a very lively economy and new projects would soon come up, also in relation with future possible independence. The military navy, for example, would be converted into a tourism fleet.

Mr Krivokapic concluded on a note on the dismantling of the State Union of Serbia and Montenegro: in his view, the two republics were already separate indeed, what needed now to be done was switching, together and gradually, the light of the Union off. Serbians and Montenegrins should become just part of the European society: by doing so, the timing of accession to the EU by any of the two republics would count less at last.

Second meeting: **Mr Jusuf Kalamperovic**, Minister of Interior.

The meeting was opened by the Chairman of the EP delegation, Mr Kacin, who asked the Minister questions on the accuracy of voters' lists, on the case of 30 detainees who, allegedly, would have been imposed to work on referendum day and on the general security situation in the country.

Minister Kalamperovic was confident that his Ministry would "pass the exam" of the referendum. From the point of view of public order, the situation was good so far. Concerning the voters' lists, he said that they had been completed on 10 May last, under the control of municipalities. On the issuing of new identity cards, he informed Members that today (20 May) was the deadline to resolve all the pending cases, of course provided that applicants would fill the conditions.

Many voters had arrived and would continue to arrive also from abroad: he reported that the airport director had been given instructions to accept the landing of two more flights that day, even though, he said, he believed those flights would carry supporters of the Union.

Coming to the public order situation at the moment of announcement of the referendum results, he expressed the hope that there would not be exaggerations.

On the question of people who allegedly had been requested to work on referendum day, and even people residing in the North of Montenegro requested to go to work on the coast, he answered that the referendum day fell on a Sunday, in which day people are not supposed to work. He added that even in extreme circumstances where some people would be obliged to work that Sunday, the polling stations would remain open for 13 hours, which would allow everybody to vote, Montenegro being a small country, where one could go from anywhere to anywhere else in 2 or 3 hours.

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<sup>1</sup> This was indeed the case: Montenegro's flag was displayed together with the flags of the other OSCE participating States at the Hofburg in Vienna on 22 June 2006, when Montenegro became the OSCE's 56th participating State.

Third meeting: the **European Movement and other NGOs.**

The EP delegation met Mr Momcilo Radulovic, Secretary General of the European Movement of Montenegro, Mr Zlatko Vujovic, Executive Director of the CEMI - Monitoring Centre and Mrs Daliborka Uljarevic, Executive Director of the Centre for Civic Education.

They expressed their relative disappointment with the ongoing reform process in Montenegro ( they underlined in particular the problematic sectors of the media, corruption, law implementation, and the authoritarian approach of the Government ) and considered it urgent to install an office of the European Commission in the country, to improve the quality of communication between the EU and the Montenegrin citizens, especially in the present stage , when the country was just starting the process of European integration. They reported that the EU Institutions were working at the moment only with the Montenegrin government, which, then, distributed some funding in a highly discretionary fashion. It was therefore very important to give the local NGOs the chance to entertain direct contacts with representatives of the European Commission. They explained their work in the field of "alternative education" and their contribution to the creation of a centre for the development of NGOs in Montenegro.

To a question from members on possible co-operation with Serbian NGOs, they answered that, luckily, there was no division in the society at the level of NGOs activity and that they would try to organise, together with Serbian civil society representatives, a post-referendum debate.

In concluding, Mr Kacin asked the representatives of the European Movement to report to him their assessment of the referendum process.

Fourth meeting: **Mr Milo Djukanovic**, Prime Minister of Montenegro.

Mr Djukanovic thanked the members of the EP delegation for their efforts to help ensuring that Montenegro undergoes satisfactorily the referendum process. He recalled that 4 years had gone already, since the Belgrade Agreement, and unfortunately this time had not been used properly for European integration: on the contrary, the process, instead of accelerate, had been delayed. The State Union had proven to be a dysfunctional structure, for which reason he had considered the moment had arrived for Montenegro to take a decision. He wanted to stress that his government had co-operated with Brussels for establishing the rules in view of the referendum but that he personally considered the rate of 55 % of the votes in favour of independence, which had been set as the minimum for the result to be recognised, a dangerous precedent for European democracy.

He was pleased to note that the referendum campaign and the two days of pre-referendum silence had been on line with international standards.

Mr Djukanovic, speaking in his capacity of leader of the Pro-Independence Bloc, expressed the hope that the new Entity of Montenegro would be recognised rapidly (by the way, there was no reason for a delay in his opinion) at the international level and that Montenegro would turn itself to pursue its European and Euro-Atlantic integration future. He regretted that Serbia was presently not keen to entertain the dialogue; nevertheless, Montenegro intended to go forward and had already adopted a declaration on the

treatment of Serbian citizens. In this respect, he was confident that the new Montenegro would be the home of all its citizens, where nobody would feel as a loser.

**Mr Kacin** stressed that the EP delegation was in Montenegro precisely "to wave the European flag" and it was composed of five different political groups. He nevertheless warned the Prime Minister that more and more members of the EP were against further enlargement of the EU, and that, anyway, acceding to the EU would mean also accepting new obligations, not only receiving funds.

Coming to the referendum process, Mr Kacin was pleased that it had been conducted according to the standards, so far. This impression was shared by most of the observers.

On Serbia-Montenegro relations after the referendum, he had been pleased to hear that the Montenegrin government had put this item in its agenda. As a Slovenian, he said, he was well aware how difficult it was to entertain peaceful relations with Serbia, but Montenegro's independence will also help to send a message to the Serbian people: the message would be "Take your destiny in your own hands". Speaking in his capacity as rapporteur on Serbia and Montenegro to the committee of foreign affairs of the EP, he stressed that he wanted to help Serbian people, but, so far, this had been impossible. He still hoped that negotiations on an Association and Stabilisation Agreement could be concluded by the end of 2006. In 2007, drastic changes would intervene for the region, since Bulgaria and Romania were expected to become members of the EU, SAA negotiations would be concluded with the remaining countries of the Western Balkans, and the Council would decide on the date of start of accession negotiations with the former Yugoslav Republic of Macedonia. In 2008, Slovenia would chair the Council of the EU.

He called for a strong role of the European Parliament in that critical period, in particular its committee on foreign affairs, and expressed the hope that the President of the EP would visit Montenegro.

**Mr Kuskis** asked for clarifications on the alleged road works between Kolasin and Bijelo Polje, in the East of Montenegro, which would impede circulation.

Mr Djukanovic answered that on the referendum day there would be no works ongoing.

**Mr Meijer** asked what would happen if the Pro-Independence Bloc gets more than 50 but less than 55 %. Secondly, he warned Mr Djukanovic on the difficult climate in the EU in relation to possible new enlargements.

Mr Djukanovic answered to the first question that, as he had already stated, the requirement of 55 % was a risky precedent, which could provoke a conflict between legality and democracy. The EU-set 55 % rate in theory allowed the minority to become majority and viceversa. Anyway, in that case, Montenegro would certainly have to negotiate new arrangements with Serbia, but the State Union would not function either, due to lack of people's support. Even with further decentralisation, the Union would not function, and indeed, there was little space for further decentralisation ! Montenegro would also have to insist with the EU for an acceleration of the EU integration process.

In the case of positive result, on the contrary, Montenegro would immediately declare its independence.

On the second question, he was conscious of the ongoing debate on the EU limited absorption capacity, but considered that limitations should not refer to the Western Balkans. That region, in his view, had been already too long an "orphan" of the EU. Excluding the Western Balkans from the perspective of EU accession would be a disaster, both for the EU and for the countries concerned. The EU was already "paying the bill", at present, of its past absence, and this should be considered a price for integrating the Western Balkans countries.

After all, the key problem of the region remained Serbia. Serbia should at last focus on its own problems. Still, Mr Kostunica, who, to a certain extent, depended on the extreme radical nationalists, intended to say what was good for Montenegro, although, luckily, with different methods than those of Milosevic. Prolonging this situation would mean prolonging the agony of Serbia.

**Mr Kacin** concluded by saying that he found Mr Djukanovic's arguments convincing and that he would convey that message to Brussels.

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In the evening, Mr Kacin participated in a dinner for the Heads of parliamentary delegations hosted by **Ambassador Grunnet**, Head of the OSCE/Odihr ROM, in Podgorica.

\*\*\*\*\*

## **Sunday, 21 May 2006 (referendum day)**

The EP delegation split itself into five teams with the following composition and destinations:

Team 1: Mr. Kacin  
(+ 1 advisor of the  
ALDE group and 1 member of staff)  
**Podgorica and Budva**

Team 2: Mr Kuskis  
(+ 1 member of staff)  
**Kolasin and Bijelo Polje**

Team 3: Mr. Meijer  
**Ulcinj**

Team 4: Mr. Evans  
(+ 1 member of staff)  
**Niksic**

Team 5: Mr Horacek  
(+ 1 member of staff)  
**Cetinje**

The EP teams observed opening of the poll stations, voting and closing of the poll stations .

The same day, at 18.00, the team of Mr Kacin had a **meeting with Ambassador Miroslav Lajcak**,  
Director general for political affairs at the Ministry for Foreign Affairs of Slovakia and  
Personal  
Representative of Mr Solana for the Montenegro referendum process, in the Embassy of  
Austria, Liaison Office of Podgorica.

Ambassador Lajcak explained the most important steps taken during the preparation of the referendum and the various possible options depending on the outcome of the referendum. In his view, it was extremely important that the EU Institutions give a common interpretation of the events and the results.

Mr Kacin expressed his concern regarding the formula proposed for the referendum, especially because it had not been discussed in depth across the various EU Institutions and because of the general situation in the region of the Western Balkans. He also stressed that the EU should focus on the post-referendum stage, to help Montenegro to face internal confrontation and to head towards democracy in such a way that nobody would feel a loser. He also considered that the EU should help Serbia in this particularly difficult period.

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The Heads of the Parliamentary Institutions met with the IROM Head and other OSCE representatives in Podgorica on Sunday and Monday for first debriefing. They also discussed the text of the press release and statement of preliminary findings of the IROM to be published on Monday, the 22nd of May 2006.

**Monday, 22 May 2006**

*Debriefing of the EP observers*



## **Team 1 - Podgorica and Budva**

Mr Kacin reported that , in the polling stations he had visited, the referendum had been conducted in a very calm atmosphere, respecting democratic standards and without emotional outbursts or other tensions between the two blocks. There were some isolated cases of procedural irregularities, such as a ballot box not properly sealed, but these would not change the generally positive assessment.

## **Team 2 - Kolasin and Bijelo Polje**

Mr Kuskis travelled to Kolasin, a locality in the North East, on 20 May in order to be able to observe the opening of a polling station. Kolasin and the surrounding region was considered a stronghold of the unionists. If any incidents were to happen during referendum day, they were likely to happen there.

He first observed the opening of a polling station in the central square of Kolasin. Despite the fact that a considerable queue of people had formed already before 8, the opening took place in an orderly and correct fashion. No tension and no disagreement were noted.

He then proceeded to Bijelo Polje, a locality with a strong independentist movement in an overwhelmingly unionist area. During the day the delegation covered a total of 12 stations, many in extremely rural areas (one of them was located in the sitting room of a private house). No irregularities were spotted. Polling officers seemed to know well the rules and applied them correctly, the voting environment was positive (with no attempt to influence the vote) and relations between representatives of the two blocks (present in all stations observed) were correct. These impressions were confirmed at a meeting with Mr Onnon Van der Wind, OSCE/ODHIR Long-term Observer for the Bijelo Polje region.

Mr Kuskis finally followed the closing and counting procedure in polling station 1 in Kolasin. The closing of the station took place at the convened time. During the counting there were no attempts to disrupt or muddle the proceedings. Despite the fact that the vote there was overwhelmingly (over 60%) in favour of Montenegro remaining in the State Union, the result was accepted by all representatives present. The banning of the use of mobile phones was generally respected.

It should be remarked, however, that at around 10.00 pm, at a time when the central municipal committee was busy collecting the polling data, the streets were taken by pro-independentist people who, following a custom which is common in the Balkans, celebrated their alleged victory by shooting, shouting and chanting.

It should be remarked that Mr Kuskis also tried to liaise with the EU Monitoring Mission who were also present in the area (this was announced by a representative of the EUMM at the briefing in Podgorica). However, his request for an informal meeting was declined on the grounds that the EUMM was a Council operation which reported directly to the SG/HR, Mr Solana.

### **Team 3 - Ulcinj**

Mr Meijer visited 9 polling stations, 4 in the urban territory of Ulcinj and 5 in the rural surroundings:

- nr. 30, Bratstvo-Jedinstvo (in town)
- nr., 8, Bratica (village near town)
- nr. 7, Krute Ulcinjske (village)
- nr. 28, Dječji Vrtić Solidarnost (in town)
- nr. 3. Stara Uljara (in town)
- nr. 4, Centar za Kulturu (in town)
- nr. 22, Donja Klenza (village far from town)
- nr. 12, Pistula (village)
- nr. 11, Zoganje (village)

During his stay polling station 8 was visited by an American OSCE-observer too.

2. Although the overwhelming majority (about 90%) in the municipality of Ulcinj voted in favour of independence, there was no tension, pressure or intimidation which could prevent that the minority felt free to express their vote against.

3. In the big polling station where he started and observed the counting, everything happened in good harmony between the 4 'PIB' members and 4 'PUB' members. At the start of the counting the initiative was immediately given to the predicted minority which opposed independence, and this counting was correctly repeated when there seemed to be 1 vote less than the registered number (this final count was conform to the registered number). Also in the other polling stations everything was performed very correctly, even more than experienced in local and national elections in some EP member states .

4. The only problem in all polling stations was 'family voting'. This took place especially in the case of old women who were accompanied by their husbands or their children, and particularly in the case of women dressed in traditional Islamic clothes. The members of all polling station considered this to be allowed by the electoral law, although Mr Meijer was informed that it was not the case

### **Team 4 - Niksic**

Mr Evans reported that during Referendum Day the atmosphere in Niksic, the seat of Milo Djukanovic, Prime Minister of Montenegro, was calm and orderly, although there was a certain amount of celebration when Mr Djukanovic himself arrived in the main street at around midday. It was generally evident that there was little antagonism between the Pro-Unionist and the Pro-Independence voters, as several groups socialising together were formed of members belonging to both blocks.

In the polling stations observed in the town and outlying areas, voting procedures were carried out without any problems. The committees overseeing the operation were well

informed of their task and undertook it efficiently, including for those who were not physically able to come to vote. No intimidation or other incidents were witnessed either inside or outside the polling stations.

### **Team 5 - Cetinje**

Mr Horacek had been observing 9 polling stations in the area of Cetinje and surroundings. It is worthy to be noted that Cetinje, a stronghold of the independentists on the occasion of the referendum, is the old capital of Montenegro and residence of previous King Nikola. It is still the heart of Montenegro when it comes to cultural heritage and is also considered as the religious centre of Montenegro, being the previous residence of Prince Bishop Njegosh and being the current residence of the Serbian Orthodox Church's Head. Cetinje is highly homogeneous from an ethnic and religious point of view, with a large majority of Orthodox Montenegrins. Since the transfer of the capital in Podgorica, Cetinje has witnessed a severe depression of its economy and suffers from a high level of unemployment.

Relations between the two blocks were rather tense during the campaign, with unionists accusing the pro-independence representatives to prevent access to the voters' lists, to buy votes and intimidate people, and casualties such as physical fights.

Nevertheless, on referendum day, in the polling stations visited, which were mostly located in rural areas, at the exception of 2 or 3 of them, operations were conducted regularly, in a remarkably calm and ordered atmosphere. Inter-action between the staff of the polling stations, who, of course, represented both blocks, were correct and peaceful.

Opening and closing, in the two concerned polling stations, had happened perfectly on time, as well as the preparatory operations before the start of the vote in the morning and the counting and results recording in the evening.

Only very few cases of family voting had been observed, especially in rural areas, for the assistance of old women. Local observers were very often present in the polling stations visited.

During the afternoon of referendum day, the streets of Cetinje were taken by pro-independentist people who, following a custom which is common in the Balkans, celebrated their alleged victory. Cars parades were observed, with many Montenegrin flags waved.

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### **IROM press conference**

The Head of the OSCE/ODIHR ROM held a joint press conference with the Heads of the parliamentary delegations at 13.00. The declarations released at that occasion are included in the Press Release of the IROM of 22 May 2006 (Annex 3).

## European Parliament

### AD HOC DELEGATION FOR OBSERVATION OF THE REFERENDUM IN MONTENEGRO

19- 22 May 2006

#### Programme

**Mobile contact number of the secretariat: +32 (0) 496.599.469**

#### Friday, 19 May

During the afternoon, arrival of the MEPs and staff in Podgorica

All briefings will be held in the *Hotel Crna Gora, Bulevar Svetog Petra Cetinjskog Podgorica Centre, tel: 081 443 443*

- |             |   |
|-------------|---|
| 17.00       | Welcome by heads/representatives of all delegations   |
| 17.15       | Welcome and political analysis By the Head of ROM, Head of OSCE Office in Podgorica, Head of CoE Office in Podgorica and Head of EUMM |
| 18.00       | Domestic observer groups - Marko Canovic CDT and Zlatko Vujovic CEMI  |
| 18.30       | Media representatives - key public and private electronic and print media   |
| Transfer to | <b>Hotel Rivijera</b><br><b>85300 Petrovac</b><br><b>Tel: +381.(0)86.422.100</b><br><b>Fax: +381.(0)86.461.314</b>                    |
| 20.30       | Dinner hosted by the Chairman of the Delegation   |
|             | with :  |
|             | Mr Raunig, Head of the Austrian Office in Podgorica   |
|             | Mr Zobel, Head of Office at the German Consulate in Podgorica   |
|             | Mrs Radovic, Representative of the British Embassy in Montenegro  |
|             | Mr Branko Lukovac, President of the Movement for an Independent Montenegro  |
|             | Mr Rakovec, General Consul of Slovenia  |
|             | Mr Anderlic, Member of the Slovene Parliament   |
|             | <i>Venue: Restaurant in the Hotel Rivijera</i>  |

#### Saturday, 20 May

08.15	Departure from the hotel	
09.00	Team,	Analytical briefing by representatives of the Mission Core including media monitoring results, forms and logistical briefing
10.30		Minister of Foreign Affairs, Mr Miodrag Vlahovic
11.00	Ambassador Lipka	Chairman of the Republican Referendum Commission,
11.45		Senior representatives of the Pro-Independence Bloc
13.00		Senior representatives of the Pro-Union Bloc
14.15	Team	Regional briefings with ROM long-term observers or Core (meeting with drivers and interpreters)

Separate programme for the EP delegation:

*at the end of OSCE/ODIHR briefings, meetings with:*

15.30	Mr Ranko Krivokapic, Speaker of the Parliament	Venue: Government Villa
16.15	Mr Jusuf Kalamperovic, Minister of Interior	Venue: Government Villa
17.00	the European Movement of Montenegro and other NGOs	Venue: 36, Njegoseva Street, 1st floor, Podgorica
18.00	Mr Milo Djukanovic, Prime Minister of Montenegro,	Venue: Government Villa

Transfer to Petrovac of the delegation (for those to be deployed as observers in Kolasin and Bijelo Polje, departure to Kolasin)

**Sunday, 21 May**

<i>time set in order to reach destination around one hour before the opening of the polling stations (8.00 a.m.)</i>	Departure of the observers to destinations : Podgorica, Budva, Kolasin, Bijelo Polje, Niksic, Cetinje and Ulcinj
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Team 1:	Mr Kacin, Chairperson of the EP delegation
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(car without interpreter) Mr Stokelj, Director, EP secretariat  
Mr Glasberg, ALDE advisor  
Mrs Brooks, Mr Kacin's assistant  
Destination: Podgorica and Budva

Team 2: Mr Kuskis, MEP  
Mr Gonzato, EP secretariat  
Destination: Kolasin and Bijelo Polje  
(spending the nights of 20 and 21 May in Kolasin)

Team 3: Mr Meijer, MEP  
Mr Roovers, Mr Meijer's assistant  
Destination: Ulcinj

Team 4: Mr Evans, MEP  
Mrs Whittall, EP secretariat  
Destination: Niksic

Team 5: Mr Horacek, MEP  
Mrs Mazzi Zisis, EP secretariat  
Destination: Cetinje

18.00 *(for the team of Mr Kacin only)*

Meeting with Ambassador Miroslav Lajcak,  
Director general for political affairs  
at the Ministry for Foreign Affairs of Slovakia and Personal  
Representative of Mr Solana for the Montenegro referendum  
process;  
*Venue: Embassy of Austria, Liaison Office of Podgorica  
Kralja Nikole 104  
81000 Podgorica  
tel.: +381.69.328.872*

21.00 Polling stations will close and the teams will observe the  
counting before returning to the hotel

### **Monday, 22 May**

09.45 Heads of Delegations Meeting  
13.00 Press conference  
13.45 Departure of the EP delegation



# INTERNATIONAL REFERENDUM OBSERVATION MISSION

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## PRESS RELEASE

### Referendum overall in line with international standards

PODGORICA, 22 May 2006 – The referendum on the future state-status of the Republic of Montenegro (Serbia and Montenegro) on 21 May was conducted overall in line with OSCE and Council of Europe commitments and other international standards for democratic electoral processes. It provided the voters a genuine opportunity to decide the future status through a process of direct democracy, concluded the International Referendum Observation Mission in a statement released in Podgorica today.

The mission deployed some 365 observers from 35 countries.

“In a demonstration of direct democracy, the people of Montenegro conducted a genuine and transparent referendum, and should be congratulated for their constructive approach in making this historic decision,” said Professor Nevzat Yalcintas Head of the OSCE Parliamentary Assembly delegation, appointed by the OSCE Chairman-in-Office as the Special Co-ordinator for the OSCE short-term observers.

Jean-Charles Gardetto, Head of the delegation of the Parliamentary Assembly of the Council of Europe, said: “The high turnout showed the importance given by the people of Montenegro in deciding their future by democratic and peaceful means. They expressed their free will in a fully democratic and civil manner, something they can be proud of and that sets an example for the region. The Assembly stands ready to accompany Montenegro on the path its people have chosen.”

Jelko Kacin, leader of the delegation of the European Parliament, added: “We were very positively impressed by the regularity and efficiency of the referendum process. We encourage all the citizens of Montenegro to work together for a bright, common future; their future lies in European integration and in this respect, they all are to be seen as winners. Serbia and Montenegro should closely co-operate for mutual recognition of the referendum results, for a consensual decision on the further steps and for a rapid resumption of the Stabilization and Association agreement negotiations, on the basis of each Republic’s own merits.”

Keith Whitmore, who led a delegation from the Congress of Local and Regional Authorities of the Council of Europe, said: “The Congress was joined for the first time by members of the Committee of the Regions. We commend the smooth and peaceful running of this historic referendum; however, a number of important issues need to be addressed such as the under-representation of women in polling boards and accessibility to polling stations for the elderly and disabled. We will continue working with authorities furthering democracy at local level in line with the European Charter of Local Self-Government.”

“It has been a positive experience to follow the active and largely peaceful campaign and to see it culminate in the high turnout yesterday. Both sides have shown a political maturity which bodes well for the future of Montenegro”, concluded Jorgen Grunnet, who heads the long-term Observation Mission from the OSCE Office for Democratic Institutions and Human Rights.

Election day was calm, with more than 96% of observers characterizing the vote positively. Some procedural problems were identified with the application of ink on voters’ fingers, as well as a number of instances of group voting and of voters taking photographs of their marked ballot papers. Observers assessed the count and tabulation of votes positively. In two isolated instances, observers reported suspicious activities that may have indicated vote-buying schemes.

The campaign was competitive although there were instances of negative campaigning. The Republican Referendum Commission operated in a transparent manner and both referendum options displayed a commitment to participate in its administration. There was active involvement of civil society, particularly domestic observers.

Access to media was afforded to both options although some partiality was noted, mainly in print media. All in all, media provided voters with diverse views and enabled them to make informed choices. There was no direct campaigning in the media during the pre-referendum silence period, but many instances of indirect support of independence were noted.

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**INTERNATIONAL REFERENDUM OBSERVATION MISSION**  
**Referendum on State-Status, Republic of Montenegro (Serbia and Montenegro)**  
**21 May 2006**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Podgorica, 22 May 2006** – Following invitations to observe the 21 May 2006 referendum on state-status, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Referendum Observation Mission (ROM) in the Republic of Montenegro (Serbia and Montenegro) on 28 March 2006. For observation of referendum day, the OSCE/ODIHR ROM joined efforts with the observers of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) and the European Parliament (EP) to form an International Referendum Observation Mission (IROM).

Professor Nevzat Yalçıntaş (Turkey), member of the Parliament of Turkey, Head of the OSCE PA delegation, was appointed by the OSCE Chairman-in-Office as the Special Coordinator of the OSCE's Short-Term Observation Mission. Mr Jean-Charles Gardetto (Monaco), Member of the Parliament of Monaco, led the Delegation of the PACE. Mr. Jelko Kacin (Slovenia), Member of the European Parliament, led the Delegation of the European Parliament (EP). Mr. Keith Whitmore (United Kingdom) led the delegation of CLRAE. Mr Jørgen Grunnet (Denmark) heads the OSCE/ODIHR ROM.

The IROM assessed compliance of the referendum process with OSCE commitments, Council of Europe commitments, other international standards for democratic electoral processes, and domestic legislation. This statement of preliminary findings and conclusions is delivered prior to publication of the official referendum results by the Republic Referendum Commission (RRC) and the expiry of the legal deadline for hearing possible appeals. The OSCE/ODIHR ROM will remain in Montenegro to continue the observation of this process. The OSCE/ODIHR will publish a comprehensive final report approximately two months after completion of the process.

<b>Preliminary Conclusions</b>
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The 21 May referendum provided a genuine opportunity for Montenegrin voters to decide their future state-status through a process of direct democracy, ensuring this issue could be resolved in a peaceful and legitimate manner. Overall, the referendum was conducted in line with OSCE and Council of Europe commitments and other international standards for democratic electoral processes. Voter turnout exceeded 86 per cent, reflecting high voter interest in the referendum.

The competitive pre-referendum environment was marked by an active and generally peaceful campaign. Both referendum options respected the right of the other to express an opinion, although there were a number of instances of negative campaigning. There were no reports of restrictions on fundamental civil and political rights.

Broadcast and print media provided voters with diverse views and enabled them to make informed choices between distinct alternatives. The public broadcast media offered equal free airtime to both referendum options. The public TVCG1 gave overall equal access to both campaigns but favoured to an extent pro-independence views in news coverage. Print media often showed partiality for either pro-independence or pro-union campaigns, and occasionally published inflammatory newsreports. Although there was no direct campaigning in the media during the pre-referendum silence period, the IROM noted many instances of indirect support of independence.

The legal framework for the referendum largely meets international standards for electoral processes. The 2006 special referendum law was a result of the consensus that followed political party negotiations in

early 2006, and was able to maintain cross-party political support for its full implementation, including on contentious issues such as the majority requirement for the decision to be made. The referendum question was clear.

The voter register in Montenegro is overall accurate. The remarkable transparency afforded to political parties to inspect the voter register increased cross-party confidence in the accuracy of voter lists and addressed many complaints that had been submitted. A total of 484,718 voters were registered, an increase of some 26,000 compared with previous elections.

Equal participation by both sides in the referendum administration, as well as the role played by an independent chairperson of the RRC, strengthened confidence amongst political actors in the process. The RRC and the 21 Municipal Referendum Commissions generally functioned well and provided full access to their meetings for observers and media. However, there were frequent delays in decision-making resulting from repeated voting along partisan lines, although a notably more consensual and professional approach was taken in the later stages of the process. The transparency of the referendum was significantly strengthened by an active participation of civil society groups and domestic non-partisan observers.

Over fifty complaints were submitted to the RRC and/or to the public prosecutors before the referendum-day. Some 20 were related to alleged pressure on employees to deliver the vote in favour of independence or to not vote, and vote-buying; some 15 are still pending resolution. In general, the complaints resolution and appeals process worked effectively.

More than 96 per cent of the IROM observation reports characterized the polling day proceedings as “very good” or “good”. There were isolated cases of procedural irregularities that indicate that Polling Board members in all municipalities would benefit from further training. There were two instances – in Pljevlja and Berane – where international observers reported suspicious activities that may indicate vote-buying schemes on the part of the Pro-Independence Bloc.

The IROM calls on both pro-independent and pro-union parties and their supporters to maintain a constructive approach during the post-referendum period. The organizations represented on IROM stand ready to continue their support for the efforts of Montenegrin authorities, political parties and civil society to further improve electoral practices in Montenegro.

## Preliminary Findings

### **Referendum Context**

The 21 May referendum on the future state-status of the Republic of Montenegro provided a genuine opportunity for the citizens of Montenegro to decide whether their country should be an independent state or remain in the State Union with Serbia. The question of independence has long characterised – and polarised – the political landscape in Montenegro and thus it is notable that there has been wide, cross-party support to the issue being resolved legitimately and with certainty through a referendum.

The State Union of Serbia and Montenegro was established in 2002 by the “Belgrade Agreement” that placed *inter alia* a three-year moratorium on the holding of any referendum on independence by either member of the State Union. Following the expiry of that moratorium, the Government of Montenegro indicated its intention to hold this referendum. A lack of consensus between political actors on the conditions for the conduct of the referendum led to the participation of the European Union (EU) Special Envoy, Ambassador Miroslav Lajcak, in negotiations to reach an agreement.

A framework on the conditions for the referendum was agreed in February 2006, with a compromise found on the particularly contentious issue of what majority would be required to decide on the state-status. For the current referendum to be considered as having been passed, 55 per cent of the valid votes had to be cast for the “yes” option, and a voter turnout had to be over 50 per cent of the total number of registered voters.

The Pro-Independence Bloc (PIB) was composed of the ruling Party of Democratic Socialists (DPS), led by Prime Minister Milo Djukanović, the Social Democratic Party (SDP), the Democratic Union of Albanians (DUA), the Democratic League of Montenegro (DSCG), the Liberal Party (LP), the Civic Party (GS) and the Bosniak Party (BP). The Pro-Union Bloc (PUB) was made up of political parties that form the parliamentary opposition, and were led by the Socialist People's Party (SNP) of Mr. Predrag Bulatović, the People's Party (NS), the Serbian People's Party (SNS) and the Democratic Serbian Party (DSS). The PUB also included a newly established coalition of Bosniak non-governmental organizations.

The referendum was given a further political impetus by the fact that parliamentary elections, as well as a number of key municipal elections, are scheduled for October 2006.

### **Legal Framework**

The basis for the holding of the 21 May referendum was provided by the Constitutional Charter of the State Union of Serbia and Montenegro (2003), the Constitution of the Republic of Montenegro (1992) and a *lex specialis* – the Law on the Referendum on State Legal Status (LRSL) which was adopted by the Parliament of Montenegro on 1 March, 2006, following the extensive consultations between the two sides of the referendum issue. In areas not covered by the LRSL, provisions from a series of other laws apply, including the Law on Referendums (2001), the Law on the Election of Councillors and Representatives (2000, as amended) and the Law on Voter Registers (2000). In general, the legal framework for the referendum respects fundamental civil and political rights and meets international standards for electoral processes.

The LRSL contained many provisions that ensured cross-party participation in the referendum and enabled both sides to compete with each other on a generally equal basis. These provisions included equal representation on referendum administration bodies, the allocation of equal amounts of public funds for each side's campaign, a restriction on the role of public bodies or the use of state resources in support of a campaign, and a requirement for Montenegrin media to be informative, objective and neutral.

The referendum question – *Do you want the Republic of Montenegro to be an independent state with full international and legal personality?* – was clear, ensuring that all voters were able to express their choice without ambiguity.

### **Referendum Administration**

The referendum was conducted by a three-tiered administration: the RRC, 21 municipal referendum commissions (MRCs) and 1,118 polling boards (PBs). The 16 members of the RRC, ten members of each MRC and six members of each PB were equally distributed between the two blocs, strengthening confidence amongst political actors in the impartiality of the referendum administration. As agreed during the negotiations on the conduct of the referendum, an independent person – Dr. Frantisek Lipka from Slovakia – was appointed by Parliament to chair the RRC with the right to use a casting vote in the case of a tied decision between RRC members. Two innovative parliamentary committees – one to monitor media and the other to monitor campaign financing – were also established, with equal representation from each bloc, to assess compliance with legal requirements.

The RRC operated in an open and transparent manner and provided full access to its meetings for observers and media as well as establishing a website. The RRC and MRCs met frequently and generally functioned well, taking the required decisions on all major issues relating to procedures and administrative arrangements, although some key decisions – for example, relating to the marking of valid ballots – were taken at a late stage in the process. Indeed, frequent delays in the work of the RRC were caused by prolonged, often unnecessary debates, although its members adopted a notably more consensual and professional approach in the two weeks preceding referendum day. In most cases, however, the RRC members chose to vote along partisan lines rather than on the merits of substantive issues and, despite occasions of consensus, there were many instances where the RRC Chairman was required to use his casting vote. In general, the referendum administration could have considered the need for voter education on polling procedures as well as training of polling board members.

Both sides displayed a continued commitment to actively participate in the referendum administration at every level, however, there were three instances of temporary boycotts from the referendum administrative bodies. The PUB representatives withdrew from one RRC meeting in protest against the arrest of one its appointees to the RRC and detention of other activists on charges of unauthorised submission of voter registration applications, but returned immediately upon their release. There were also short-term boycotts by the PUB representatives on the parliamentary media committee and on the Niksic MRC because of alleged complaints but, in both instances, the members returned upon the resolution of the issues.

### **Voter Registration**

The legal framework provided the same right of suffrage for the referendum as for presidential and parliamentary elections in Montenegro i.e. for those aged over 18 years who are citizens of Montenegro and have held permanent residency in Montenegro for 24 months. Serbian citizens with permanent residence in Montenegro for the same period, or Montenegrin citizens temporarily resident elsewhere were also eligible to vote.

As with elections, for this referendum, members of the public could inspect the voter register and request additions or other changes. A total of 484,718 voters were registered to take part in the referendum, a significant increase in the number of registered voters from previous elections. Around 26,000 names of registered voters were added to the Central Voter Register (CVR) after the public inspection period and appeals to the Administrative Court, reflecting the level of public interest in the referendum.

As with previous elections in Montenegro, the quality of the CVR was frequently challenged by the political parties within the PUB, who alleged that inaccuracies in the data of registered voters would adversely and deliberately affect their supporters or otherwise benefit the PIB vote. In a political agreement that reflected the remarkable transparency of the voter registration process in Montenegro, experts from the two blocs were able to undertake a cross-check of the CVR against electronic data on citizens held by the Ministry of Interior. The cross-check identified around 5,400 eligible voters who were not on the voter register, and their names were added to the CVR. The cross-checking exercise addressed many of the PUB criticisms against the CVR and, more widely, had a notably beneficial impact on the atmosphere of the referendum process, especially between the opposing members of the RRC.

### **Campaign Environment**

The pre-referendum environment was marked by an active and generally peaceful campaign that ensured voters across the country were well-informed of the views of both sides of the referendum question. Each side respected the right of the other to express an opinion, although there were a number of instances of negative campaigning, including the use of invective personal attacks against opponents and the defacing of billboards.

There were no reports of restrictions on the fundamental civil and political rights associated with a proper campaign, including the freedoms of assembly, association and expression. Campaign activity by both blocs tended to focus on door-to-door canvassing, complemented by extensive and well-planned media advertising campaigns that ran for over four weeks. While the PUB held many small- or medium-sized rallies in most municipalities, the PIB held fewer but larger-scale events. The campaign capacities of both sides were significantly strengthened by the equal allocation of public funds that provided a balance of opportunities for campaigning, including access to advertising, however, the total amount of money spent on campaigns is expected to be much higher. In a noteworthy improvement from previous election campaigns, the leaders of both blocs took part in two TV duels, giving voters an opportunity to directly compare their arguments.

There were numerous occasions where the Montenegrin government has participated in the referendum process, especially through the issuing of policy declarations for a post-independence Montenegro. One of these declarations was widely circulated in a letter to citizens by the Prime Minister in an official envelope, blurring any distinction between the Government and the “Yes” campaign. In general, the authorities have

largely displayed support to the pro-independence campaign, but there was not excessive Government interference to unduly influence the outcome of the referendum.

National minorities were also active in the campaign, but mostly within their own communities. During the campaign period, the Assembly adopted a new law on national minorities, *inter alia*, increasing minority representation in the Assembly. The timing of the passage was described by the opposition parties as manipulation of the referendum process to secure minority vote for the independence option. Notably, one minority party was explicit in their linkage of support for the Pro-Independence Bloc with the passage of the law.

Despite the commendable efforts of some women activists in political parties in both blocs, the campaign at the national and local level was notable for the absence of women in senior positions.

### **Media Coverage**

There was extensive media coverage of the referendum, reflecting the thriving media environment in Montenegro, which has a wide availability of broadcast and print media operating within a reformed legislative and licensing framework. The OSCE/ODIHR ROM conducted qualitative and quantitative analyses of media coverage since 3 April. The TV outlets monitored during primetime (18:00-24:00) were: TVCG1, TVCG2, Elmag, IN, MBC, Montena, Pink M and Serbian public TV channel RTS. Newspapers monitored were the Montenegro-based dailies *Dan*, *Pobjeda*, *Republika*, *Vijesti* and the Serbian daily *Vecernje Novosti*.

Access to the media was afforded to both referendum options through news coverage, free airtime, television debates and paid advertisements, providing citizens with full information on the different platforms and opinions upon which they could make their choice.

All significant Montenegro-based media and some of the Serbia-based media outlets available in Montenegro signed a Code of Conduct for media in the pre-referendum period, in which they agreed to provide fair and balanced coverage of referendum issues. Public TVCG1 dedicated 17 per cent of all their primetime broadcasts to referendum issues; in contrast, Serbian public TV RTS provided just two per cent.

Overall, the public TVCG1 media complied with their legal requirement to provide equal access to both referendum options to free airtime and to provide balanced information on the referendum process. Almost two-thirds of the referendum-related news public TVCG1 was dedicated to neutral or technical issues, however, the remaining part favoured pro-independence views with over three times as much airtime as the pro-union views. To a large degree, this imbalance was caused as news reports on the activities of members of the government and other senior state officials invariably also provided opportunities for them to discuss their pro-independence views. Similarly imbalanced coverage in favour of the pro-independence campaign was seen on private IN TV and, to a lesser degree, with TV Montena and MBC. TV Elmag displayed a balanced approach in its news coverage but tended to favour pro-Union opinions in other programmes. The coverage provided on RTS and Serbian current-affairs programmes broadcast on TV Pink M was in favour of State Union.

The print media provided an even greater level of coverage on the referendum but, in contrast, most newspapers showed clear bias to one of the referendum options. While state-owned *Pobjeda* and the private *Republika* were in favour of the pro-independence option, *Dan* demonstrated strong support to the Pro-Union Bloc. Although Serbian daily *Vecernje Novosti* showed some bias in favour of the State Union, and *Vjesti* favoured independence views, both newspapers were mostly balanced. Apart from some articles with inflammatory language published in some Serbian media and at times in *Dan*, the campaign coverage in the print media – as with the broadcast media – was fair and calm.

The parliamentary committee for monitoring the campaign in the media had limited competencies and committee members tended to vote along partisan lines but, overall, it provided a useful forum for media complaints to be raised and discussed. In total, the committee reviewed 373 articles and TV programmes.

Although there was no direct campaigning in the media during the pre-referendum silence period, the ROM noted many instances of indirect support of independence such as airing PIB campaign songs on TVCG and portraying the word “DA” (Yes) in wide range of media outlets. A large picture from a PIB campaign rally was published on the front page in *Vijesti* two days before the referendum.

### **Resolution of Complaints**

Over fifty complaints relating to the referendum process were formally submitted to the RRC and/or to the public prosecutors. The majority of these complaints, almost all of them submitted on behalf of the PUB, alleged problems with voter registration and included allegations of interference by public officials in the registration process, which is a criminal act. In general, the complaints resolution and appeals process worked effectively in addressing the complaints.

Through its Working Body on Complaints, the RRC reviewed all complaints, but was usually unable to resolve them within the prescribed deadline of 72 hours, and decisions were mainly taken on the casting vote of the RRC Chairman. Where complaints alleged possible criminal acts, the RRC forwarded them to the public prosecutor. On issues related to voter registration, the complaints were forwarded to the Ministry of Justice, which supervises the maintenance of the CVR. Almost all complaints relating to the voter register were resolved or withdrawn following the cross-check of the CVR against the Ministry of Interior database.

Six PUB activists, including a member of the RRC, were detained on charges of unauthorised submission of applications in the name of persons seeking to be added to the CVR. The initial decision of an investigative judge to order two of the activists to be detained for 30 days – a decision overturned following the intervention of the state prosecutor – was disproportionate to the alleged offence.

There were numerous allegations and complaints of ‘vote-buying’ and other types of bribery or coercion against voters, especially of undue pressure placed on public employees to vote in favour of independence. Some 20 such complaints were supported by written statements of the voters concerned and forwarded to the prosecutor for investigation. Several of these complaints were rejected due to lack of substantiating evidence; 15 cases are still pending. In one high-profile case, three persons, including two PIB activists, were convicted of attempting to bribe or coerce a voter to vote for independence or not to vote and sentenced to imprisonment for periods of up to ten months.

### **Referendum Day**

Voter turnout was high at an estimated 86 per cent, reflecting the level of voter interest in the referendum. A generally calm atmosphere was reported. More than 96 per cent of the observation reports of the IROM characterized the polling day proceedings as “very good” or “good”. There were isolated cases of procedural irregularities such as ballot boxes not properly sealed in 4 per cent of polling stations visited that indicate that Polling Board members in all municipalities would benefit from further training. In Plav, the Ministry of Interior issued a small number of identification documents to enable some persons without valid documents to vote.

There were two instances – in Pljevlja and Berane – where international observers reported suspicious activities that may indicate vote-buying schemes on the part of the Pro-Independence Bloc. A number of instances were also observed of voters taking photographs of their marked ballot papers.

Measures to safeguard the integrity of voting were implemented largely in accordance with the legal requirements. Problems were identified with the application of ink before confirmation of a voter’s eligibility (13 per cent). Group voting was high, occurring at 9 per cent of polling stations observed. Also, access to polling stations for people with disabilities was noted as difficult in 31 per cent of observations.

IROM observers also evaluated the vote count in positive terms with only 2 per cent characterizing the process as “poor”. In most cases observed, procedures to safeguard the integrity of the count were implemented properly but the copies of results were not displayed immediately at some 40 per cent of polling stations. The tabulation process at the MRCs generally proceeded smoothly.

## **Domestic Observation**

A number of domestic non-partisan observer organizations, especially the Centre for Election Monitoring (CEMI) and the Centre for Democratic Transition (CDT), undertook comprehensive, long-term observation of the referendum process, extensive coverage of polling stations on polling day, quick count and partial vote tabulation. Domestic non-partisan observers were present in over 86 per cent of polling stations visited by IROM. Active participation of civil society strengthened the transparency of the referendum process.

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*This statement is also available in the local language.  
However, the English language version remains the only official document.*

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## **Mission Information and Acknowledgements**

The OSCE/ODIHR Referendum Observation Mission (ROM) opened in Podgorica on 28 March 2006 with 30 experts and long-term observers deployed in the capital and 6 regional centres. On referendum day, 365 short-term observers from 35 OSCE participating States, including 54 from the OSCE PA, 18 from the PACE, 12 from the European Parliament and 14 from the CLRAE, were deployed within the International Referendum Observation Mission (IROM). The IROM observed the polling and vote count in over 938 polling stations (84 per cent of all polling stations) throughout the country, and were present in all 21 municipal referendum commissions to observe the tabulation of results.

The OSCE/ODIHR ROM is grateful to the authorities, the Republican Referendum Commission, political parties and civil society of the Republic of Montenegro/Serbia and Montenegro for their co-operation. The ROM also wishes to express its appreciation to the OSCE Mission in Serbia and Montenegro, its Office in Podgorica, and the resident diplomatic missions of OSCE participating States and international organisations for their support.

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**EUROPEAN PARLIAMENT**  
**AD HOC DELEGATION FOR REFERENDUM OBSERVATION IN**  
**MONTENEGRO**  
**19 - 22 May 2006**

**LIST OF PARTICIPANTS**

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Abbreviations:

EPP-ED	Group of the European People's Party (Christian-Democratic Group) and European Democrats
PES	Group of the Party of European Socialists
Alde	Group of the Alliance of Liberals and Democrats for Europe
Greens/EFA	Group of the Greens/European Free Alliance
GUE/NGL	Confederal Group of the European United Left/Nordic Green Left

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