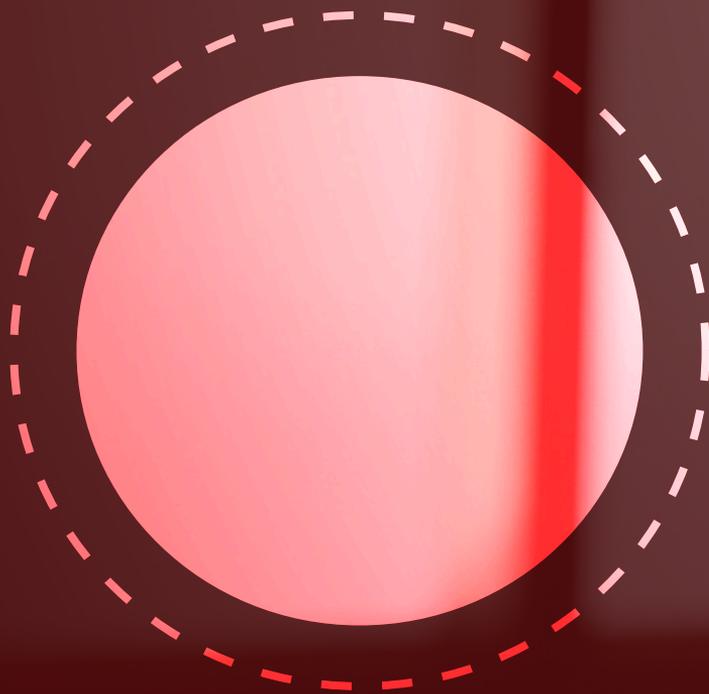

**ELECTORAL AND PARTY
IN MONTENEGRO** SYSTEM

**A PERSPECTIVE OF
INTERNAL PARTY
DEMOCRACY DEVELOPMENT**





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ELECTORAL AND PARTY SYSTEM IN MONTENEGRO – A PERSPECTIVE OF INTERNAL PARTY DEMOCRACY DEVELOPMENT

Publisher:



Centar za monitoring i istraživanje CeMI

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81 000 Podgorica

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www.cemi.org.me

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Design:

Studio Mouse - Podgorica

Layout and printing:

Studio Mouse - Podgorica

Circulation:

300

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The views expressed in this study are those of the authors and do not necessarily represent opinions of the SDC and the University of Fribourg.



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A PERSPECTIVE OF INTERNAL PARTY
DEMOCRACY DEVELOPMENT



**BALKAN COMPARATIVE
ELECTORAL STUDY:**
IMPACT OF PERSONAL VOTE
ON INTERNAL PARTY DEMOCRACY

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PROLOGUE

This book represents an attempt to enter the area previously unpopular among political science researchers. The research of parties from within represents a very demanding and, very often, hardly feasible project. Parties, by their definition, are closed units, distrustful towards external entities. Thus, in a scientifically based manner, the research of this issue is very demanding. This book reveals the results of this research in Montenegro, the country where such a type of research was never done before. On the one hand, Montenegro represents a very stimulating case when we speak about party system research. This was, and still is, a rare example of a multi-party system with one dominant party, which holds this position since the introduction of multipartism. There are frequent examples of countries where one party dominated the party scene for a long time (in a certain period), such as Japan, Mexico, Sweden, Moldavia, but there are no examples where one party has kept this position since the introduction of multipartism. On the other hand, the case of Montenegro is also specific, due to the fact that there is no institutionalized party system. Faced with a long dominating single party, burdened by issues such as statehood and identity, the opposition has failed to provide, through its programmatic transformation, an adequate answer to the long domination of the ruling party. The opposition, internally very diverse in programs and values, has attempted to gather all persons unsatisfied with the current situation in society, but those attempts have remained futile. However, the fact, that they couldn't suppress the DPS from the position of power, doesn't imply that these parties couldn't have been an example of democratically organized parties. Whereas DPS represents a party under the strong influence of its predecessor legacy, a part of the opposition has failed to implement programmatic transformation and to detach itself from traditional divisions in Montenegrin society, which have actually created the majority of these parties. Speaking about the legacy of the League of Communists in the case of the DPS, it is important to state that this legacy is not ideological, as it could be assumed. Above all, this is an inheritance of the huge infrastructure utilized by DPS, which is permeated with state structures. It is very difficult to draw the line where DPS ends and the state begins and vice versa. For voters, as well, it is a very difficult thing to understand. Therefore, the privileged position of this party remains unquestionable.

In the next five chapters, this book deals with issues of: political systems (Srđan Darmanović), party systems (Vladimir Goati), electoral systems (Vlado Dedović and Zlatko Vujović), electoral campaigns (Boris Vukićević) and intra-party democracy (Zlatko Vujović i Nikoleta Tomović). The research team composed of both

experienced and junior researchers, attempts to explain character and effects of the electoral and party systems in Montenegro, in a systematic way. One point of interest for researchers was the question of, to what extent do the existing electoral and party systems in Montenegro induce development of intra-party democracy, i.e. what are the perspectives for its development.

It is important to stress that this publication represents only one of the efforts undertaken to explain the phenomenon of intra-party democracy, not only in Montenegro, but also in Serbia, Bosnia and Herzegovina and Kosovo.

Namely, within the project supported by the Regional Research Promotion Program, University of Fribourg, three books, similar to this publication, were created in the above mentioned parts of ex-Yugoslavia.

It is particularly important to point out the survey conducted within the project. This was done within the Comparative Candidate Study, research on the attitudes of MP candidates, conducted with a questionnaire developed for this global survey. This survey will represent a resource for further research of the above mentioned phenomenon. The results of this survey in Montenegro seemed very encouraging in certain segments. Even though the parties have had a quite negative attitude towards the introduction of the preferential voting system in the current proportional electoral system, 79% of MP candidates consider that such a change should be done. Just few years ago, this kind of result was hardly imaginable.

Due to this project, a large part of the project results, scientific works, studies and researches, will be available not only to local language speakers, but also to English language speakers. This will contribute to the increase of interest for research of the electoral and party system of Montenegro and other countries included in the project.

Finally, the importance of this book for exploring this topic on faculties of political sciences, in Montenegro and the region, shouldn't be disregarded. Unfortunately, there are not many systematic essays on this topic in the region and particularly in Montenegro. Thus, this book will represent a significant resource for students and young researchers who are dealing with this topic, whether through education or research.

Prof. Vladimir Goati, PhD

Srđan Darmanović

PART ONE

**POLITICAL SYSTEM
OF MONTENEGRO**

1. POLITICAL SYSTEM OF MONTENEGRO

The current political system of Montenegro has obtained its institutional contours in the early phase of transition from the communist system in SFRY, and these contours, surprisingly, haven't changed significantly. Unlike Ukraine², or Serbia and Croatia³ in the early phases, Montenegro hasn't oscillated in regards to the main institutions of governance or the type of separation of powers. Both post-communist constitutions of Montenegro, the federal unit within the Federal Republic of Yugoslavia from 1999, as well as the constitution of the independent state from 2007, have remained fully consistent with the *classic parliamentary system*, without experimenting with other models- presidential or semi-presidential. Though it is true that the system, in the period of 1998-2002⁴, had certain features

- 1 The author of the essay is a professor at the Faculty of Political Sciences of the University of Montenegro. At the time of creation, he is holding the office of the ambassador of Montenegro in the US, but all opinions and assessments given in the text reflect only his personal opinion.
- 2 The post-communist political system of Ukraine is one of the typical examples of dramatically frequent alterations of the institutional framework, which practically lasted from one government to another, or even from one electoral cycle to another. Even though it was semi-presidential or, if we use the typology of Matthew Shugart, a parliamentary-presidential system, Ukraine has fluctuated from super-presidentialism to a parliamentary system with a president who is not particularly strong. Also, its electoral model has changed multiple times from mixed to proportional and back – twice. The overly unstable institutional framework was actually a reflection of dramatic divisions and changes within the Ukrainian political class and within society itself.
- 3 In accordance with the needs of two ruling strongmen on the territory of ex-Yugoslavia, the first post-communist presidents of Serbia and Croatia, Slobodan Milosevic and Franjo Tudjman, these two countries have functioned as semi-presidential systems in theory and presidential autocracies in practice, for almost a decade. After their physical (Tudjman), and political (Milošević) demise, their (democratic) heirs have turned to parliamentary governance models.
- 4 In cases when, in a parliamentary system with a directly elected president (or in the case of Milosevic on the FRY level, the president appointed in the parliament) leader of the governing party, for some reason doesn't opt for the "natural" role- which is that of the prime minister- but for the role of head of state, the power of the party function to a certain extent compensates his constitutional "weakness", thus he becomes somewhat a stronger president than the Constitution provides. The system hereby obtains certain features of semi-presidentialism. This has happened in Montenegro when Milo Djukanović, the Prime Minister and leader of the governing party at

of semi-presidentialism in practice, there were no institutional alterations. The party system has, also, kept its basic features, shaped in beginning of the '90s. Even though this system was always multi-party⁵, along with many important changes and internal dynamics, it has remained a *system with a dominant party*. The same is applicable to the electoral system. Ever since 1990, when the emerging Montenegrin pluralist political class opted for *proportional electoral methods*, it was never abandoned, nor were there any serious attempts to introduce a majoritarian or mixed (majoritarian-proportional) model of election for the members of parliament. Relation between the central and local government, institutionally, has remained quite stable. In the model of the local administration itself, such serious reforms were undertaken, that at one point we had a type of “presidential system “on the local level, the number of municipalities has increased from 20 to 23, but Montenegro basically remained a *centralized state*. The biggest changes were afflicted to a third branch of power – judiciary, both regular and constitutional. The main judiciary institutions today are quite different from those in the beginning of the 90's and their relation to legislative and executive power has undergone significant changes. Yet still, despite these quite extensive institutional changes, Montenegrin judiciary continues, like many others in post-communist countries, to fight for the achievement of its main democratic feature – *independency* that stems from the *rule of law* principle. Finally, within this basic institutional stability, there is a novelty in the Montenegrin political system, so-called “fourth branch of power” – i.e. a network of “control institutions” (ombudsman, state audit and similar).

In this Chapter, we will strive to explain the main reasons and causes of this institutional stability, as well as to depict internal dynamics that was taking place underneath that stability. Even more so, this dynamic was and is equally distinctive and is a significant characteristic of the Montenegrin political system, as the stability of its institutions.

the time, has ran for presidential elections in 1997, forced by the political situation. As a matter of fact, those were the critical elections for the political breakthrough in Montenegro, the first elections in which a Serbian leader, Slobodan Milošević, i.e. his proxy, could realistically lose – which eventually happened. In a few forthcoming years, the elected government has remained the center of executive power and administrative functioning of the country, but the directly elected president and the leader of the governing party at the same time, was seen as the center of political power, both by domestic public and international partners.

- 5 Even though Montenegro can't be taken as a model of fragmented parliamentarianism, due to the fact that the number of parties in the parliament rarely exceeds 10 parties, usually there is a “jam” on the party scene of the country. The number of registered parties is always high and many of them are active in public. Also, internal party disputes and rivalries are resulting in splitting of the party and forming of the new parties, more frequently than in an inter-party compromise or coordinated solution.

1.1. Post-communist transition

1.1.1 The first transition- semi-authoritarian regime

Even though it was a federal unit in common state with Serbia, Montenegro has had a somewhat different path of transition. Of course, there are similarities, due to a high influence of the Milosevic regime to political processes in Montenegro. For example, in Montenegro, just like in Serbia, *two transitions* took place. Comparatively speaking, the first transition had similarities with the Romanian situation, but without violence. In the wave of Milosevic's populist "anti-bureaucratic revolution", the old communist management structure in Montenegro was overthrown in a coup d'état that took place in January 10-11, 1989. Coup d'état was characterized by mass demonstrations in the capital, Podgorica, where several thousand people gathered with a demand to remove the state and party leadership.

Similarity with the Romanian situation, rather than that in Czechoslovakia or Eastern Germany, was the fact that it was a clash *within the communist elite*, which was, both systematically and spontaneously, orchestrated with civic rebellion. The fact that all leaders of the protestant move were *members or officials* of the *League of Communists of Montenegro* and Yugoslavia, or the so-called socio-political organizations such as the SSRN (Socialist' Workers Union) or SSO (Socialist' Youth Union)⁶ was indicating that this was a clash within the elite. Also, after the success of the coup, *a new political party was not created*, but the leaders of the movement simply overtook the main functions within the League of Communists of Montenegro. Even though the January coup wasn't the clash within the highest and *tightest* circles of the old elite (like in Serbia, where the president of the party has defeated and overthrown the president of the state), the new counter-elite wasn't coming from *anti-systemic* circles, like in Czechoslovakia or Easter Germany, but rather from *systemic circles*, similar to Romania.

6 SSRN – Socialist Workers Union the so-called widest "front" organization, which was created within the complicated and complex institutional scheme of the Yugoslav self-management socialism, as an organization i.e. place where the most diverse interests, that are not opposed to the socialist' character of the state and society, are gathered ("pluralism of self-management interests). SSO – Socialist Youth Union was an organization of young people, but highly bureaucratized, and it served as a human resources reservoir of the League of Communists. Even though, in the last phase of Yugoslav socialism (1974-1988), these organizations were theoretically created as political groups that could represent their own interests, it was almost unimaginable that their high officials are not members of the League of Communists at the same time. However, since the mid-1980's, some of them, especially SSO, have acquired certain autonomy and played almost an independent role in the fall of communism. That has happened in Montenegro as well, and that phase of certain independency has coincided with the January coup.

The main demands of the coup are also proof that this movement wasn't anti-systemic. These demands were not directed against the communist regime, nor were they aimed at the introduction of democracy. Just like in Romania, where the anger was focused on Ceausescu's personality and his dictatorship, in Montenegro the departure of the *specific communist management* was requested, and not the departure of communism. A large number of Milosevic's photos, insisting on the Kosovo issue, attacks to Yugoslav communist officials who were Milosevic's opponents, labels - "treacherous leaderships" of Croatia and Slovenia, Kosovo "separatists", Vojvodina "autonomists" - spoke clearly about the prevailing character of the coup. However, although it took place within Milosevic's populist campaign and was initiated and organized mainly by pro-Milosevic forces in Montenegro, the protest movement was, to a certain extent, heterogeneous (Vojcic, Koprivica; 1994). During the upheaval, and even later, after the positioning in power, a smaller leadership core existed within the January movement. This core was aspiring to reform the system and it demanded to use the overturn of old communist management for the introduction of the multiparty system⁷. This fact and obvious pragmatism of leaders who emerged from the January coup⁸ has probably contributed to the promotion of the idea of political pluralism by the League of Communists of Montenegro, on their Tenth Extraordinary Congress in April, 1989, much before Milosevic did so in Serbia.

However, generally speaking, this fact has not substantially changed form of the political domination which stemmed from the January coup, i.e. *collapse* of the old communist elite. An example in Romania has demonstrated that the government that is created with legitimacy of the "*revolution*" is not obliged to negotiate with the opposition, or to seek exit in consensual transition⁹. The Government created

7 It should be kept in mind that all the above mentioned events took place before the fall of 1989, i.e. before the Berlin wall fell, and the demand for a multiparty system was a highly disputable topic in any country under communist control (even though it was no longer observed as heresy per se)

8 After the coup, as two main political personalities emerged, the future president and future prime minister of Montenegro, Memoir Bulatović and Milo Djukanović. They will mark the entire next decade in the political life of the Republic, first like collaborators in one party and later on as fierce opponents in two different parties emerging from this one. The fact remains that after the coup, one of them (Bulatović) became president, and the other one (Djukanović) became the Secretary of the Central Committee of the League of Communist of Montenegro CK SKCG. This fact confirms that earlier institutions were just overtaken and given another substance, during a long process.

9 Post-January government, i.e. the leaders of the governing party (SKCG) has tried to simulate some kind of negotiations with the newly formed opposition, during the first months of 1990. Partially due to visible tensions within wider circles of the post-January elite, part of which has already shifted to the opposition, and partially due to effect of imitation of East-European experiences, leaders of the SKCG agreed to form a Democratic forum, composed of all political subjects which existed or at that moment created in Montenegro. Task of the Forum was to draft proposals for the most important laws, which define rules of the game for multi-party competi-

in a revolutionary process – the January coup in Montenegro had at least some features reminiscing of revolutionary break up with earlier stages- has the tendency to speak and act in the name of the revolution and to “protect its legacy”¹⁰, as well as to use means that are not necessarily democratic and procedural in order to achieve that goal. In Montenegro, the post-January Government has gradually accepted the rhetoric of transition – democracy, multi-party system, human rights and freedoms, etc. - but the transition was conducted much more *in the name of the January revolution*, than in the name of democracy. That is why in Montenegro, similar to Milosevic’s Serbia and to a great extent under its influence, after the January coup a *hybrid regime* was created, which also *wasn’t democratic*, i.e. in which authoritarian elements outweighed democratic ones.

In the center of that regime was, like in Serbia, a plebiscitary inaugurated Caesar. In Montenegro the regime wasn’t recognized “by the name of the ruler” (Treitschke), because none of the leaders of the January coup had risen to a charismatic leadership figure. In the center of the regime was, for the Montenegrin society- a *great authoritarian party* – the Democratic Party of Socialists (DPS)¹¹ and its ruling elite, based on *the oligarchical principle*¹². Within the newly formed political regime in Montenegro, where the multi-party system was formally accepted and legalized, the DPS seemed as a hegemonic party. In other places, we refer to this system as “semi-authoritarian”, or “authoritarian-democratic”¹³, but today, after Levitsky

tion in Montenegro. One of the legacies of the Forum certainly was, for that time, quite good electoral law. This law has established a proportional electoral system. However, the Forum was not a round table of peers. During the first serious disagreements, the leaders of the governing party have left the Forum and demonstrated, in such a manner, that they can impose future rules of the game.

- 10 The first few months after the January coup in Montenegro, a part of the new elite, and especially its loyal press and electronic media, have spread systemic fear from the “return of the old” or their allegedly illegal actions against the new government. This situation is typical for many upheavals in different countries in diverse historic times. Besides fear, which can be objective and real, this is one of the means for legitimizing the revolutionary government, as a protector of the contra-revolutionary retaliation.
- 11 The Democratic Party of Socialists (DPS) emerged from the League of Communists of Montenegro, by simple name change in the congress in 1991. Montenegrin curiosity is the fact that this party has won its first multi-party elections, in December of 1990, under its old name- the League of Communists of Montenegro, at the time when all the communist parties were losing elections across Eastern Europe. An explanation of this phenomenon could be found in the restored “revolutionary” legitimacy of the communist party, brought to by the leaders of the January coup and their alliance with Milosevic’s regime in Belgrade.
- 12 In the period of 1990-96, this ruling pinnacle was constituted out of President of the Republic, Momir Bulatović, the President of the Government, Milo Djukanović, and the president of the Montenegrin Parliament, Svetozar Marović. In that circle, Bulatović was more (primus inter pares, what’s this supposed to mean?) then a charismatic and indisputable leader.
- 13 ”The model of governance in Montenegro in the 1990-96 period, is maybe best described by the term - semi-authoritarian regime. It is a regime where one party rules in a practically monopolistic

and Way (2010) have introduced the new term / competitive authoritarianism, I would possibly choose this determinant for a political system in Montenegro during the first transition (1990-1997). However, independently from its name, it is quite obvious that the deciding factor of the regime was the DPS, which did not act as one of the equal participants in the multi-party competition, but more as a *state party*, which used all the benefits that come with the full control of the state apparatus and resources¹⁴. These resources were fully subjugated to maintaining the power and electoral victory. Typical methods were used: strong party control over state printed and electronic media¹⁵; clientelism and a system of favoring party members in access to workplaces; legal and illegal financial resources that stood at the disposal of the governing party; occasional intimidation of political opponents; usage of police forces in the electoral process; electoral system manipulation¹⁶, etc. The opposition simply did not stand a real chance to overtake the power in Montenegro. The DPS was winning all the elections with absolute majority of the MP of Montenegro.

The conclusion can be drawn that exit from the single-party communist regime, which started in the January coup of 1989, has resulted in *arrested transition* within a regime which could be named as *semi-authoritarianism*, or characterized by Diamond's classification as "*competitive semi-democracy*" or "*competitive semi-authoritarianism*", by the terminology of Levitski-Way.¹⁷ An additional problem

way, using authoritarian methods upon necessity, but in a framework of a legalized multi-party system, where the opposition exists, but the democratic side of the system appears more like a façade than a substance of the system." – (Srđan Darmanović, 1998)

- 14 There are numerous historical or contemporary examples of such a situation where one authoritarian party, using state resources and benefits, rules within a formally multi-party system. If we limit our comparison to Serbia, similarity can be found in the period when Pasic's Radical Party ruled, or, a more recent example, of when Milosevic's SPS ruled. This can be compared with the second ruling of the Revolutionary Institutional Party in Mexico. In post-communist times, there are similarities with Iliescu's Front of National Salvation in Romania or the Croatian HDZ in period of Tudjman.
- 15 See also: Study on actions of the state daily paper Pobjeda during 1991. Živko Andrijašević, Draft for the ideology of a government, Konteko, Bar 1999.
- 16 A proportional electoral system, established on the beginning of a multi-party system in Montenegro, was never changed. However, before each election the number of electoral districts was changed, which had considerable effects to the entire electoral system. In such a manner, on the first elections for the Parliament of Montenegro in 1990, the number of electoral districts was 20 (equal to the number of municipalities of the Republic, at the moment); for the next elections, in December 1992, there was a proportional system with the entire country as a single electoral district, which was more favorable for the opposition; before the elections in 1996, DPS has maneuvered another change of the electoral system, without the consent of the opposition or prior notification, where the number of districts changed from 1 to 14.
- 17 Steven Levitsky & Lucan Way, *Competitive Authoritarianism - Hybrid Regimes After the Cold War*, Cambridge University Press 2010, New York, NY, USA.

for that regime was its political alliance with Milosevic's regime, as well as the consequences of that alliance – involvement in wars on the territory of ex-Yugoslavia, international economic isolation, etc. Still, the regime in Montenegro, by its external manifestations was “softer” than Milosevic's regime and it wouldn't be analytically correct to equalize them, even in times when this alliance was firm and stable.

We believe that the regime in Montenegro never had Milosevic's sharpness, most of all because of the *issue of statehood*, which is one of the most sensitive political issues in Montenegrin history during XX century. Throughout history, statehood has been a very distinctive category of Montenegro. Namely, while Milosevic had full dominance over Serbia, as its president, in Montenegro, the state that was an equal partner in SFRY, could dominate only through the *loyal elite*. Even though this elite has its ally during the 1990-96 period, it has inherited historical facts of the centuries long statehood of Montenegro, as well as the historical trauma from 1928, when, in the context of what occurred during WWI when Serbia annexed Montenegro, eliminating it *as a state*. The large portion of these elite has politically emerged in Tito's Yugoslavia and the League of Communists, which has based legitimacy of its power on the so-called policy of brotherhood and unity and equal status of all people and republics of Yugoslavia. An expression of that policy was the last of Tito's Constitution from 1974, which has given significantly greater rights and powers to republic elites than they had before, i.e. which was a typical product of the above mentioned Soviet type ethno-federalism. New, post-communist elite rose to power in the moment when a communist system was disintegrating in planetary proportions, but with this constitution yet in force. In politics, it is widely known that elites which take institutions that work in their benefit, will hardly renounce these positions. That's why the Montenegrin political elite decided not to fall under a historical minimum, which was carved in national consciousness as trauma from 1918 (“Podgorica Assembly”), and, on the other hand, not to renounce the benefits and powers inherited from the last of Tito's Constitution of 1974. The manner in which the new Constitution of the Federation of Serbia and Montenegro (FRY) was brought in 1992, as well as its contents, are reflecting this somewhat schizophrenic position and political consciousness of the Montenegrin ruling elite¹⁸. On the one side – an alliance with Milosevic and numerous negative consequences arising from it, on the other – keeping a certain degree of autonomy and autonomous control over political processes in Montenegro.

18 Certain confederal provisions were introduced into the federal constitution of the FRY from 1992, which are atypical for the situation in which the elite of one country are fully subjugated to the elite from another country. Some of the direct participants in the creation of this constitution, or those familiar with the process of its creation, have pointed out many times that confederal provisions of the Constitution of FRY were “the price of Montenegrin entry into the FRY” – See also: Slobodan Vučetić, interview, Nedeljna Naša Borba, Belgrade, 1-2 April 1995.

However, even without Milosevic's sharpness, the post-January regime in Montenegro can't be observed as a democratic transitional regime. It was a regime of the *arrested transition period*, hence the regime that needed to be abandoned, a regime that needed a *second, new transition*.

1.1.2 Second transition-electoral democracy

In the second new transition, this regime has entered unexpectedly with another clash within the ruling elite. This clash was different from the January, 1989 one, because this was a clash within the *narrowest ruling circle*. Paradoxically, the clash happened just after a convincing victory of the DPS over the united opposition¹⁹ in the parliamentary elections of November, 1996. The public, and opposition, were shocked by the sudden conflict within the ruling party. The conflict, in its form, had typically post-communist institutional character – president vs. prime minister- one branch of the executive power against the other. However, in this case, institutional form was more accidental, while its substance was of another nature.

To understand the nature of this clash, few words need to be said more about pivot of the contemporaneous Montenegrin political system - Democratic Party of Socialists (DPS). The approach where the DPS of that period is observed as the “neo-communist” ideological party, will not offer an explanation. Here we cannot say anything different from that which was stated before, i.e. that the DPS, before its split in 1997, was “...one complex party, made out of a perplexed group and personal interests and heterogeneous, often conflicted, political currents”. The existence of different interests and political streams was mostly kept under surface, partly due to the fact that they never created such internal differences which would endanger the functioning of the party, and partly due to the consciousness of common interests standing above them all – the preservation of absolute power. The DPS has been, accordingly, much more of a *party of power* (italic – S.D.) than an ideological party.” (Darmanović, 1998). We have already stated that the party was governed in an oligarchical manner, where the ruling triumvirate, spontaneously or in some other way, conducted the distribution of “the loot” created through monopolistic possessions of the state government.

19 Before the elections of 1996, two significantly different political parties – the Liberal Alliance, a party that was promoting the independence of Montenegro, and the People's Party, a pro-Serbian oriented party and federalist state promoter, have created an anti-regime electoral alliance under title, People's Unity. Even though it seemed that for the first time the DPS could be seriously endangered, the above mentioned tailoring of electoral districts (increasing their number) and usual abuse of system monopolies have led the DPS into a convincing victory in the elections– 51.2% votes and 45 (out of 71) seats in the Parliament of the Republic.

For understanding this type of governance, it is necessary to go back to the classic philosophy. Aristotle, who called oligarchic governance the “rule of the few” (Nicomachean Ethics), marked at the same time this type of governance as one of the most vulnerable types, due to the fact that it always ends in *fight among oligarchs*. This thesis was exposed before as one of the causes that split the DPS, with the following statement” Collective management, without distinct leadership, is not easily organized or maintained even in the most democratic systems, let alone in the system of absolute and almost uncontrollable power which was the power of the DPS until 1997 in Montenegro. Within such (absolute) power, few hands are accumulating authority, power and lucrative gains. On this basis, rivalry between leaders and clans arises; disputes over positions in power are erupting, because each clan wants their people in key places. Having conceptual differences in policy led, alongside of these other problems, inevitably triggered clashes among oligarchs. Oligarchic clashes of interests within a single ruling structure, once when they reach irreconcilable proportions, usually result with personal conflicts of opposed leaders, which gives the situation additional ferocity and impetus. In the case of inter-party clash within the DPS, all the mentioned elements - piled, and mainly uncontrollable power and authority; privatization of the state and promotion of very concrete material interests, group and personal, on the basis of political power; creation of cliques and clique-based “interest spheres”; the occurrence of conceptual and political differences; personal vanities and intolerances, which are more and more shaped into conflicts – have coincided. It seems it was only a matter of time, when and what will trigger them.” (Darmanović, 1998).

Was this clash among oligarchs initiated by the ruling plans of Slobodan Milosevic, who was already considering transferring to the position of the federal president. For the strengthening of this function, he needed support from Montenegro; therefore, could it be understood that he wanted to ignite conflict in the DPS and eliminate those who could eventually oppose him? Or, was the split caused by the three-month long demonstrations in Belgrade and across Serbia, provoked by the pilfering of local elections, the demonstrations that have shook Milosevic’s regime, in which the leaders in the DPS have differently assessed demonstrations outcome and their position after that? Were there too many piled programmatic differences on the above mention issue of statehood, so that one wing of the DPS have already made ideological steps back from Milosevic’s politics, and the other wing remained politically and ideologically faithful to him? Whatever the case was, the clash within the DPS has led to the splitting of this party– one party that held to the name, under the leadership of the contemporaneous Prime Minister Milo Djukanovic, and second, which was called the Socialist’ People’s Party (SNP), under the leadership of the contemporaneous President of the Republic, Momir Bulatovic. The first party, which is very important for the dynamics of political processes in Montenegro, has

immediately declared themselves as an anti-Milosevic party, while the second has immediately declared themselves as a pro-Milosevic party.

From that moment on, a completely *different political game* began in Montenegro, with a different balance of power and different rules. Split within the DPS was a kind of *transitional model of transaction*, i.e. a victory of regime's reformists (Djukanović's DPS), over the regime's conservatives (Bulatović's SNP). However, it is not possible to talk about transaction model in its typical form, because there was no deal between the two streams of the regime, nor has one of them convinced the other to back down with certain concessions. It was a split within the elite and the political conflict in which the group of reformists won. However, taking in consideration that this split has marked an end of the party of hegemons, regime reformists' had to seek support from the opposition parties, similar to the case of Spain in 1976-78.

This has led to negotiations between regime reformists' and opposition leaders, which has resulted in the *Agreement on the Minimum of Principles for the Development of the Democratic Infrastructure in Montenegro*. The Agreement was signed on September 1st 1997, just before the presidential elections that took place in October, 1997, in which the main rivals were M. Bulatović and M. Djukanović. The Agreement has had two main functions. From one side, the opposition has gained guarantees for organization of *free and fair elections* from that moment on. On the other hand, the Agreement was kind of anti-SNP i.e. anti-Milosevic's political alliance²⁰ in the eve of the decisive presidential elections. The Agreement has simultaneously been, something we could call from this aspect – a *mini-round table*- with 7 years of delay, and it contains certain elements of agreed upon transition.

In such a way, from the split within the DPS, which we could label as a *model of conflict transaction*, and from the agreement of regime reformists with opposition leaders (which was necessary after the split) emerged a period of really *competitive and uncertain* elections. In these elections, the regime reformists, in cooperation with ex-opposition parties, arose as winners. Those elections were *free and fair*, which was confirmed by all observation missions of the OSCE. It could be said that Montenegro, with these elections, has, even in the time of Milosevic's rule, entered into a phase of *electoral democracy*, which was confirmed with the elections held after he was overthrown.

In conclusion, the real transition in Montenegro has started in 1997 and not in 1989. Montenegro has passed the worst crisis in the moment of handover from the presidential function in January, 1998²¹, which lasted until Slobodan Milosevic's fall

20 SNP wouldn't take part to this Agreement, but later on it took part in formulation of the Electoral Law that was a product from this Agreement.

21 Tightly defeated on elections, pro-Milosevic candidate and ex-President of Montenegro, Momir Bulatovic had organized a three day long protest with his supporters, on the issue of "electoral

from power in Belgrade. Although quite free and fair elections were held, in May 1998 – where the reformists’ stream took a convincing victory – as well as the similar local elections in the capital, Podgorica, and the coastal city of Herceg Novi, the end of transition did not happen during the political conflict between Milosevic’s regime and the democratically elected government in Podgorica. Firstly, this was due to the fact that the regime of Slobodan Milosevic has declined to accept the results of the parliamentary elections in Montenegro, on the federal level²², and then due to the fact that, at that time, NATO intervention against Yugoslavia took place, and Montenegro was on the verge of internal conflict (despite or because of the intervention), and finally due to illegal amendment of the federal constitution from July 6th, 2000.²³

By applying the Linz-Stepan definition of completed transition, with our supplement, in the period of 1997-2000, in Montenegro, there has been a “sufficient level of consensus on political procedures for forming a freely elected government” (The agreement from September 1st, 1997); the Government came to power “directly on the basis of free and universal elections (presidential elections in 1997, parliamentary elections in 1998) and had real authority to create new politics”, but the “executive, legislative and judiciary power, created by the new democracy” *had to* share power with other bodies *on the federal level*, and such bodies which were created in an usurping manner, while one of the branches of power (the federal president), has attempted, (even though, they have not succeeded), to conduct in Montenegro “domination over others and over society beyond the limits of the constitution and common practice, based on the principle of separation of powers”.

Due to these reasons, we believe that the transition in Montenegro was completed

fraud”. The pinnacle of the demonstrations was the attack on the Government building, after which, police intervened and broke up the demonstrations. It remains unclear why Milosevic hasn’t more decisively supported “his” candidate, i.e. why have the troops of the Yugoslav People’s Army stayed out of the conflict. After Milosevic’s fall, some generals claimed that they have prevented any kind of military involvement into political conflicts in Podgorica. There are also opinions, according to which, Milosevic was never interested in Montenegro, therefore, he never initiated a war in that terrain. The real answer to this question, however, is still missing.

- 22 The Constitution of 1992, has established a bicameral parliament, with the upper house (Council of Republics) with equal number of representatives from both republics (20 each), elected indirectly from the parliaments of republics. When the Federal Assembly under control of Milosevic’s majority has declined to accept the election of 20 representatives for the Council of Republics done by the Parliament of Montenegro, the federal constitutional system was practically violated and Montenegro was put into a position where it couldn’t protect its interests on the federal level.
- 23 Change of the Constitution by amendments from the 6th of July, 2000, done in the style of the parliamentary coup d’état, was even more dramatic than refusing to confirm the mandate of the elected representatives. Amendments fully changed the character of the federation from 1992, and the government of Montenegro didn’t know any of them, nor could it vote on them. These amendments were actually Milosevic’s preparation for federal elections in September, 2000.

in October, 2000, with the fall of Milosevic and the disappearance of direct and dangerous threats to this process.

Although it functions as an *electoral democracy* – therefore, it is still far away from Western liberal democracies, but with the fact that free and fair elections have become the “only game in town” – Montenegro has had, even after the fall of Milosevic, certain problems with democratic consolidation. One of the reasons for this was the nature of political conflict in Montenegro. This conflict hasn’t developed, as in the prevalent number of cases of democratic countries, along the axis left-right, liberalism-conservatism, increase of the profit-social welfare, etc. It was concentrated around the *issue of statehood* and it developed along the *independentism-integralism* axis. The possibilities that this type of political conflict endangers a system of electoral democracy itself and to turn into violence and return to an authoritarian rule were significantly diminished after the fall of Milosevic regime. This kind of danger for a democratic system was not the primary danger. It was demonstrated during the resolve of the *independentist-integralist split* when, despite all political weight and complexity of this issue, the political process ended within the democratic rules of the game. External factors contributed a lot to such a result, above all, the role of the EU as the mediator, but also the lack of threats by violence from the post-Milosevic Serbia.²⁴ Both sides – independentists and federalists, had their ups and downs, but considering the exceptionally big stake, both have shown a democratic capacity and readiness to understand politics as a *give-and-take game*. An insufficiently convincing victory of the ruling coalition on parliamentary elections in 2001, as well as the split among independentists,²⁵ basically led to the signing of the Belgrade agreement (The agreement on the reshaping of relations between Montenegro and Serbia) on March 14th, 2002. The Agreement

24 This doesn’t mean that Serbia was neutral, especially in the period of Vojislav Koštunica, i.e. the period of preparation for the Montenegrin referendum. Serbia has openly opposed to the independency of Montenegro and actively, in various ways, supported the unionist bloc. However, limits of the political support to unionist were never crossed, and that absence of the physical threat by Serbia, has significantly relaxed the atmosphere of approaching referendum.

25 Independentist parties were, technically speaking, strong enough to form parliamentary majority and to conduct referendum before 2006. However, the ruling coalition of DPS-SDP, plus the ethnic minority parties, weren’t strong enough to form the government alone and it depended on the decisions of the Liberal Alliance (LSCG). This party, which was in first half of the ‘90s a leading independentist force, has become above all an anti-government party during the late 90s. After the 2001 elections, tension within the LSCG between their independentism and their anti-government attitude has led to controversial negotiations on the coalition government and bizarre actions of their leadership that were never fully explained. The party has asked for the most important sectors in the government and, after obtaining them, suddenly it gave up on everything and announced that it will support the minority government of DPS-SDP. This “support” has quickly turned into an attempt to create anti-government majority in the parliament, which led to early parliamentary elections in October, 2002.

which, instead of the federation of two countries - Federal Republic Yugoslavia (FRY), created a loose confederation of Serbia and Montenegro (SCG) was, at the same time a big concession and a significant result of the pro-independentist government in Podgorica. This government has, considering results from the 2001 elections, as well as the lack of will of the EU to accept the creation of another state on the Balkans, consented to delay its independentist ambitions. On the other hand, it has succeeded to get significant decrease of powers of the common state institutions, as well as the right to have a referendum upon the three year expiration period. Three years later, a block of unionists, understanding the fact that the referendum is inevitable, that Serbia will provide only political support and that the EU will be the “broker” of the entire process, has accepted a political game on the capital state question, as well as its result. The give-and-take game and compromises on all sides were clearly reflected even in the main referendum rule – the majority necessary to make Montenegro an independent state. The EU has, with necessary consent of both sides in Montenegrin politics, imposed by that time an unseen and never applied qualified majority – more than 55% votes of the turnout. Searching the model of a qualified majority, which would be sufficiently attractive for both sides, the EU officials²⁶ have concluded that independentists have gotten a hardly attainable number, but not impossible to attain, while unionists have gotten a strong motif not to boycott the process, i.e. the hope that independency will be hardly voted in a required majority. Serious sources from the EU later claimed that the condition of 55% of votes was a result of –pure math. By all odds, the IT-guys in Brussels have simply inserted into the computer all election results in Montenegro from 1990 to 2003 and concluded that 55% of the votes border on uncertainty for both sides, i.e. that with this percentage, none of the sides could be completely sure of their success.. Independency of Montenegro was voted on May 21st, 2006, with the majority of 55.5%, which means only 0,5% more than number of votes required, i.e. only 0.5% votes were lacking to unionists to implement their, equally legitimate state idea of the common state with Serbia. The referendum in Montenegro was a complete triumph of European mediation, but no less a triumph of the political accountability and maturity of both sides “in conflict”, which competed on the issue which has sharply divided Montenegro several times during XX century.

If we follow Linz –Stepan’s definition, where consolidated democracy is a political

26 At the time it was considered, and later it was confirmed, that the main figure and name in the EU in our case was the contemporaneous High Commissioner of the EU for Foreign Policy and Security, the famous Spanish politician, Xavier Solana. His chief negotiator, i.e. special envoy for referendum in Montenegro, was the current Minister of Foreign Affairs of Slovakia, Miroslav Lajčák, while another Slovak ambassador, František Lipka (the former ambassador of Slovakia in Belgrade and now in Podgorica) has presided over the Central Referendum Commission of Montenegro, in the name of the EU, with the right of the “golden vote”.

situation where democracy has become the “only game in the town”, i.e. when it is embedded within behavioural, attitudinal and constitutional patterns,²⁷ we could conclude that the independence referendum, peacefully held with the cooperation of all the main actors, was a turning point and that it has marked a consolidation of democracy in Montenegro. The referendum has removed the problem of statehood from the agenda, which, by definition, slows down the *process of democratic consolidation* because it makes the main political players return constantly to the capital question - the *framework* in which political process is happening in itself, and distracts them from the improvements of an already defined and established framework. However, the fact that Montenegro, as many other South-East European states, could be considered a rather *electoral* than *liberal* democracy, should be taken into consideration. This distinction is not only theoretical in its nature. The long negotiations on the road of Montenegro’s EU accession, i.e. the aligning of a national legal system with the Aquis Communautaire, are basically aimed at overcoming this difference. If we accept this kind of international verification of internal democratic organization, as an addition to the classical determination of consolidated democracy, then we could conclude that the *liberal democracy* will be consolidated only then, when Montenegro becomes a full-fledged member of the EU. A number of authors, especially in our region, are prone to accept this kind of interpretation in terms of democratic consolidation of Balkan non-EU member countries. This standpoint certainly has its logic and it should be taken with due attention, but it should be noted that there are differences in the functioning of democracies even among EU member states, and some of them have problems, which could be connected with democratic consolidation.

27 In a behavioural sense, democracy becomes the only game in town if none of the significant political groups are trying to overthrow the democratic regime, or to induce violence due to separatist aspirations; in an attitudinal sense, democracy becomes the only game in town when, even in situations of serious political and economic crises, the prevalent majority of people believe that change could happen only within democratic rules of play and the support for the anti-systemic alternatives is more-less isolated from pro-democratic forces; in a constitutional sense democracy becomes the only game in town when all the actors in the political system adopt the principle and habit to resolve eventual political conflicts in accordance with valid norms, and within valid procedures and institutions, i.e. when they realize that the violation of these norms would be unproductive and expensive – (Linz, Stepan, 1998: 18)

1.2 Parliamentary system

1.2.1 Genesis – choice of institutions

One of the key decisions made by the new democracies is the *choice of institutions*. Institutions are affecting and shaping society, maybe no less than society influences and shapes institutions, or by the words of an author "*institutions make a difference even if they do not make all of the difference*" (Holmes, 1993: 123). When they decide to change the character of certain institutions, or to establish new ones, even stable, long standing democracies are acting with precaution, with consciousness of importance of the process. The choice is more sensitive and more significant in the moment when the political regime is transitioning from authoritarian and establishing a democratic system. That's the moment when the decision is made either on transitional institutions, which will later give place to permanent ones, or on institutions which are created from the very start with the ambition to outlive the transitional period. The main dilemmas in this process are related to: a) the position of executive power, i.e. the choice among *parliamentarian, presidential or semi-presidential (mixed) system*; b) the type of electoral formula, i.e. the choice between *proportional or majoritarian electoral system* or some of *their combinations (mixed system)*. Electoral formula, to a great extent influences the type of party system.

There are no universal, not even prevalently accepted rules and opinions on these choices. A large and reputable number of political sciences and legal authorities, politicians, political activists and political observers believes that parliamentary democracy is superior to a presidential or semi-presidential system, due to its flexibility. Probably, the same amount of informed people considers the presidential system, with its strict separation of powers, better suited for an ideal democratic model; or that strengthened role of the head of the state, while the semi-presidential systems, provide desirable corrective mechanisms for coalition governments and "negotiated" democracy in pure parliamentarianism.

Quite different, sometimes unexpected factors can play a crucial role in the choice of institutions. Practice has shown that the *historical heritage* has played a significant role in a number of cases.

If we go back in history for a moment, we can see that the countries where monarchy wasn't overthrown by violence, but with a peaceful transfer of power from the crown to the parliament, have prevalently opted for parliamentary systems. Opposite of these countries, those countries that have overthrown and abolished monarchy (France 1848 and 1875, Germany 1919) and colonies, liberated from

monarch rulers in the 18th and 19th century (USA and countries of Latin America) have replaced the crown with a presidential systems²⁸. After WWII, when former colonies obtained sovereignty, they mainly introduced parliamentary systems like their colonizers. It is interesting that some of these countries (Nigeria and Sri Lanka, e.g.) have established a presidential system upon parliamentary democracy failing and the transitional period of undemocratic governance. It is equally characteristic that countries, which were democratized after some form of dictatorship, mainly chose the presidential system. Among 35 countries, which have been democratized during “the third wave” in the period of 1974-1990, 19 of them chose presidential, 13 chose parliamentarian and 3 chose semi-presidential system. It is also noted that countries, which have had some kind of democratic system at some point in their history, in their last transition to democracy usually defer to the *historical continuity of institutions*, i.e. they are selecting the type of democratic system which they have already had in the past.²⁹

Attention should be paid to other causes as well. In Latin America we can speak about, at least partial, *influence of the army* to predominant choice of presidential systems. It is not easy to determine, whether it's due to the perception of the traditionally influential military establishment in Latin America, that presidential systems create a clear hierarchy, or if it is something else. However, the numbers are pretty relentless: out of the democracies created from civil dictatorships, 10 out of 17 opted for the presidential system, while 22 out 28 military dictatorships did the same.

In Eastern European transitions in 1989-91, the introduction of the presidential system, as well as the institution of the president generally, had very little to do with general debate on constitutional engineering, and the advantages of one model over the other. Simply, the institution of the president was tuned in accordance with the *needs of a particular candidate*, or it was a *part of the general negotiation process* in which the power of one institution had to compensate weaknesses on the other side. In such a manner, presidential systems were introduced in those cases where *ex-communist leaders had enough power to impose new constitutional models* that will provide continuation of their rule in a democratic or quasi-democratic system. However, even in those cases, history had its influence. Prevalently, these are the cases of countries from ex-SSSR (except Baltic). In some of them the imperator, feudal, or “gen-sec” tradition, has definitely influenced the choice of strong presidential

28 However, there were different opinions on this tendency, which is best described by the sentence of Simon Bolivar: “We elect monarchs whom we call presidents”

29 There are some opposed, but not so frequent examples. Only Pakistan has changed its parliamentarian system from 1950-55 into presidential, upon restoring democracy in 1972-1976 after a long military rule. Ghana, Nigeria, South Korea and Turkey have also introduced presidential system after an experience with parliamentary democracy.

governance.³⁰ Where this wasn't possible, the institution of the president has been, at least in the first years of transition, designed in such a manner to compensate possible or expected electoral defeat of ex-communist parties, as in the cases of Poland, Hungary or Bulgaria.

It's possible to note that Montenegro has made, in its transition from a mono-party system in the beginning of the 1990s, an institutional choice which *established in its history*, was neither typical for balance of powers, or of main actors in the first phase of transition. Montenegro has never in its history been a democratic country, before the fall of the communist regime. In the period of almost three centuries, forms of authoritarian and *personalized power* have shifted. While it existed as an independent state in the period of the Petrovic dynasty, for more than century and a half, up to 1851, it was *hereditary theocracy*, then an *authoritarian duchy* and, in a short period, an *absolute monarchy*. After its entry into Yugoslavia, the dynasty has changed its name and the royal family wasn't of Montenegrin origin³¹, but the *authoritarian monarchy* has remained in force, and in its last phases it turned into an open dictatorship.³² Finally, in socialist Yugoslavia, Montenegro has, like all other Yugoslav republics, had a mono-party communist system. The government was yet again personalized, this time on the level of the federal state, but copies of this type of governance have existed in all federal constituencies, including Montenegro.³³ Having in mind this uninterrupted continuity of personalized power, it

- 30 Part of this group was certainly Serbia/FRY, Croatia and Romania in the period of Milosevic, Tudjman and Illiescu's rule. Even though, constitutionally, these were mixed systems - not presidential, these regimes, in substance, have functioned as presidential, not parliamentary.
- 31 Formally speaking, even this statement was only partially correct, because Aleksandar Karadjordjević was semi-Montenegrin by blood, i.e. the son of the Montenegrin princess Zorka Petrović, and grandson of the last Montenegrin monarch king Nikola Petrović. Politically, however, Karadjordjević's were par excellence Serbian dynasty and they de facto dethroned Petrović dynasty after WWI. King Aleksandar himself has ruled as a "Yugoslav", to a certain extent as a Yugoslav nationalist and integralist, but this idea in his interpretation was a top-down project, that has produced centralism and authoritarianism as a logical sequel.
- 32 Yugoslav king, Aleksandar Karadjordjević has, on January 6th, 1929, under the excuse of communist peril within the country, abolished already weak control mechanisms and relative distribution of powers among the Court and other institutions. By suspending the parliament and prohibiting political parties he has removed "intermediaries between him and the people". By this act the country has entered into monarchic dictatorship. It was part of the wider pattern, i.e. second historical "counter-wave", as named by Samuel Huntington, when negation of the democratic system spread into Europe like a virus. Mussolini in Italy, Hitler in Germany, Franco and Salazar at Iberian peninsula, Karadjordjević, Leka Zogu, "tsar" Boris, king Mihail, generals Antonescu and Metaxas in the Balkans, admiral Horthy and marshal Pilsudski in Central Europe, Stalin in USSR, were reflection of the zeitgeist, which will finally result in the Second World War.
- 33 In Montenegro, over a bit more than two decades, the chief communist leader was Blažo Jovanović. Within rules and certain boundaries of the only and ruling party, the League of Communists of Yugoslavia, he was also the impersonation of the personalized rule - of course, without bringing into question the supreme rule of Josip Broz Tito. Later on, the whole system of a communist government, up until its end, will be much more "collective" in its nature.

is not strange that, especially in the period of the dynasty in Montenegro, among the people was common term “master” for the ruler, because the governance at the time had all elements of the “rule of the master”.

In short sequences of this long historical period, elections were held in Montenegro with multiple participants (proto-parties, quasi-parties, parties), but it was hard to speak about democracy at those times. Rivalry of the first Montenegrin political groups/parties “klubaši” (“Club of the People’s Party”) and “pravaši” (True People’s Party), in the last period of the Montenegrin monarchy, was entirely in the shadow of the powerful rulers’ figure of the Duke and later King Nikola. In addition, as it was common in the absolute monarchies and written in the Montenegrin constitution, the Government belonged to the king/duke, regardless of the distribution of power in the People’s Assembly. Elections were held in Kingdom of Yugoslavia as well. Up until introduction of the dictatorship in 1929, as well as during relatively short reign of Regent Pavle Karadjordjević, until the breakdown of the country in the war of 1941. Pattern of the government has not significantly changed in comparison to the previous period, because the Crown and the Royal Court were dominant political forces, even when they didn’t rule through an open dictatorship. Besides that, elections in Montenegro were actually reflections of the rivalry of Belgrade parties, with little to no interest in the life of population of contemporaneous Zeta banovina. “Elections” in the socialist’s Yugoslavia should not be simply taken into account, even though they had been held in regular cycles, every four years. It was actually ritual support to ruling League of Communists of Yugoslavia/League of Communists of Montenegro, i.e. to so-called lists of the People’s front, later renamed to Socialist Workers’ Union (in original language SSRN), in which all of the candidates were members of the ruling party. Due to specific form of Yugoslav socialism and its doctrine of self-management of people (socialist self-management) even the appearance of the multi-party system wasn’t present in SFRY, like in for example communist Poland, Hungary or China, where non-communist parties were formally allowed, existed on paper and allegedly people could vote for them.

Centuries long tradition and the system of personalized “master’s” rule could instigate introduction of the strong president institution, in the beginning of Montenegrin transition in 1990s. Such figure would be coherent with tradition and prevalent political culture in Montenegro. Such solution would be in “spirit of the time (zeitgeist)”, having in mind that Slobodan Milošević was already enthroned in Serbia as the new “Caesar” and “leader of the Serbian people”, and that he had enjoyed enormous sympathies and popularity among people of Montenegro. Moreover, Milošević himself selected institutions that would work in favor of presidential power,³⁴ so

34 In the beginning of 1990’s, when Serbia had to choose new constitutional model, Milošević asked of his legal advisers to make a constitution of “French type”, which was a preferential choice of

possible copy of that model in Montenegro was a legitimate and expected choice. Balance of newly formed political forces in Montenegro was also giving impetus to such choice. League of Communists of Montenegro has entered institutional transition, renewed by leaders of the “January movement” with an image of “revolutionary” force; almost as a new party that singlehandedly initiated “democratic changes”. The opposition in the process of emergence, at that point didn’t possess any strength to impose anything to “renewed” ruling party. Moreover, we can say that the opposition itself didn’t believe that they had any real chances in the first multi-party elections. Even though the dialogue between ruling party and emerging opposition existed formally, League of Communists of Montenegro could make any institutional choice it wanted. In similar situations governing parties in Eastern Europe after the Berlin wall fell, usually opted for combination of semi- presidential constitution (“French type constitution”) and majoritarian electoral system. The ruling party in Montenegro didn’t make such choice. Exactly the opposite, the party has chosen combination of the *parliamentarian system* with directly elected head of the state, that doesn’t in fact hold great powers, and *proportional electoral model*, i.e. the electoral formula which was mainly demanded by the opposition in many East European states where the opposition got to choose.

The question arises: what caused such choice? Why the ruling party didn’t try to “maximize” its electoral chances through majoritarian system and to provide position of the strong president, in case that it’s unsatisfied with distribution of seats in the parliament? Of course, we can’t rule out the possibility that leaders of the ruling party simply believed that this was the best solution for Montenegro, that “master” tradition should be ended by avoiding a strong presidential figure and that proportional system was favorable for inclusion of the minorities and their representatives. However, experience of other countries has demonstrated that *interests*, far more than beliefs, play role in the process of transitional institutional choice. Thus, we believe that interests within the ruling party were decisive for this choice. We have already explained that management structure of the ruling party was *oligarchic*, not caesaristic. The president of the party and candidate for head of the state on the first elections³⁵, was much more *primus inter pares*, than

many new (or old) “strong” leaders, in transition from communism. They, of course, understood that in Serbia (Croatia, Romania, Ukraine, etc.) de-gaulian constitution will certainly function totally different than in France.

- 35 On the first multi-party elections in December of 1990, Momir Bulatović was actually a candidate for the president of Presidency of Montenegro. Presidency, some kind of collective president of the republic, was a relic of “social self-management” system. Montenegro adopted its first constitution as late as March 1992, so the first elections were held with the institutions of the previous system. Nevertheless, certain modification has been made – electoral law has provided that the President of Presidency is being elected separately from other members of Presidency. In this manner, his position was extracted and strengthened in relation to collective body he presided.

indisputable leader. It is very possible that contemporaneous ruling triumvirate in top of the party, didn't want to endanger this oligarchic principle of rule, by raising "primus inter pares" to the position of the strong president and reinforce that by the constitution.

Probably interests played the decisive role in the choice of the proportional electoral system as well. Ruling party was facing opposition, which rightfully estimated that they don't stand serious chances in elections. With such estimation, any electoral system is good and favorable for the strongest. Besides that, initial form of proportional system in Montenegro was such that the country was divided in 20 completely unequal electoral constituencies, i.e. former 20 municipalities. Such system in certain constituencies has produced effects of the majoritarian system and ruling party has won the first elections without the slightest problem.

Achievement of some kind of pre-electoral agreement is typical for transitional process, almost without exception. This agreement firstly establishes some kind of transitional institutional formula followed by pluralistic elections. Depending on results of elections, this transitional institutional formula is being confirmed and reinforced, or changed. Political actors in this process are creating their preferences and negotiate institutional formula, above all on the basis of their *interests in preserving or obtaining the supremacy*, and then, to a much lesser extent, on the basis of compatibility of future institutions and socio-economic or other characteristics of the country.

After first elections, a phase of establishing *permanent constitutional and institutional arrangements* took place. In this phase, result of previous elections has decisive influence to selection of strategies and preferences done by stakeholders. If the stakeholders have estimated their chances incorrectly, complete change of preferences in regards to the pre-electoral phase is possible, but this wasn't the case in Montenegro. Experience of the many countries has also shown that, if the pre-electoral choice was done in the favor of *parliamentarism* (with or without direct election of the president) and *proportional electoral system*, it is very possible that this choice will be *confirmed after the first elections*, regardless of their results. This *institutional inertia* is a product of interest of interested stakeholders. Parties that obtain parliamentary status through proportional system will strive to maintain the same electoral system; newly elected parliament will not be inclined to limit its jurisdictions by introduction of the (semi)presidential constitution; directly (or indirectly) elected president will support established method of his election as a part of constitution, in order to maintain his position until new elections. This experience was confirmed in Montenegro as well.

1.2.2 Legislative branch of power – the Parliament

The first post-communist constitution in Montenegro, from 1992, is at the same time constitution of the member republic in the new, significantly reduced federation (consisting of only two members) FRY, has kept transitional choice from 1990. Opposite of the semi-presidential “French type” constitution in Serbia, Montenegro has chosen more-less classic parliamentary system where the president of the republic is elected directly, but doesn’t hold any significant powers. According to renowned typology of Matthew Shugart, Montenegro has opted for *parliamentarian system “with the president”*.³⁶ The same system was kept in the first constitution after gaining the independency in 2007, understandably, with full transfer of all jurisdictions from constitutional union Serbia and Montenegro to, now sovereign, state Montenegro.

Montenegro, a state which, according to censuses from 2001 until this day, doesn’t have majority nation³⁷, was defined as a *civic state*, with *republican* form of government, according to constitution from 2007.³⁸ The power is traditionally divided to legislative, executive and judiciary and relations among branches of authorities are more or less typical of parliamentary system.

- 36 Shugart differs five types of constitutional systems: a) “true” presidential system; b) premier-presidential system; c) president-parliamentarian system; d) parliamentary system “with president”; e) “true” parliamentary system. First - “true” presidential system, corresponds with systems in USA and Latin America; second - premier-presidential is actually French system of the Fifth Republic and its eventual copies; third - president-parliamentarian system is actually a system of strong presidential power, introduced in Russia under Yeltsin in 1993, with historical examples in German Weimar Republic and Sri Lanka after 1977; fourth - parliamentary system “with president”; is actually normal parliamentary system, but with president elected directly in elections, like in Ireland, Portugal, Slovenia, Bulgaria and such; fifth - “true” parliamentary system doesn’t recognize direct election of the president; president is either elected in the Parliament, or he/she is not elected at all, in case that the country is a monarchy (Shugart, 1993: 30)
- 37 On the last 2011 census of, citizens of Montenegro have declared their nationalities in the following way: Montenegrins – 44.98%, Serbs – 29.73%, Bosniak – 8.65%, Muslims – 3.31%, Albanian – 4.91%, Croatian – 0.97%, Roma – 1.01%, Others – 1.56%, Undeclared – 4.87%.
- 38 Even though Article 1 of the Constitution stipulates republican model of governance, Montenegro has removed from its official name label “Republic”, so its official name is only “Montenegro” (“Crna Gora”). This decision of constitution-making majority had nothing to do with any kind of concessions to monarchist ideas, despite the fact that the heir of former dynasty “prince” Nikola Petrović is occasionally active in the public life of the country and that he has an honorary status regulated by law. Monarchist idea in post-communist Montenegro was never really “in stake”. It is more probable to assume that removal of “Republic” from official name of the country, was a result of the desire to stress the fact that Montenegro had obtained its independency on referendum in 2006, thus interrupting continuity with the name it had as a constituency in – firstly, socialist federation (SFRY and then in Serbian-Montenegrin Yugoslavia (FRY). Also it is possible that constitution makers wanted to avoid any similarity with another non-sovereign state on the territory of the ex-YU - Republic Srpska. At the same time, Slovenia, Croatia and Serbia, obviously didn’t have problem of this type, and they kept the “Republic” in official names of their states.

Legislative authority is reflected in the unicameral *Parliament of Montenegro* which is constituted out of 81 members of the parliament. Representatives are elected on regular multi-party elections, on each fourth year. However, as any other parliamentary system, Montenegro recognizes possibility of extraordinary, i.e. early elections, in cases when the Parliament is dissolved, or when it shortens its own mandate. The institute of extraordinary elections was used relatively often in Montenegro – in the period of 25 years (1990- until today) in which pluralistic elections are taking place, the parliament has used its full 4 years long mandate only twice.³⁹ All other parliamentary assemblies of Montenegro have finished their mandate after two (1990-1992, 1996 -1998) or three years (1998-2001, 2006-2009 and 2009-2012). Statistics is clearly backing these facts: average length of the mandate of Parliament of Montenegro is only 2 years and 7 months. Having in mind turbulent times and politics in the Balkans in the last quarter of the century, frequent election processes are relatively understandable. The fact that, in five early election processes, this was *never caused by the Prime Minister's dissolution of the Parliament* -is quite interesting. Each time, early elections were due to *self-dissolution* of the Parliament, i.e. “*shortening of mandate*” by representatives themselves. The cause of this lays in inconsistency of Montenegrin constitution in regards to relation of the government and the parliament in the parliamentary system. Namely, both Montenegrin post-communist constitutions remained captives of the socialist’ constitutional doctrine on “intangibility” of people’s representatives. This is reflected in the fact that the institute of dissolution of the parliament by the government is made difficult to the extent which makes it almost unusable.⁴⁰ Simple argument, used in Britain for a long time - that dissolving of the parliament is not any kind of dictatorship act by the prime minister or his cabinet, (as they are committing “suicide of the government” at the same time by heading to new elections immediately), had no influence to Montenegrin constitution makers.

Nonetheless, early elections were mainly held whenever this was suitable for the ruling party or the ruling coalition, or when they weren’t opposed to it, but the government – instead of simple decision on dissolving the parliament, had to provide

39 These are convocations of the Parliament from 1992-1996 and 2002-2006. It is interesting to note that both parliaments with full mandate, were working in times of big crises or big decisions. In such way convocation of 1992-1996, was working in the period of war and economic sanctions against FRY, while convocation of 2002-2006, worked in the period before referendum on independency.

40 The Constitution of Montenegro does stipulate possibilities for dissolution of the Parliament, but only by default, if members of the parliament fail to elect the government “ within 90 days from the day when President of Montenegro proposes the mandate” (Art. 92) or if the Parliament “fails to fulfil their constitutionally stipulated duties, for a longer period”, which didn’t happen in these 25 years, despite everything that Montenegro has been through. Therefore, even if something like this would happen, the Government can dissolve the Parliament only “after hearing the opinion of the President of the Assembly and the presidents of the parliamentary committees “.

this decision promoting it through their parliamentary majority. The Government would usually reach an agreement with the opposition that it's time for the new elections, which was usually supported by the other side. Truthfully speaking, in some situations, consensus on organising early elections wasn't the matter of choice, but rather a situation imposed by circumstances.⁴¹

Early elections, also, were never held due to toppling of the government in the parliament because that has never happened. Governments in Montenegro were mainly supported by more or less disciplined parliamentary majority, so opposition very rarely decided to initiate vote of no confidence (censure motion) in the parliament, and when it did, it was more a symbolic political act, rather than true attempt of turnover.

The Parliament possesses general constitution-making and law-making competencies, including ratification of international agreements. Just like in vast majority of parliamentary democracies. Law-making initiative mainly comes from the government, and MP's can, to a certain extent, change bills acting through amendments. Government ministries have far better resources and logistics for creation of draft laws, because it makes part of their regular work. MP's and their clubs have far scunter possibilities at their disposal. Finally, in the parliamentary system, the parliamentary majority mostly serves for the purpose of support and preservation of the government (and its legal proposals), so there are no big incentives for intensive legislative activity. This is also the reason why there are very few draft laws crafted by the MPs before the parliament.

MP mandate is free in general terms. Representatives are voting and deciding "in accordance with personal beliefs"⁴² and they cannot lose the mandate due to any reason connected to interparty relations.⁴³ This constitutional provision diminishes representatives' dependency on their parties, (or better yet on top management of their parties), which is distinctive for proportional electoral system.⁴⁴ Sovereignty

41 Early elections in 1992 were scheduled after big political crisis in FRY, caused by introduction of severe economic sanctions by the UN and shift of the contemporaneous Federal President and the Prime Minister, Dobrica Cosic and Milan Panic, against the policy of Serbian President Slobodan Milosevic. New elections at all levels in FRY, which meant in both of its republics as well, were agreed as some kind of a compromise. In the same way, early elections in 1998 were inevitable consequence of the split within ruling DPS. Finally, elections in 2001 were scheduled after exit of the People's Party from the government and loss of necessary parliamentary majority.

42 Constitution of Montenegro, Art. 85.

43 Article 87 of the Constitution of Montenegro stipulates that MP's mandate can be terminated before time to which he was elected, just in four following cases: a) if he/she resigns; b) If he/she's sentenced to unconditional imprisonment of at least six months by the final and binding court decision; c) if he/she has been declared incapable by final and binding decision of the court d) if he/she loses Montenegrin citizenship

44 Constitutional guarantee of free mandate was seriously endangered by the Law on Election of

belongs to citizens, and not to political parties, and ideally, MP's are theoretically and ideally people's representatives, not party representatives. Reality however, is quite different. Members of the parliament much more, or even primarily represent their parties. Parties select candidates for MP's and determine their ranking order on the electoral list⁴⁵, which is why representatives feel much more dependent and accountable to political parties, than to citizens. Still, constitutional determination of the free mandate, confines party ownership over it. At the very least, this determination makes parties devise electoral lists with more care and makes them account for the consequences of that choice, leaving no room for post-festum change of citizens' will stated in elections. There are, of course counter arguments to this issue. They are mainly depicted in statement that the proportional system is inherently party-friendly; that citizens are aware that they give their electoral vote to a party or a coalition and not to an individual candidate and that this "anomaly", compared to the ideal principle of citizens' sovereignty, should be simply accepted. According to this argumentation, free mandate in proportional system carries the risk of later change of electoral will through political corruption ("mandate buying"), which is especially relevant for so-called new democracies and economically weak countries. Having in mind the practice of significant number of countries, this warning should be taken quite seriously.⁴⁶

Due to proportional system *at large*⁴⁷, with moderate threshold of 3%, Montenegrin

Members of Parliament and Councilors from 1998; whereas one of the reasons for termination of the mandate was listed "termination of the membership in political party", although the constitution did not offer any basis for such legal provision. This legal "innovation" has given full ownership rights over mandates to the parties. The Constitutional Court of Montenegro has declared this provision unconstitutional and abolished it in 2006. This issue is a serious challenge for countries with proportional electoral system. Large number of countries opts for the free mandate, while others are setting some boundaries to this freedom. One of typical boundaries is that the mandate of the MP that is no longer member of the party that proposed him (whether he/she left or he was excluded), is intangible unless the MP decides to enter another party.

- 45 The type of proportional system in Montenegro is the type of so-called blocked list. The party, or the coalition sets the ranking order in the list and this order is decisive in mandate allocation. Once when it's confirmed by The State Electoral Commission, ranking order can't be changed. In case when one of the candidates obtains the mandate, but he can't be appointed due to incompatibility of the functions, he is being replaced by the next candidate on the list.
- 46 This is one of the main arguments of the opponents to the proportional system, or "proportionalists", who are opposing to blocked lists and advocating other methods, such as "open" or "semi-open" list. Prof. Vladimir Goati in his lectures often warns that there is "no free lunch in politics", which applies to electoral models as well - each one of them has its good and its bad sides, and depends on each society, i.e. the country and specific circumstances related to it, which model will be chosen.
- 47 *At large* proportional system is the system where entire country represents a single electoral constituency. In such system dispersion of the votes is lowest, due to the fact that votes are summed up for each electoral list, regardless of the territory where they were won.

parliament was never bipartite – it was always a *multiparty* parliament. Not a single convocation of the Montenegrin Assembly had less than four parties, or coalitions that won mandates, while last elections in 2012 saw 9 parliamentary parties. Sometimes, this number was even higher, thanks to the provision of the Rules of Procedure of the Parliament which allows the parties that ran on elections within coalitions to form their separate MP caucuses. Notwithstanding the tendency of the growth of MP groups and parties in the parliament in last decade, there wasn't excessive fragmentation or lack of functionality on that basis.

1.2.3 Executive branch of power – the Government

Executive power belongs to the *Government of Montenegro*. The Government leads internal and foreign policy of the country and, alongside its many other jurisdictions, it's not only the center, but also *sole holder* of the executive power, which is (in accordance with the Constitution) not shared with anyone, including the President of the state.⁴⁸ Therefore the Constitution doesn't define President of Montenegro as the part of executive power. This implies that, despite being elected directly by citizens, his primary role is that of a symbol and his duty is that of a representative and coordinator, rather than manager. If we apply Lijphart's description of the types of the government, depending on support it has in the parliament, we can conclude that Montenegro, in the last quarter of a century, has changed all types of cabinets. Even though the party system is highly "competitive", certain elements of *consociation* are present in political system of Montenegro, primarily in form of the guaranteed mandates for minority representatives. This circumstance has led to situation in which Lijphart's model of "*oversized government*" was the longest lasting type of cabinet in Montenegro. "Oversized cabinet" is the government constituted out of large number of participants/parties controlling more seats than it has to. This type of the government, regardless to change of participants, was present in Montenegro during 14-year long period, ever since "critical" elections in 1998, to the last elections in 2012, with a single break in 2001-2002.⁴⁹ Constant

48 Even though the Constitution doesn't foresee any holder of executive power other than the government, it could be noted that, in the segment of security and defense, the government shares executive power with the Council for Security and Defense - a body that represents a collective supreme command. This tripartite body, composed of president of the state, president of the government and president of the parliament, decides on command of armed forces and it is only body authorized for introducing of "constitutional dictatorship", i.e. declaration of state of emergency. In that sense, head of the state and president of the parliament, partake in executive power, although in a limited scope and in a specific area.

49 The first "oversized government" 1998-2001, was composed of three so-called mainstream parties: Democratic Party of Socialists (DPS), Social Democratic Party (SDP) and People's Party

participation of parties of ethnic minorities in governments in this period has made governments “wider” than really required. This was a conscious political choice of both “self-sufficient” winners and minority parties. This choice has contributed a lot to stability of the country and inclusiveness of the political system. “Oversized government” had appeared even before during war on the territory of ex-Yugoslavia 1993-1995. At that moment representatives of three oppositional parties Social Democratic Party (SDP), People’s Party (NS) and Liberal Alliance (LSCG) have accepted the invitation of ruling DPS to form some kind of the crisis Cabinet, i.e. the “government of national unity”, but the domination of the ruling party was too strong for actual partnership and this coalition fell apart before elections in 1996. Even though, technically, this was an extended government - this body functioned at the time more like mono-party cabinet of the ruling DPS.

So-called *minimal winning coalition* cabinet, i.e. the government supported by a bare majority of seats, but not more than that, has functioned in following periods 1991-1993, then 1995-1998 and again since the last elections in 2012 until today. The first two cases are significantly different from the last one. While, during 1990’s “minimal winning coalition cabinet” was actually mono-party, the last Montenegrin government has brought different situation – minority parties in the coalition are not only “extension” of the cabinet, but they also have role of the *king maker*, i.e. the ingredient without which the necessary majority would not exist.

Finally, in one short period after elections of April 2001, Montenegro saw *minority cabinet* model, i.e. the government without parliamentary majority. This type of the government, very characteristic for Scandinavian countries for example, did not last long in the Balkans. The Government DPS-SDP and minority parties was functioning for a while with instable support of LSCG that was lost by signing of the Belgrade agreement on transformation of FRY in State Union of Serbia and Montenegro, all of which resulted in early elections of October 2002.

Partly due to the longstanding domination of its pivotal party DPS, and partly due to the fact that Montenegro is quite a centralized state, the Government was and is strong center of executive power. With exception of the period of split-up of “united” DPS in 1997, and aforementioned minority cabinet 2001-2002, it has mostly been supported by more or less disciplined parliamentary majorities. This has enabled the government to really “lead internal and foreign policy” of the country and to shape its direction over a long period. This statement is unaffected by the fact that,

alongside with two minority parties, Democratic Union of Albanians (DUA) and Bosniak Party of Democratic Action (SDA). By the contents of the coalition, it could be state that this was anti-Milosevic coalition, as it was formed after the split-up of DPS and conflict with Belgrade regime, which culminated in 1997. In the 2002-2012 period “sufficient” government majority was composed of SDP and DPS, but governments were anyways “expanded” by minority parties.

for 17 years now, there was no single party cabinet, i.e. that all the governments since 1998 until today were *coalitions*.

1.2.4 Head of the State – President

President of Montenegro is elected on direct elections, by citizens, for a period of five years, with a limit that an elected person can be re-elected to the same period only once.⁵⁰ We have already stressed that, by the Constitution, Montenegro doesn't have *executive presidency*. Political sciences often offer interpretation that any system with directly elected president is a semi-presidential, because such model of election strengthens its function. We are rather inclined to use Duverger's standpoint that semi-presidential system exists only then, when directly elected president possesses *significant authority*. The Constitution of Montenegro didn't instil such strong authorities into Montenegrin president. The only such authority could be his "command over armed forces" but constitutional provision stipulates that even this is done "on the basis of decisions of the Security and Defense Council" i.e. collective supreme command body that significantly reduces his role. However, as we have already stated, with this provision, the president in a special domain makes part of the executive power. Typically for parliamentary systems, president of the state grants the mandate for creation of the government, and in this sense has possibility for certain political manoeuvres, especially if the electorate decided that there is no clear "winner" on elections. So far in Montenegro, head of the state didn't have the need or opportunity to play significant role in this jurisdiction. Elections in Montenegro have, mostly, produced clear majorities and the president didn't have any problem deciding to whom he will grant the mandate for forming the government.

In its intention to make the "English Queen" out of Montenegrin president, the Constitution wasn't quite consistent. It doesn't contain any provision which would stipulate that the president should remain politically neutral, i.e. that he shouldn't be politically engaged in times of elections, or that he should renounce any party duty and affiliation, upon his inauguration. Due to inexistence of such provision, all three of Montenegrin post-communist presidents have kept their party functions (of the president or vice-president) and they were active participants of political life, which is more of a feature of the "executive" than of the "ceremonial" presidency.

50 Current President of Montenegro Filip Vujanović is actually in his third mandate. The Constitutional Court of Montenegro has ruled that this doesn't represent a breach of constitutionality, due to the fact that his mandate was won and carried out from 2003 to 2006, while Montenegro wasn't an independent state, but party of the state Union Serbia and Montenegro, which would technically mean that he is in his second mandate after the declaration of the Constitution from 2007. General public was quite divided in a lively debate with arguments both "for" and "against" of the Constitutional Court's decision and Constitution interpretation.

Despite abovementioned inconsistency, there is no dilemma that the Constitution opted for relatively “weak” head of the state, i.e. for the powers which are typical for parliamentary regimes. The life, as usual, is more complex than norms, so it happened two times in Montenegro that president M. Bulatović (1990-1997), and subsequently M. Djukanović (1997-2002) were at the same time the *leaders of the ruling party*. Such constellation is mainly rare in classic parliamentary systems, where party leader is mostly directed to a function of the real holder of executive power – Prime Minister, i.e. president of the government. The most significant politician in the country opts for the function of the head of the state usually in specific political circumstances, which is not quite rare in transitional countries. The question that arises here is: does the combination of direct election by the citizens and leadership in the ruling party changes the character of political system and turns a parliamentarians system into de-facto semi-presidential? From the point of view of the Constitution, nothing changes significantly. Direct elections, or leadership in the ruling party, can't change constitutional provisions. President of the state is neither head of the government, nor is he presiding its sessions at his own discretion. He also doesn't keep in his domain foreign policy and defense like in Fifth Republic in France. His power is not derived from the Constitution so, from this point of view, it can't be defined as semi-presidentialism. However, taking into account that Constitution doesn't prevent his party affiliation, the leadership in the ruling party along with the power derived from it, creates a specific situation. Even though it is not possible to call this system semi-presidential, directly elected president and leader of the ruling party at the same time, is stronger than “merely” constitutional president. Montenegrin example has, to a great extent, confirmed this statement. As a directly elected president and head of the ruling party, M. Bulatović was observed as “*primus inter pares*” in political system of Montenegro in 1990-1996, while M. Djukanović, in the same role, was observed as indisputable leader of the country and main Milosevic's opponent, even though the executive power was in the hands of the government.

1.2.5 Judiciary

Judiciary power is divided between regular and constitutional judiciary, as usual in the countries with the European, continental legal tradition. Regular judiciary has obtained significantly greater level of independency by amendments to the Constitution from 2013, when appointment of the judges, including appointment of the president of the Supreme Court, was taken out of the parliament and fully entrusted to the Judicial Council. This body, consisting of 10 members including president, (who doesn't hold a judicial office) appoints and deposes all judges in

the country. Venice Commission of the Council of Europe strongly supported such solution, stating that it will significantly contribute to independency and autonomy of the judiciary, as well as that the jeopardy of turning judiciary into “closed caste” is lesser than danger of “political influence” which would be obvious in case of appointment of the judges by the parliament.

The same package of amendments has significantly raised degree of consensus needed for appointment of the Constitutional Court. Since 2013, seven judges of Constitutional Court are appointed to a term of 12 years by two-third majority in the Parliament of Montenegro.⁵¹ The Parliament proposes five candidates and president of the state proposes two. By definition, this should mean that judges, “guardians and interpreters of the constitution”, will be legal experts approved both by the government and opposition. This is an ideal and quite possible solution. Another, equally probable, possibility is that high level of consensus required will induce classical party negotiations based on the principle of “four ours, three yours” or vice versa. However, democracies much older and more consolidated than Montenegro’s, are neither immune to party affiliation of the judges.

Amendments to the Constitution of Montenegro from 2013 have also brought one solution, which will probably be a subject of constitutional discussions in years to come. Namely, the Amendment IV defines that the parliament elects state prosecutor by the same majority as for the judges of the Constitutional Court, i.e. two-third majority in first round and three-fifths majority in the second round. Intention of the constitutional change is understandable. New democracies have many problems with setting and consolidation of the *Rule of Law* system. In case of Montenegro, this statement is confirmed by the fact that the EU decided, in the process of accession negotiations with our country, to open and keep “on the table” chapters 23 and 24, until the end of negotiation process between Podgorica and Brussels. Given that the state prosecution is one of the key authorities if not the only key authority for fighting corruption and organized crime which in any system, but especially in new democracies, often entails making tough decisions and involves delicate cases, the intention of constitution-makers to provide as wideas possible consensus on election of such an important person, is understandable. However, the problem lies in the fact that the state prosecution, even with constitutionally provided functional “independence”, doesn’t represent *independent* branch of power, like judiciary. The state prosecutor, at the bottom line, is a party in the judicial procedure and, accordingly part of the executive power in many countries, and often appointed by the government or its minister of judiciary.⁵² It remains to be seen what such

51 Two-third majority is actually necessary in the first round of voting. If it’s not achieved, in second round judges are elected by three-fifths majority of votes of all MP’s.

52 In US, where criminal matters are processed dominantly though concept of prosecutor’s investi-

autonomy and independence of the state prosecution will bring for the political system of Montenegro. The first state prosecutor elected by qualified majority has assumed the position just recently, after a long and relatively hard parliamentary debate in quest for consensus.

1.3. Party system

Political parties are the most active and strongest political actors in the country. In recent years, certain political NGO's are present and active in public almost as much as parties, but parties are the only organized as groups that run on elections. Parties in Montenegro have mostly standard names, which more or less match their ideological orientations. However, parties in Montenegro are not created through grouping around interests of certain wide social classes, and they are not reflecting main social conflicts and gaps. The longest and the most dominant conflict in Montenegrin society was concentrated around the issue of *state status* (independent state or state union) and *national identity* of the predominant population (Montenegrins or Serbs) and related conflicts regarding the war dissolution of ex-Yugoslavia and politics of Slobodan Milosevic (pro and against his politics). Therefore, the official names of the parties, which were suggesting moderately left orientation (socialists, social democrats) center (liberals, democrats) and moderately conservative (people's party), were reflecting intended ideological orientation and politics, but often they hid entirely different substance.

Party rivalry and inter party relations in Montenegro have resulted with a system, different from all the systems in countries of ex YU. Even though there was a history of long rule of a single party in the neighborhood (Like Milosevic's SPS in Serbia and Tudjman's HDZ in Croatia, Montenegro was the only that has formed *multiparty system with one dominant party*. Only in Montenegro has one party - Democratic Party of Socialists (DPS) succeeded in remaining in power for whole 25 years. Firstly it was a *hegemon party* in the period of semi-authoritarian governance (1990-1996), reflected in scarcely competitive elections and mono-party cabinets, and later in the period from 1997 until today it was a *dominant party* with competitive⁵³ elections and coalition governments. This phenomenon becomes even more

gation, State prosecutor is appointed by the President of the US and he is the part of president's cabinet, where he is also a the Minister of Justice.

53 Electoral opponents of the ruling party, as well as considerable number of analysts doesn't want to make a difference between abovementioned periods, and considers elections in Montenegro,

interesting if we know that this party, at the peak of its power, split into two in size almost identical parts, i.e. at that moment anti-Milosevic DPS⁵⁴ and pro-Milosevic Socialist People's Party (SNP).

The question arises, what are the reasons behind creation and survival of multi-party system with a dominant party only in Montenegro out of the entire region⁵⁵? There is no doubt that system benefits savoured by the ruling party, and abuse of these benefits, are the first to come in mind, especially in transitional countries, as a reason of the longstanding rule of a single party. However, Milosevic's SPS and Tudjman's HDZ, also had these advantages and abused them to the maximum – but they have lost the power in a relatively peaceful scenario, as a result of multi-party elections. On the other hand, DPS had constantly won elections in a very long period, even when elections became competitive and when it had to adjust to ruling in different coalitions.

We believe that following reasons above all led to domination of DPS and establishment of a solid multi-party system with a dominant party in Montenegro:

- a) Timely and successful change of the *basis of governance legitimacy* in critical moments in Montenegrin society. This flexibility in change of the basis of governance legitimacy became particularly visible during basic Montenegrin social

even after 1997 undemocratic and unfair, i.e. that the system is “authoritarian” or even “totalitarian”. We will not open a debate on this issue here. It is possible only to mention that all elections in Montenegro have been observed by OSCE and CoE since 1997 and that all reports of these organizations – besides remarks on weaknesses and problems - claim that elections are free and fair and competitive. Also, the influential Freedom House has evaluated Montenegro as free country of free and electoral democracy. Besides this, the country is in the closing phase of accession to NATO and deep into pre-accession negotiations with the EU. None of these two “elite” international clubs does even consider a candidacy from a non-democratic country.

- 54 In the split of the party in 1997, which had institutional character prime minister versus president, part led by the Prime Minister M. Djukanović has succeeded to keep nominal and organizational continuity, while the part under the president of the republic M. Bulatović has established new party – SNP.
- 55 Globally speaking, multi-party system with a dominant party is not such a rare phenomenon, but one for the few typical party systems. Other typical (democratic) party systems are: two-party system (typical examples: USA and up until recently UK), system with two “and a half” political parties (typical example: Germany) and multi-party system without a dominant party (large number of democracies). This is a very complex phenomenon, which doesn't have universal causes of creation and endurance, but it is rather a product of characteristics of the country and society out of which it originated. Typical examples of this system in the countries that were more semi-authoritarian then democratic, are Mexico in during 72 years long rule of the PRI (Partido Revolucionario Institucional) and Senegal in period of 25 years long rule of the Socialistic Party, under president Diuf; while typical democracies with this system are decades long, uninterrupted rules of the Demochristian Party in Italy (DCI), Social Democratic Party In Sweden (SD), Liberal-Democratic Party in Japan (LDP), Congress Party in India and African National Congress in South Africa (ANC).

partition 1990-2006 (statehood and nationality issue). DPS in Montenegro, in the hegemonic party period (1990-1996), has ruled firstly as a “*pro-Yugoslavian*” party in alliance with Milosevic, and its main program was “preservation of Yugoslavia”, firstly SFRY, then FRY. When this politics approached to its exhaustion, party has changed its legitimacy basis, at the cost of severe internal conflict, and it ruled in the period 1998- 2000 as an *anti-Milosevic and conditionally “pro-Yugoslavian” party* (“as long as Yugoslavia is democratic”). After the fall of Milosevic regime in Belgrade, DPS assumes policy of independentism and rules as the leader of block for independency of Montenegro (2000-2006), and after gaining independence in 2006, (like e.g. Congress Party of India or ANC in South Africa) it rules as the *state-making party*. Finally, in the past few years, the element of *euro-atlantism* has been added to the legitimacy basis, so DPS rules as the *integration force*. These demanding and often risky changes of the legitimacy basis were a “two-way street” in terms of the electorate. DPS has mainly sought to reflect mood of the majority of population in Montenegro, and to cautiously handle certain dualism in the national identity, while shaping and changing that mood in accordance with political shifts it made.

- b) *Strong party organization* Shifts in main programmatic goals could be made in smaller and weaker parties as well which is what some of them in Montenegro did. However, for a party to sustain and endure such shifts, it requires a *strong organization* and DPS had no rival among Montenegrin parties in this area. Managing the state apparatus and advantages inherited from the previous system were certainly beneficial for creation of strong party organization, along with adoption of the various new techniques in working with electorate, which had been developed independently or in collaboration with foreign partners.⁵⁶ Combination of *clientelism*, based on position of power and modern techniques of approach to the electorate is the formula that has served to the ruling party successfully for a long time.
- c) *Absence of ideological radicalism* – Montenegrin electorate has, during all 25 years of multi-party system existence, even in very turbulent times, shown almost surprising stability in its *rejection of radical political options*. In such way, during the biggest rise of Serbian nationalism in the region, at the beginning of 1990’s, contemporaneous quite strong right-wing Serbian Radical Party never really rooted in Montenegro. At one moment it was a parliamentary party, but without any major influence, and it soon disappeared from the political scene.

⁵⁶ International non-governmental organizations, such as NDI (National Democratic Institute), IRI (International Republican Institute), FES (Friedrich Ebert Stiftung), have developed significant programs of cooperation with Montenegrin parties and DPS has turned out to be a grateful user. Also, at certain period, there was tight cooperation with Djindjic’s Democratic party (DS).

Radical solutions from Montenegrin side of political spectrum didn't have much better results. Liberal Alliance of Montenegro has de-facto caused fall of the Government, due to signing of the Belgrade agreement, labelling this act as a treachery of the independist idea – but, on the next elections, the electorate has reacted by strengthening of the government of the coalition DPS-SDP. DPS has used this lack of sympathy of electorate for radical and risky options, presenting itself mainly as a party standing in midst of political debates and conflicts in Montenegro, absent of adventurism and uncertainty.

- d) *Pragmatism in creation of sufficiently wide coalitions.* Ever since the split of the unitary DPS in 1997, DPS has always ruled within coalition governments. It has used its strength to remain dominant constituent of all governments⁵⁷, but it was ready to offer its coalition partners participation in the power far above their real political influence.⁵⁸
- e) *International legitimacy.* Ever since the moment when it assumed anti-Milosevic position in 1998, and refused to participate in the “war against NATO” in 1999, DPS and “its” governments were more-less taking stands in accordance with its Euro-Atlantic choice. Even when they are faced with criticism from their partners in the EU and NATO, on the issues related to progress in the area of rule of law, Montenegrin governments are seen as partners. This particular “international legitimacy” is inevitable element of stability of governments in new democracies, if they are capable of sustaining sufficient level of support of their own electorate.
- f) *Relative weakness and fragmentation of the opposition* Main opposition parties in Montenegro have faced DPS and “its” coalitions since 1998 on, either as pro-Milosevic (1998-2000) or anti-independist (2000-2006) opposition, or the opposition that has lost on the independency referendum (from 2006 until today). The DPS opponents have not as of yet satisfactorily addressed the problem of the role of actors “on the wrong side of history”. Additionally, oppositional scene was filled with inter-party conflicts, divisions, fragmentation and change of roles, which is often confusing for the electorate.

57 All three of Montenegrin post-communist presidents (Bulatović, Djukanović, Vujanović), and all four prime ministers (Djukanović, Vujanović, Šturanović, Lukšić) are coming from DPS. Head position that served for division of powers was the position of president of the parliament. In the period from 2001 until today that position, belonged to the SDP (R. Krivokapić), apart from the short intermezzo when it was held by LSCG (V. Perović). Also, there is a rule that 4 key ministries (foreign affairs, home affairs, finances and defense) are shared between DPS and SDP in proportion 3: 1.

58 SDP has obtained, in coalition arrangements with DPS, traditionally 20% of participation in the government, even though its electorate never reached that percentage. Similar case was with parties of ethnic minorities, where their participation in the power was far above their real political power.

- g) *Factor of leadership.* Certain dominant parties, such as Mexican PRI, or Japanese LDP, have succeeded in enduring without strong personal leadership. In other examples, like Swedish SD or Indian Congress Party, longstanding leadership was inevitable element of domination. This second case is present in Montenegro as well. Even though he formally became president of DPS only in 1998, domination of the DPS is hardly understandable without the role of long-term prime minister and (in one mandate, from 1998-2002) president of Montenegro - Milo Djukanović. Public polls are often showing that his leadership sharply polarizes electorate to opponents and supporters, but the facts that he “won” in a duel with Milosevic in late 90’s and that he led Montenegro to gaining independency in 2006, are making him a charismatic figure for the electorate that supports the governments and its political orientation. Factors of domination of DPS, elaborated in previous sections, especially changes of the legitimacy basis in different period, are completely interrelated with his leadership.

In this essay we have presented only main features of the post-communist political system of Montenegro. The text of this size hardly allows anything more ambitious than this. We can summarise that contemporary Montenegro, just like many other post-communist regimes, is an *electoral democracy* or, speaking in Dahl’s terms *poliarchy* which misses only establishment of the rule of law system to be classified in the high club of the liberal democracies. It functions more or less as a typical *parliamentary system*, in which the head of the state is directly elected by the citizens, but doesn’t hold executive functions. At large *proportional electoral system* with a moderate census resulted in multi-party, but not overly fragmented parliament. In the specific conditions and social conflicts which were interrelated with “eternal” issue of Montenegrin statehood and its identity, a *multiparty system with a dominant party* was formed, the party which in the last 18 years rules as the “pivotal” party in all coalition governments. Montenegro is now the most probably following member of the NATO Alliance and it’s in well-advanced phase of negotiations for the EU accession.

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PART TWO

PARTY SYSTEM IN MONTENEGRO

2. PARTY SYSTEM IN MONTENEGRO

2.1 Introduction

After the fall of “real socialism” in 1989/1990, countries of South-Eastern Europe saw gradual emergence of new political order based on institution of representational democracy: political parties, Parliament, free and fair elections, independent media and similar. It is significant to emphasize that the large percentage of citizens in developed democracy countries is emotionally bonded with parties (party loyalty, party identification) which is not so much the case with other democratic institutions, based on which some authors consider that parties have a certain priority over these institutions (Barker, 1967, 86). Therefore, it’s not coincidental that parties are understood as key elements “main protagonists” (Bobio, 1990: 90) of democratic system, “driving force” of modern politics (Neumann, 1963: 15), and metaphorically speaking as “...daily bread of liberal democracy...” (Seiler, 1982: 3).

Parties, also, represent the pivot of democratic changes that happened in post-communist countries of South-Eastern Europe in 1989/1990 and on. In most of these countries, elections in 1990 resulted in the first peaceful shift of power from reformed communist parties to newly formed oppositional parties, and in later period highly stable democratic systems were established in some of these countries (Slovenia, Hungary, Poland, and Czech Republic). In Montenegro, unlike the prevalent pattern, the League of Communists (from mid-1991 Democratic Party of Socialists) has remained in power until the end of observed period (1990-2014), *od 1997. u koaliciji sa Socijaldemokratskom partijom (SDP)* so in this case we can speak only about the partial change of the government (until 1991, Montenegro was one of the six republics of the Socialist Federative Republic Yugoslavia- SFRY). After the fall of “real socialism” in 1989/1990, Montenegro, as well as in the countries of Central and Eastern Europe, saw emergence of a new political order based on institutions of representative democracy (parliament, free elections, multi-party system, independent media). Concerns regarding true nature

of this order are emphasized by the circumstance that democratic institutions were created in societies which are significantly different from societies of countries of stable democracy, where a strong middle class exists. Post-communist societies of Central and Eastern Europe (including SFRY republics that became independent states) are characterized by, among other things, the absence of this middle class. In addition, in the region of Central and Eastern Europe, the population is dominated by mostly parochial and submissive culture, with a low degree of respect for human rights and the lack of democratic traditions (with the exception of the Czech Republic and Slovakia). In such circumstances, it is reasonable to question whether democratic order is established at all in the post-communist countries or if it is some new alternative of authoritarian order with certain elements of democracy?

One writer, for example, accentuates that it is wrong to believe that “established democracies” exist in all countries of post-communist Europe today. Instead, according to him – “there are pluralistic regimes in which free elections are held, which reflects demands for democratization after four decades of communist government “ (Rose, 1994, 4). Other authors are stressing that established political order in the post-communist countries, could be observed as democratic, but only conditionally. Emil Mitev refers to that order as “proto-democracy” and, as he explains, this order is characterized by “...extremely particular combination of residual restrictions, freedom and anarchy”. Proto-democracy is characterized by a contradiction between the legislative sphere and the social reality, as well as the contradiction within the legislative branch itself” (Mitev, 1992, 4-5).

Guillermo O’Donnell uses the term “delegative democracy” for labelling the new kind of democracy, originated in Latin America and in post-communist countries after the fall of the old regime. “Delegative democracy” (DD) is based on the premise that the “winner of presidential elections is authorized ... to rule at his own discretion, restricted only by the fact of the existing balance of powers and constitutional limit of the term of office” (O’Donnell, 1994, 59). It seems that both Mitev and O’Donnell have well recognized limitations of the political order in post-communist countries. However, both of them, rightfully, are placing this order into the genus of democratic and not autocratic orders. The decisive argument in such assessment is that in the political order, created in post-communist countries of Central and South-Eastern Europe, freedom for activities of oppositional parties was granted and the right to exercise power is based on the will of the citizens expressed on free elections. In these elections, citizens can change the ruling party, which has happened since 1990 until today in all post-communist countries of this region, with exception of Montenegro, where only partial change of government happened in 1997.

We need to emphasize two conceptual and terminological remarks. First remark is related to understanding of democracy; when we speak about establishing and

consolidation (stabilization, strengthening) of democracy, we should always have in mind that democracy is a type of political order, and not the type of society (same: Hermet, 1991, 252; Huntington 1991, 9; Touraine, 1991, 268). This more precise definition is needed due to the fact that often, in scientific debates and colloquial speech, democracy is seen as a type of society “way of life” or something “good per se”, which is never attained by the prosaic reality. This is prevalent reason why all of the empirical implementations of democracy concept in post-communist countries and elsewhere are easily denied recognition of their democratic character.

The second remark is related to the usual difference between two stages of events in 1989/1990: the first stage is abolishment of the dictatorship and second phase is establishment of democracy. The first stage (phase) is usually labelled by the term “transition towards democracy” and lasts from the fall of the old regime until the first free elections (Hermet, 1991, 225; di Cortona, 1991, 316), and it is followed by the second phase of “consolidation” or “stabilization” of democracy. A satisfactory definition of this term is given by Przeworski, who states that consolidated political order is obtained “...when under given political and economic conditions a particular system of institutions becomes the only game in town, when no one can imagine acting outside the democratic institutions, when what all the losers want to do is to try again within the same institutions under which they have just lost.” (1991, 26). If we formulate the definition in the later way, achieving the consolidation means achieving the legitimacy of political order (Diamond, 1994; Linz and Stepan, 1989). Some writers are making difference between “negative” and “positive” consolidation. Negative consolidation, according to them, is removal of remaining problems from the transition process, decreasing possibility for the old regime to return, above all, while “positive discrimination” is related to long-term changes or “habituation” described by Rustow (Pridham and Lewis, 1966, 3). Using this periodization, it is possible to say that Montenegro today is in “the phase of the *stabilization of parliamentary democracy*”.

Besides analysis of the political parties, this study is also dedicated to evolution of the Montenegrin system. “The network of rivalry among political parties is what I call a party system” stated Rae “A party system is not literally a sum of parties – people, institutions and activities. Instead, it is a competitiveness among these parties, within one political regime and the system of competitiveness is the element that gives the unique importance to democratic parties” (1967, 47). Sartori, also, accentuates that the “party system is a system on interactions which originate from inter-party competition” (1976, 53-54). Party system in one hand, creates options for citizens, but on the other hand, limits those options because “...parties are deciding which options voters will have” (Rose, 1974, 8). Party system could be presented as a space with “orientation points” which provide a chance for political choice to citizens (Tiberi, 2007, 288).

Party system provides expression of interests of the society, while parties are creating governments in the parliament, in accordance with the degree of support won in elections. Besides the fact that it enables establishment of the government, the party system acts like a shield against abuses of power, because it provides back-up “teams” which, in case of necessity, will overtake execution of political power (Macpherson, 1962, 242). The chief criteria for classification of parties is the number of parties in a political system, and based on it there are single-party, bi-party/two-party, tripartite etc. systems. Duverger considers that party systems with more than four parties can't be individually classified, and he labels these system with a term “polyparty” system (1976, 195). The number of parties is exquisitely important, as it speaks about the distribution of the power in party system and about the scope of interactions among its units (“mechanics of party system”). That is the reason why this criteria is used for classification of party systems, but the number of parties is sufficient only for rough, preliminary researches, not for detailed analyses (Leiserson, 1971, 539). Using the number of parties and their relative size, Blondel (1973, 98-103) has offered following classification of four types of electoral systems: (1) two-party system in which each party gets about 45 percent of votes, (2) two-and-a-half party systems in which one party gets close to 45 percent of the votes, second party a bit less than 40% and third party close to 15% of votes, (3) multiparty systems with dominant party where one party gets about 45% and rest of the votes is almost equally distributed among 3-4 parties; and finally (4) multiparty systems without a dominant party, where 2-3 parties get $\frac{1}{4}$ votes, and rest of the votes is distributed among other parties.

Sartori (1976, 126-132), also accepts number of parties as criterion for the classification, but with some corrections. He considers that the line of divisions should be drawn between systems which have up to five parties and systems with more than 5 parties. Criterion –more than five parties- is interpreted elastically by Sartori. “From the point of view of substantial knowledge, the threshold (number of parties –V.G.) could be expressed much more freely, underlining that interaction of more than five parties tends to produce different mechanics than mechanics of five and less parties” (1976). It is important to stress that, along with the number of parties, Sartori introduces another element: nature of relations among parties in the system. Using both of these criteria simultaneously he creates classification of four following types of party systems: 1) Two-party (low fragmentation, high political distance) 2) polarized multipartism (high fragmentation, high political distance) 3) moderate multipartism (high fragmentation, low political distance) and 4) segmented multipartism (high fragmentation, based on different political cultures, low political distance). Sartori lists many features of “polarized multipartism”, out of which three seem particularly important. The first is existence of anti-system party (parties), which is not only contesting the ruling structure cur-

rently in power, but also principles and legitimacy formulas on which the power is based. The second feature is “bilateral opposition” which reflects in deeper conflicts among opposition parties than between opposition and ruling party. “In polarized system” says Sartori, we are encountering “two oppositions which are mutually exclusive; they can’t unite their forces. Actually, two opposition groups are possibly closer to ruling parties than to each other” (Sartori, 1976, 134). Third feature of polarized multipartism is existence of “irresponsible opposition”. Opposition is being responsible, according to Sartori, if it expects to be held “accountable”, i.e. to implement what it promised (Sartori, 1976, 139). In forthcoming analysis, we will use Sartori’s classification of the types of party systems. Besides that, we will also use Blondel’s criterion of existence of a dominant party.

As we have already stressed, in the focus of this study are parties and the party system of Montenegro. We will discuss these issues in four chapters: the first chapter is dedicated to creation of parties, second is researching the epoch of the DPS domination in the party and political life until 1997, third chapter is dealing with phase from 1997 until today, in which DPS has continued to rule, but within coalitions and finally, fourth chapter is offering some general features of party evolution and party system in mentioned period.

Determining the “cornerstone” (degree of domination of DPS) between second and third chapters of this study, demands an explanation. These two chapters are encompassing timeframe of a quarter of a century, in which Montenegro has passed through dramatic events and developments (dissolution of SFRY and civil war in BiH and Croatia, international economic sanctions, Dayton Peace Agreement, declaration of independence), so it could be expected that some of these events would be used as a criterion of distinction. But, acceptance of the “degree of domination of DPS” as a *fundamentum divisionis* is exclusively the result of the monographic character of this study, which is focused on parties and party systems.

2.2 Creation of the parties

The “political turbulences” (protest gatherings, demonstrations), have started at the end of the eighties, in some of the republics of SFRY, including Montenegro, and they were taking place out of official political institutions. In the same period, autonomous opposition movements and organizations were gradually created, which brought into the question the principle of “dictatorship of the proletariat” that was a pivot of ruling “self-managing socialism”. The terrain for action of new

political organizations in Montenegro has become more favorable once that League of Communists of Yugoslavia (SKJ), under influence of dramatic events in Central and Eastern Europe, has accepted the principle of political pluralism.

In Montenegro, (as well as in other republics of SFRY), there were no mass “bottom-up” demands for establishment of democracy – abandonment of the “old regime” was done through “top-down changes” in which the management of League of Communists of Montenegro had the main role.

Anyway, League of Communists of Montenegro changed its name, in June 1991, to the Democratic Party of Socialists - DPS, which we will use for the whole observed period. The process of the establishment of political organizations started in Montenegro in 1989, with silent approval by the dominant League of Communists of Montenegro, and similar processes were happening across SFRY (Goati, 1991). Bearing this in mind, pluralist transformation in SFRY was more alike to the model of Hungary, than to model of Poland, Czechoslovakia and DR Germany. The title “party” was consciously avoided in this period, due to fear from repression, but considering the aims and model of activities of the new organizations (entitled: “alliances”, “unions”, “movements”), it was quite clear that those were the parties.

Until the end of 1989 – following trends in the post-communist countries of Central and Eastern Europe – ruling communist parties of all six republics of SFRY have explicitly recognized the right of free political association. After that, legalization of opposition political parties took place in SFRY, with certain delay, length of which differs from republic to republic. Legalization firstly took place in Slovenia where, in December 1989, the “Law on Political Association” was passed and half year later it was done in Croatia as well. In Montenegro only on 29th September of 1990, Amendments LXIV - LXXXII to the 1974 Constitution, were adopted. These amendments have brought acceptance of multipartism. It is quite interesting that, twenty days before adoption of amendments to the constitution, the Law on Association of Citizens was adopted. This Law has allowed, despite the Constitution that was still in force, (!) multipartism, so abovementioned constitutional amendments were simply a cover for then already adopted unconstitutional law.

Regardless of the “slowness” of the lawmakers, Association for Yugoslav Initiative (UJDI) and Democratic Alternative were formed already in the end of 1989, and Democratic Party was formed in December of 1989. Of course, already formed, oppositional political organizations, have acted in the “grey zone” due to benevolence of the ruling regime. That period was characterized by uncertainty and insufficient predictability of actions of the stakeholders in the pluralistic political process (“wild pluralism”, “neurotic pluralism”). Upon adoption of the Law on Association of Citizens, already formed “alliances”, “movements” and “unions” have recognized their party identity. Besides that, up to the first elections in December 1990, almost

twenty new parties were created in Montenegro. Newly formed parties in Montenegro had a few typical features.

In order to accentuate their national character, certain parties have introduced national marks in their names. It is understandable, due to the fact that at the time SFRY was facing simultaneously with the process of dissolution and civil (to the great extent ethnic) war.

However, the efforts to create multiethnic (civil) parties in Montenegro were largely evident, which is reflected in examples of the ruling DPS Democratic Coalition (backed by the majority of members of the Bosniak minority) and the Liberal Alliance of Montenegro (LSCG).

Some of the new parties have taken names of parties from the period before the WW II (1918-1941), motivated by desire to emphasize continuity with these parties, regardless of the half-century long inactivity (Democratic Party, People's Party, Christian Democrats (Orthodox) Party). Besides the old title, new parties have strived to accentuate the impression of continuity by activation of old party slogans and glorification of the pre-war leaders and their political messages. Part of the new parties has opted for the names similar to the big parties of the Western Europe, although they were by default, significantly different from these parties, both by the program orientation and the modus operandi. Finally, in the end of 90's, one distinct group of political parties, expressing the interests of special groups like women, youth, or environmentalists ("greens") was formed.

In total, by 1991 Montenegro saw twenty one parties, whereas by the end of 1992, that number increased to 27. This meant that one party was formed for each 22.826 inhabitants, i.e. for 14.852 adult citizens with right to vote, (Vukadinović, 1994, 111). These were mostly Lilliputian parties, or as they call them in Poland "canopy parties" (partie kanapowe). The same phenomenon, called "over-pluralization" by some authors (Wesolowski, 1991, 14; McFault, 1992, 32), is observed in all post-communist countries. It could be seen from the facts that in Croatia in 1990 forty parties were registered, in Poland 300 before 1991 elections, in Czechoslovakia in the same year - 79 parties, in Hungary (1989) 120 parties, in Romania (1992) 144 and in Bulgaria (1991) 61 parties. In Bulgaria in 1991 was spotted an interesting curiosity; on second parliamentary elections, held in October 1991, political club "Constitutional Forum" didn't obtain a single vote!

Simultaneously with tendencies of newly formed parties to clearly determine their program identity as soon as possible, and to form an infrastructure at the nationwide level, ruling DPS was making efforts to adjust itself to demands of the new time. In order to do it, in 1990, DPS changed its programme orientation.. In the new program DPS abandoned its former goal, implementation of socialism, and replaced it

with “democratic socialism”. Besides parliamentary democracy, that party accepted until recently disputed market and private property, which were fiercely denied in their previous program. Due to radical transformation of the key commitments of previous League of Communists of Montenegro, its mode of action and its name, the question is if it is the same party at all, or a completely new organization? In order to answer this question, clear criteria are required. Such criteria are offered by John Ishiyama, who considers that ex-communist parties encompass “all those parties which are rooted in the old regime. “Rooted in the old regime” means that only those parties which inherited the main part of earlier communist property, their membership and management, are considered ex-communist.” (Ishiyama, 1995, 148). Michael Waller makes difference between organizational and ideological continuity of political parties. In determination of the organizational continuity he gives special importance to the management, emphasizing that, if the management keep its positions, we can’t argue that the party has undergone organizational changes (Waller, 1996, 26). Using the methodology of two quoted authors, it can be concluded with certainty that League of Communists of Montenegro and DPS share *personal and organizational continuity*.

In our research, we will face the need to separate relevant, important parties from small Lilliputian parties, influence of which is irrelevant for the political life. A question imposes: how to make a borderline among them? The criterion of registration is insufficient, due to the fact that in the beginning of 1990 there were 21 parties in Montenegro (as we have mentioned this number rose to 27 in 1997) but just a small number of these parties were actually actively involved in political life, and even smaller number was influential in decision-making process. Such a big number of parties were in part result of the simple registration demands; namely, under the Law on Association of Citizens (1990) political organization can be formed by only a hundred of adult citizens.

Of course, the fact that a party is represented in the parliament is not a certain indicator *per se* that this is an important party, because one or several seats in the parliament are not proving significant electoral or parliamentary influence. Relevance of parties can’t be a priori determined through setting certain percentage of representatives in the parliament, because it depends on the number and relative strength of parliamentary parties. Besides, there are exceptions to the “intuitive rules”, under which parties with small number of representatives in the parliament don’t have a significant role in the political life, because sometimes, even parties with small number of representatives decide which one of the big parties will form the government (“tip the scales”). It also happens that parties without a single seat in the parliament have extremely big influence in the political life, and act as “pressure groups”. Such a position could originate from the great economic-financial resources

at their disposal, representation of their members in key decision-making positions (army, police, management of public media) and (or) from close ties with carriers of real power in the society. That is a result of the universal tendency of assimilation of small parties and “pressure groups” in multi-party systems, that was long ago spotted by Jean Meynaud (1958, 38). On the basis of everything that we have presented, we can conclude that reliable criteria for relevance of the party are hard to determine a priori, (in a party system that is only in the process of creation), because it requires analysis of the work of the parliament and role that a certain party plays in it, over a long period of time. Such an analysis can demonstrate that small parties are playing important role in political system, both by their electoral influence and parliamentary strength, due to the fact that they possess big “coalition” or “blackmailing” potential (Sartori, 1987, 123), as well as that the big parties could be completely politically marginalized over a long period of time, as it has happened with post-communist parties in France and Italy after World War II. However, such analysis is not possible in countries such as Montenegro, where parties and party system have a very short history. Taking this into consideration, we have chosen the least defective criterion, of at least 4 percent of votes obtained in elections, which was also a threshold in electoral law of Montenegro in 1992. This threshold was later decreased to 3%, along with our relevance criterion. I am well aware of the weaknesses of identification of relevant and parliamentary parties, but at this point, I don't see a better solution.

Before beginning of the research, it is useful to point out two more remarks. Firstly, in some party systems, acts different number of effective parties, i.e. “the number of hypothetical equal-size parties that would have the same total effect on fractionalization of the system as have the actual parties of unequal size” (Laakso and Tagapera, 1979, 4). For calculation of the number of effective parties, following formula is used: $N_2 = 1 / \sum (p_i)^2$. In this formula N_2 is the effective number, \sum represents all parties that have won seats in the parliament and p_i is a proportional share of the seats in the parliament or votes won by each party. Based on this formula we can conclude that a system where all parties are equal shall have the same effective number of parties as the real number of parties, while the system where parties are unequal forces shall have smaller effective number than the real number. In the second half of XX century, the average effective parties number in 18 countries of stable democracy, differs and fluctuates from 1,92 in US to 5,28 in Switzerland (Strom, 2002, 206), while, the beginning of third millennium noted a mild increase. Identical tendency is noticeable in Montenegro as well, which is illustrated by the data after all elections in the observed period, where number of effective parties, has oscillated in such manner: 1990 - 2,1; 1992 - 2,8; 1996 - 2,3; 1998 - 3,1; 2001 - 3,9; 2002 - 3,9, 2006 - 4,8, 2009 - 4,7 i 2012 - 4,9 (number of effective parties by 2009 is calculated by Vujović and Komar, 2006, 195).

Secondly, in the research, party coalitions will often be talked about. Party coalitions are actually agreements formulated mostly in written form in which partners define common goals and forms of engagement in their achievement. Party coalitions could be classified as ruling, electoral, parliamentary, and according to the level of political system as national and subnational (municipal, city, regional). Authors are differently determining the purpose of coalitions. Riker (1962) bluntly reduces motivation of actors to “money, power and success” while Downs (1957) thinks the purpose is winning a larger number of ministerial posts. Although the most important goal of parties is obtaining of power, it is still not the sole cause, because if that was the case – minority coalition government wouldn’t exist, and every oppositional majority would form their government – as it is logically concluded by Laver and Schonfield (1990, 73-74). Unlike Riker and Downs, De Swaan (1973) believes that the party in process of forming coalitions tends to maximize “political coherence” or to achieve “minimum of political distance” from parties –partners, due to their belief that such coalition in the government will conduct politics which is closest to their convictions. Strom (1990) gives analytically valuable classification, which to a great extent explains “coalition behaviour” of parties. With regards to their goals, this author differs between parties which are striving to: (1) win maximum of votes (vote-seeking), (2) get highest possible number of seats in the power (office-seeking) and (3) achieve certain political aims (policy-seeking) (similar: Wolinetz, 2002). This tripartite classification, like all similar ones, is of course rigid and schematic, because the parties are always led with more than one of their goals. However, in their political engagement, certain parties are giving advantage to one of listed goals (see more: Goati, 1998, 74-93)

2.3 Domination of DPS 1990 - 1997

In the first pluralist elections, held in December 1990, 19 parties and coalitions ran for elections. A superior victory is taken by DPS, winning 66.4% of votes and 83 seats in the parliament (out of 125 in totals). Seats in the parliament were obtained by three more political subjects: Alliance of Reformist Forces of Yugoslavia (SRSJ) – a coalition of six parties (13,6% votes and 17 mandates), People’s Party of Montenegro NS CG (12,8% and 13 mandates) and Democratic Coalition, composed out of two minority Albanian parties (10,4% and 12 mandates). System was formed in these elections a, which belongs in group of *four-party systems with a dominant party, and by the type it belongs into group of polarized pluralism*. Unbridgeable gaps have divided DPS and coalition SRSJ, on issue of state borders. Opposite from the inten-

tion of SRSJ to keep SFRY with substantial reforms, DPS was fiercely opposed to this. Deep conflict was primarily related to democracy. While DPS has supported residual forms of democracy with domination of institutions and procedures of “self-managing socialism”, SRSJ (especially Liberal Alliance, as the member of coalition) has demanded establishment of all institutions characteristic for countries of stable democracy.

Huge disparity in the parliament between the government and the opposition / which manifested itself on the elections in 1990 – increased even more in post-electoral period when the coalition SRSJ was broken down in six parties, which spent more time and energy on disputes among them, than on attempts to join their forces and to combat already superior ruling party (see more: Pavičević, 1997, p. 88 - 91). Here we need to stress that these elections can't be considered free and fair, due to the fact that the ruling DPS has kept all the financial and media advantages, as well as the intact party infrastructure nationwide, while other parties had none of this. In this case, we can say that elections were rather an instrument in hands of the governing party than they were independent and familiar procedure on features of free and fair elections: Goati, 2013, 11-17).

We should stress that democratic elections mean that all the participants have the same conditions, that rules and procedures are known in advance and also equal for all, and that the result is uncertain. Besides elections held in 1990, elections were marked as non-democratic also for elections held in 1992 and 1996.

Second parliamentarian elections took place also in 1992, under proportional system with 4% threshold, while entire Montenegro was one electoral unit. DPS achieved the biggest success on these elections (just like on the previous ones). DPS victory was a little less convincing, but this party won the support of absolute majority of Montenegrin voters (54.1 %), as well as absolute majority of seats in the republican parliament (46 out of 85). Besides DPS, four more parties succeeded in passing the electoral “doorstep” of 4 % and winning the seats in the parliament NSCG (13,1 % votes and 14 mandates, LSCG (12,4 % votes and 13 mandates), Serbian Radical Party (7 % votes and 8 mandates) and Social Democratic party (4,5% votes and 4 mandates). It is important to point out here that fourth place, by the number of votes and mandates, was taken by extremist SRS (established in Serbia in 1991, by Vojislav Seselj). That party won elections held in the same year, seats in the Parliament of Serbia, becoming the only party represented in both parliaments in FRY. However, one important difference must be noted: in Serbia SRS won three times more votes and mandates than in Montenegro (in Serbia it won 22,6% of votes and 29,2% mandates). This difference is just one of the indicators of differences among political choices of voters in these two republics, and it shouldn't be disregarded during explanation of the forthcoming major political disputes between Serbia and

Montenegro. Results of the elections in 1992 have led for creation of the *five-party system with a dominant party*.

DPS was programmatically advocating the federation with Serbia, and principally it was committed to democratization, economic reform and faster abolition of UN economic sanctions against Yugoslavia.

Second party, by electoral strength, in Montenegrin Parliament was People's party of Montenegro (NSCG), which advocates democratic Montenegro and respect of personal and civil rights of all its citizens. Besides that, this party emphasizes the need to "...grant all rights to national and religious minorities, under highest standards of civilized world, under condition to respect of the territorial integrity of Serbia and Montenegro and their common state" ("Declaration of NS CG and DSS on the new determination of relations between Serbia and Montenegro", 15 June 1993). Regarding the private life, NSCG points out that "...The wealth of people is only possible in the society of the free private initiative, i.e. in the society of completely free entrepreneurship and market economy" (Parties in Montenegro, 1990, 75). When speaking about focal "national issue", NSCG doesn't deny existence of Montenegrin nation, but it promotes development of "Serbian consciousness" in Montenegro. NSCG has, since its creation (1990) advocated the thesis that republican borders in Yugoslavia are artificial ("AVNOJ borders") and, therefore, the "mother state Serbian nation" should encompass parts of Croatia and Bosnia and Herzegovina predominantly populated by Serbs. Insisting on such concepts, NSCG haven't accepted Vance-Owen plan (1993), plan of the "Contact group" (1994) and plan "Z-4" (1995). NSCG stated that "third Yugoslavia" was not constituted in the proper manner and such constitution causes lack of its legitimacy. According to standpoints of this party, establishment of common state between Serbia and Montenegro should have been done in the following way. Firstly, a discontinuity with SFRY should have been declared and then, referendums on the new state should have been organized in both republics. After (possibly) positive answer of majority of citizens in both countries, constitution-making assembly would have been convened, which would decide upon the form of the government and on jurisdictions of the common state. NSCG also advocated the standpoint that common state should have been federal and that federal parliament should be rotating its sessions between two capitals, Belgrade and Podgorica. The foreign policy of the new state should have been European-oriented, but the special attention would have been paid to cooperation with other "Orthodox countries on the Balkans".

However, NSCG promptly realized that its standpoints regarding borders in SFRY were wrong, and it thoroughly revised their stands on this issue. Instead of ethnic criterion, NSCG chose to accept "AVNOJ borders" among ex-Yugoslav republics. Leader of this party, Novak Kilibarda expressed self-critical view of the NSCG's

“national policy”. In an interview for weekly “NIN”, Kilibarda stressed: “People’s party, which was observing sympathetically awakening of Serbian consciousness, very quickly realized that it was more of a hollow ringing than a voice of a healthy tissue. As soon as we realized that such policy has no real basis in international circumstances we have, understandably, withdrew. We moved away from all of it with pain, not because we were leaving them, but because we were leaving one of our illusions. In such way People’s party has successfully and evolutionally distanced itself from that political primitivism.” (NIN, No. 2337, October 13th, 1995).

Third party, by electoral strength, in Montenegrin Parliament was Liberal Alliance of Montenegro (LSCG) which since its inception (1990) advocates for liberal democracy, in which human and civil rights of all citizens are protected, regardless of their ethnic and religious background. This party has advocated for open market system, based on convertible money (principal currency: perper), market financial institutions (banks, stock exchanges, savings banks, financial intermediaries and consultants), the European fiscal system, deregulation of the economy and the massive, complex equitable and rapid privatization (“Resolution on economy” adopted on Extraordinary Assembly of the LSCG 1995; Liberal, (VI) br. 161). Besides advocating for liberal democracy and market economy, LSCG was politically recognizable by its support to independency of Montenegro and support for its Mediterranean and European orientation. Liberals opted for independence of Montenegro, immediately after dissolution of SFRY (1991), assessing that “...destruction of the ex-Yugoslav community has forever destroyed possibilities for Montenegrin equality, except under conditions of state sovereignty and independence...” (Resolution on continuity of political action of LSCG” adopted on Extraordinary Assembly of the LSCG 1995; Liberal, (VI) br. 161). “Third Yugoslavia” in accordance with LSCG assessment is actually a “Great Serbia”, which has expanded its sovereignty onto Montenegro as well. This is the reason why Liberals declined participation in elections for the federal parliament. Since its creation, LSCG has criticized the ruling party in Montenegro, for their close ties with SPS, and responsibility for civil war in SFRY. Advocating the peaceful option, LSCG supported all proposals of international community for peaceful solution of conflict in Bosnia and Herzegovina and Croatia (Vance-Owen plan (1993), plan of the “Contact group” (1994) and plan “Z-4” (1995), Erdut’s Agreement, Paris Peace). In political confrontations on the Montenegrin scene on national issue and issue of statehood, LSCG was often closer to ruling DPS than to NSCG and SRS.

Finally, Serbian Radical Party, just like its counterpart in Serbia, was in principle opting for privatization, but the substance of its political engagement was reduced to attempts of ethnic division of SFRY, which would in practice mean annexation of the parts of territory of Croatia and Bosnia to Serbia. I should also add that Montenegro, according to SRS, was part of Serbia.

2.3.1 Program differences between DPS and SPS

After the triumph of DPS on second elections in 1992, and less convincing victory of SPS on republic elections in Serbia in the same year, managements of two republics haven't publicly expressed their internal political differences. Truth be told, it was quite easy to "read between the lines" of distinct priority of political goals in strategic documents of DPS and SPS, but public debate on these issues was never held. I will mention, for example, how DPS stressed that it was a party "...whose base of existence and actions is entrenched in democracy" (Declaration of aims and principles of DPS, 1994), which wasn't so clearly stated in political documents of SPS. Its advocating of the market economy was explained by the categorical attitude that "... modern societies are based on the philosophy of the market" (Declaration of aims and principles of DPS, 1994). Such statement is also not present in program documents of SPS. Finally in definition of its objectives, DPS has significantly evolved between 1990 and 1994. While in its Declaration of aims and principles from 1990 it proclaimed the fight for "humanistic ideals of socialism", in the same document from 1994, the word "socialism" was erased. This fact makes significant program difference between DPS and SPS. In their "Basis of program" (1992) SPS has kept implementation of "democratic socialism" as its terminal goal. Program differences between ruling parties in two republics of FRY started to loom more clearly by the end of 1994, as two opposing politics in economic sphere. DPS has inclined towards faster privatization, and SPS was against privatization, which inevitably influenced to increase of inequalities in economic (and social) structures of two federal units.

Before the third elections in Montenegro, significant changes took place within the opposition as well. Fragmented and programmatically disunited opposition in Montenegro was faced with dominant party in the parliament and thus, limitation of their political actions. It was certainly one of the incentives for approaching of two, programmatically different parties. This process was facilitated when NSCG left its extremely nationalist views and shifted to the democratic and European orientation (self-critical assessment of President NS CG, Novak Kilibarda was previously cited). In order to have better electoral chances, NSCG and LSCG have formed coalition "People's Unity" before the parliamentary elections in November 1996. In Agreement on Electoral Alliance has been categorically stated that actions of ruling parties in Montenegro and Serbia in FRY have "... brought Montenegro and its citizens into unsupportable social, economic and political position" (Naša borba, August 23rd, 1996).

Parliamentary elections in 1996 were preceded by the change of "electoral map" created through adoption of the Law on Amendments and Supplements to the

Law on Election of Councilors and MP's (July 1996), which was adopted without a consensus with opposition parties. Under aforementioned Law, Montenegro was divided into 14 constituencies, while under the previous law the whole country was one electoral constituency.

In such manner in 13 constituencies (all except Podgorica) less than 10 representatives are being elected, which directly decreases index of proportionality to the detriment of the representation of small parties.

In 1996 elections in, turnout was 67,1%, which is 1,8% less than in 1992. Domination of DPS, clearly shown in elections in 1990 and 1992, was also reflected in elections in 1996. In these elections, DPS attracted 51,2% of votes and won 63,4% of seats in republic parliament (45 out of 71). This third consecutive victory in republic elections has brought to DPS absolute majority of votes and mandates, which is uncontested result among other post—communist countries of Central and South-Eastern Europe.

The second place by the number of votes and seats in the parliament – but far behind DPS- was taken by the coalition “People’s Unity” (25,6%; 19 mandates) composed of NSCG and LSCG. That program was adopted by the consensus of managements of both parties and it is understandable that the part of commitments, which wasn’t acceptable for the both sides, was left out. Above all, commitments of LSCG that in 1996 sounded “too futuristic” were excluded. For example, liberals assessed that “...destruction of the ex-Yugoslav community has forever destroyed possibilities for Montenegrin equality, except under conditions of state sovereignty and independence...” (Resolution on continuity of political action of LSCG” adopted on Extraordinary Assembly of the LSCG 1995; Liberal, (VI) br. 161). LSCG was a member of Liberal International (we use past tense here, for reasons which shall be explained). In accordance with the categorical evaluation of Liberal Alliance of Montenegro, political union with Serbia was harmful, due to the fact that the territory of Serbia is “...permanently contaminated by national-chauvinism and dominant anti-European orientation” (Resolution on continuity of political action of LSCG Assembly of the LSCG 1998). It’s true that this evaluation was expressed two years after Electoral program, but it explains well determination of independist attitude of this party. Unlike Liberals, NSCG has supported wide democratization of FRY, but it didn’t accept the division of FRY in two independent states.

Let’s go back to the electoral program NS-LSCG 1996. In that documents NS and LS have stressed that they will keep their particularities, but they will also “freeze” all big issues that might be cause for disagreements (especially issue of the statehood status of Montenegro). It is important to accentuate that the political relations between two parties were appropriate in entire period of their mandate. However, in elections in November 1996, coalition “People’s Unity” hasn’t achieved its key

goal (replacement of DPS) set by the mentioned agreement. This coalition didn't achieve synergetic effect, as it was expected by the authors of the Agreement, but it also didn't lead to loss of electorate. "People's Unity" has obtained 74.954 of votes (25.6%), which is slightly more than they won separately in republic elections in 1992 (73.063). The results of elections have shown that influence of extremely left and ultra-nationalist option has decreased among Montenegrin electorate. This is clearly reflected in the fact that political list of "Yugoslavian Associated Left" (JUL- the founder of this party was the First Lady of Serbia, wife of Milosevic) in 1996 elections won only 1.668 votes (0.6%) and, the same as ultra-nationalist SRS, didn't win a single seat in the Parliament.

Decline of radical influence in comparison to elections from 1992, was partly due to the end of the war on territories of ex- SFRY (Bosnia and Herzegovina and Croatia) and deradicalization of electorate as a consequence. It was certainly assisted by determinate shift of ruling DPS towards peace issues, above all restructuring of the republic's economy in accordance with private ownership, and its efforts to rebuild ties with other countries, especially former Yugoslav republics.

Electoral victory of DPS in parliamentary elections in 1996, was contested by leaders of the "People's Unity", claiming that a "spectacular electoral fraud" has taken place in the interest of the ruling party, equal to the electoral theft on November 1996 local elections in Serbia. But, unlike the opposition from Serbia, "People's Unity" didn't have convincing evidences for their claims.

On the parliamentary elections 1996, four-party system of Montenegro with a dominant party, which was by type a system of polarized pluralism, was transformed, according to mechanics of actions, into ***two-party system composed of DPS, supported by minority parties (SDA, DS CG, DUA); and the coalition "People's Unity" (NSCG and LSCG). The party system established in these elections belongs to the type of polarized pluralism due to unbridgeable differences between the ruling party and the opposition (regarding the nature of the political regime and the state framework).***

The Coalition People's Unity acted unified in Montenegrin parliament and political life of Montenegro was developing in two-party form until mid-1997, when DPS split in two and SNP CG creation, by the defeated wing of this party. Only 18 out of 45 MP's have joined to this wing. Dissolution of the ruling party and loss of parliamentary majority support to the republican government made the new elections inevitable. These elections were scheduled for May 31st, 1998.

In the period that preceded these events Montenegrin Parliament was convening more frequently than Federal Assembly and People's Assembly of Serbia, even though the work of the Montenegrin Parliament wasn't very intensive either. Between 1990

and 1994, Parliamentary Assembly of Montenegro, in average, had less than a month of sessions annually (Pavićević, 1996, 191), which could be evaluated as insufficient, taking in consideration that this was a formational phase of parliamentarism.

An insight into the mode of work of the highest representative body in this republic a conclusion can be easily drawn that the Republic government dominated in the parliamentary work, while opposition and representatives as individuals were marginalized. This assessment is well illustrated by the fact that out of 253 laws adopted in the period 1990-1994, 251 laws were proposed by the government, 1 by the opposition, and 1 by “someone else” (Pavićević, 1996, 170).

The assessment of insufficient activity of the parliament can't be applied for 1997 and 1998, because ever since the abovementioned split in ruling DPS (in spring of 1997), which earmarked end of DPS as a dominant party, the center of political life is moved to republic parliament.

2.3.2 From differences to the conflict

The key political event which has caused early parliamentary elections for the parliament of Montenegro in 1998 and, to a great extent, determined their outcome, is the split of the DPS that took place in mid-1997.

The reason for the split was the statement of the Prime Minister of the Republic, Milo Đukanović that the President of Serbia and SPS is an “outdated politician”. This statement only activated deep, but latent, political differences between two states of FRY. Among other things, these were: exceptional marginalization of Montenegro in the FRY, cooperation with the International Court for ex-Yugoslavia in Hague, participation of FRY in international organizations, cooperation with neighboring countries, etc. This conflict split DPS in two parts: the first part was led by Milo Djukanovic, while rival stream was led by the Momir Bulatovic, President of DPS. Minority (Bulatovic) wing of DPS (17 out of 45 representatives of DPS have joined to this wing), has taken the name Socialist People's Party (SNP), in March 1998. The split in two parties (DPS and SNP) was mainly based on ideological dimension which could be conditionally determined as social-democracy versus neo-communism, thus it is understandable why both parties after this event have formulated their standpoints on key political issues more clearly, which has increased their “ideological distance”. After the split in which the government has lost majority, DPS was forced to form a coalition government with NSCG and two small Albanian parties (DS, DUA). Under such circumstances, DPS accepted demands of opposition parties for early parliamentary elections in 1998, and for adoption of new electoral regulation, in preparation of which participated all the parliamentary parties. In

preparation of elections, the Parliament of Montenegro adopted, by consensus of all parliamentary parties, important “political laws” (Law on election of Councilors and MP’s, Law on the Voter Registry, Law on Public Information, Law on Financing of Political Parties, etc.) in preparation of which experts of OSCE took part. Organization of “Montenegrin Round Table” was done prior to adoption of these laws. On this round table, Agreement on Minimum of Principles for Development of Democratic Infrastructure in Montenegro was adopted. The Agreement was signed on September 1st, 1997, prime minister of the republic government, and 7 out of 9 parliamentarian party presidents. The document wasn’t signed by presidents of the SNP and Serbian People’s Party (SNS – New Serbian Democracy today), which has originated by split in NSCG after the management of this party supported Djukanovic.

Pre-electoral competition was extremely intensive and fierce. DPS, seeking to unite market-oriented and pro-democratic forces, made an electoral coalition with NSCG and Social-Democratic Party (SDP). The last one was created on June 12th, 1993 by uniting of the Socialistic Party of Montenegro, and Socialistic Party of Reformists of Montenegro. SDP is advocating democracy and recognizes only “... government elected from people, in democratic elections” (Program of the party, 1993). Social-Democrats, as well as LSCG, particularly emphasized importance of the integral protection of minority and confessional ethnic groups, and accordingly, they were favoring proportional electoral system, over majoritarian, as it allowed more exact expression of the political will of the electorate. This party advocates for market oriented economy, as well as for “inflow of the foreign capital to domestic market, as a precondition for progress of Montenegrin society and a guarantee of economic prosperity of the Republic” (Program of the party, 1993). According to SDP, issue of statehood of Montenegro is still open, because “FRY, as the union of two completely unequal and imbalanced federal units, can’t function in an effective way” (Program of the party, 1993). Therefore, SDP supports independent and internationally recognized Montenegro.

Coalition consisted of DPS, NSCG and SDP ran in republic elections in 1998, under one name “So that we live better”. Electoral program of this coalition was constituted out of five basic principles of economic and social reform, exposed by Milo Djukanovic in the beginning of April of 1998, in the document titled “Strategic Initiative of FRY – Basis for the New Beginning” (*Naša borba*, April 4th -5th, 1998). Those principles are: 1) Internationalization of economic and social life; 2. Economic reforms, privatization and entrepreneurship; 3) Rule of Law; 4) Democratization of Political Sphere and 5) Social security and justice.

SNP electoral program was substantially concentrated on a single point: defense of FRY and unity of Serbia and Montenegro, which were allegedly endangered by the

coalition “So that we live better”. It was a hypothetical defense of FRY, because the coalition “So that we live better” wasn’t raising the issue of state federation, neither was it done by the DPS as a pivotal party of the coalition. Survival of the FRY was an open issue only for LSCG and (less determinedly) SDP, while their united electoral power was amounting to 1/6 of electorate. However, in the forthcoming months, it turned out that threats to the survival of the Yugoslav Federation were not a mere illusion, but a reality due to the rapid expansion of the independence option.

By the above mentioned electoral program SNP has tried to gather and mobilize not only its followers, but electorate that gave their votes in previous elections to the parties of so- called “Serbian bloc”. Coalition “So that we live better” was dismissing criticism of SNP (which claimed that this coalition wants dissolution of FRY), stating that it only strives towards democratization and equal position of Montenegro within FRY.

Opposed to that, goal of the SNS was – as this coalition claimed – to degrade Montenegro to a “Serbian county”.

An interesting fact is that LSCG has rejected invitation for this coalition, according to the explanation of the LSCG leader, Slavko Perovic - due to the fact that SNP and DPS belong to the same ideological matrix and that both of these parties would be ready, in a convenient moment, to reach an agreement with Slobodan Milosevic to the detriment of Montenegro. It seems though, that the real reason for staying outside of the coalition “So that we live better” is an estimation of LSCG leadership according to which, after elections, forces of the ruling coalition and SNP in the parliament will be almost equal, and that LSCG will be needed to “tip the scale” in the process of government creation.

Turnout for the parliamentary elections on May 31st of 1998 was 75.6% of citizens, which is slightly lower than turnout on the first free elections in 1990 (75.7%) and higher than turnout in any elections held in the meanwhile. Seventeen parties and coalitions ran for these elections. Severity of pre-electoral conflict in 1998, emphasized widespread opinion on the “confrontational nature of the parties” actually, undermining legitimacy of the parties, which I see as “... extent to which they are observed by the political actors in the good light, or at least consider them an essential part of the good political regime” (Mainwaring, 1998, 76). In Montenegro, legitimacy of the parties, understood in such manner, according to results of many empirical researches, is relatively low. In the research of the “Yugoslavia Pulse” conducted in 1995, 55.8% of Montenegrin citizens have declared that “political parties were bringing conflicts among people” (Goati, 1996, 218). According to the survey of the agency “Damar” in 1998, identical statement was supported by 63.1% of interviewees (Democracy and Nationalism in Montenegro, “Damar”, July 1998). Findings of this survey, compared to the results of survey from “Yugoslav Pulse”

in 1995, indicated significant increase in the number of citizens who believed that the parties were elements causing disparities and tension within society, which was most probably the result of elections held in the same year as the survey (1998). It is also necessary to emphasize that citizens' trust coefficient for the parties in Montenegro, was lower than coefficient of any other political institution (President of Montenegro, the Government, Police, Parliament, Judiciary, Montenegrin and Serbian Orthodox Church, etc.). This coefficient varied, according to CEDEM's researches (on the scale 1-5), in the following way: May 2005 - 2,7; September 2005 - 1,99; December 2005 - 2,02 and June 2006 - 1,86 (Public opinion of Montenegro - Yearbook No. 2a, 2006, Podgorica: CEDEM).

2.4 Rule of DPS in coalitional arrangement

Results of the May elections in 1998, are reflective of true political turning point, due to the fact that pro-European and pro-democratic coalition "So that we live better" (composed of DPS, NS and SDP) triumphed over SNP, which was permanently and generously assisted by Milosevic's regime in Serbia. The winning coalition won 49.5% votes and 53.8% of mandates, while SNP obtained significantly weaker result (36.1% of votes and 37.2% of mandates). Third place on May elections was taken by pro-democratic and pro-European LSCG (6.34% of votes, 6.4% of mandates). Five more parties won parliamentary mandates, but their electoral support was way lower than the support for the first two parties. In such way, on May elections in 1998, ***poly-party system was formed, which can be still considered, according to its type, a system of polarized pluralism.***

Within the coalition "So that we live better" dominant force was DPS, while two coalition partners: NSCG and SDP certainly gave a smaller contribution to electoral victory. Exposed estimation is based on results of the previous parliamentary elections in 1996. NS, as a larger party of these two, has won 25.6% of votes, within coalition "People's Unity" with LSCG, but NS in 1997 has split and part of its membership has formed SNS. Weakness of SDP is not a consequence of an internal conflict, but of the fact that this is a small party, which hasn't won a single mandate in elections of 1996.

Oppositional SNP suffered defeat in these elections, but its electoral result (36.1% of votes) shouldn't be underestimated per se. The defeat of SNP to a great extent is a result of its identification with Milosevic regime in Serbia. On the one hand, this narrowed down its political support and on the other hand it facilitated political

homogenization of its opponents. Similar defeat happened to SNP on the simultaneously held local elections. On these elections SNP won in 6, and “So that we live better” coalition in 14 municipalities. Besides that, in municipalities where SNP has won, lives only 15% of population of Montenegro. Besides SNP, in the May elections, LSCG also experienced a great defeat, which won support of only 6.3% of voters and 6.4% of mandates. It seems paradoxically that this defeat took place just in time when political reality approached to earlier proclaimed, seemingly utopian, visions of this party! Part of the explanation for these results certainly lies in the media inferiority of LSCG, but fast and extensive programmatic and political evolution of DPS can't be disregarded. This changed DPS accepted many goals and values of LSCG as its own and framed it into their program, in new linguistic attire. Of course in political universe legal prohibition on “party plagiarism” doesn't exist, i.e. prohibition of overtaking of other parties' publicly proclaimed programs and goals. I believe that, in this case, similarity of attitudes of “So that we live better” coalition and electoral platform of LSCG influenced voters of LSCG to support abovementioned coalition, instead of its own party. Of course, question arises: why the reverse trend didn't take place; i.e. why voters of the coalition didn't vote for LSCG? I suppose this didn't happen due to two reasons.

Firstly, one of perhaps less important reason is in the sphere of social psychology. It is related to political behaviour of the LSCG leader which was manifested in a certain dose of intellectual arrogance, acting superior in relation to other parties in Montenegrin electoral scene, including DPS, which wasn't attractive for the electorate. Instead of emphasizing their ability to anticipate desirable development of events on the basis of real trends, LSCG leaders treated the leaders of the ruling coalition as less enlightened members of the political elite.

The second reason was strategic thinking of electorate, and their choice of the more likely winner among two similar political options. It can be presumed that opting of the large portion of LSCG electorate for the coalition “So that we live better” is the result of their estimation that, in a dramatic political situation, as it was in Montenegro in 1998, “So that we live better” coalition is the safer choice than LSCG, for realization of almost identical political project. Supporters of small ethnic parties (Bosniak, Albanian) on elections in 1998 have acted similar to LSCG supporters, by “forgetting” their ethnic origin and voting for the coalition. Good illustration of this tendency is the result of SDA – which gathers members of Bosniak national minority, which won 10.167 votes on elections in 1996 and only 1.995 votes in elections of 1998. This is not just about the famous attempt not to have voters “disperse” their votes by supporting parties that stand no chances of winning seats, but about voting based on the belief that these elections were “to be or not to be” and that it was necessary to support the most important organization which fights for desirable political objectives and values.

Extremely left option in Montenegro, represented in the JUL, has also suffered a striking defeat. This party won only 346 votes (!) which is incomparably worse result from its already bad result in republic and federal elections in 1996. Similar situation was with ultra-nationalist party “Serbian Radical Party – Dr. Vojislav Seselj”, which was left without a single mandate.

After May elections, coalition government (DPS-NS -SDP) was formed in Montenegro, which has set privatization of the economy as the strategic goal. The new “Law on Privatization”, passed in the Parliament in February 1999 stipulated free privatization vouchers to all adult Montenegrin citizens and sale of the state –owned companies (Telecom, Post Offices, Electrical Energy Industry, Port of Bar) to foreign investors through international bids. In the process of privatization, the Government of Montenegro particularly insisted on two key principles: promptness and transparency. However, implementation of the program of property transformation was practically blocked in the period of military confrontation of the FRY and NATO from March 24th to June 9th of 1999 (war against NATO). Due to this facts, this period was called phase of “Hibernated privatization” (Transition in Montenegro 1999, CEDEM, 2: 35). Upon the end of NATO bombardment of FRY, Montenegrin government stressed that acceleration of the property transformation was its priority task and on June 29th it adopted “Regulation on mode of obtaining of free shares for the employees” and “Regulation on sale of the stocks and property of companies through public auctions” on June 10th.

One author stated, on development of the process of property transformation in Montenegro: “So far almost all state companies have been transformed (process of transformation is ongoing in remaining three companies), value of which is estimated to 5.018.577.54 DEM. 116 small and medium enterprises was privatized fully, or though the control package (51% of shares), i.e. 9% of total capital. One big enterprise, Brewery “Trebjesa” Nikšić was privatized completely, as well as one-third of the capital in the Institute “Simo Milošević” (Vukotić, 1999: 11). Even though over 20 000 private companies currently operate in Montenegro, it is still too early to talk about the end of privatization, due to the fact that in mid-1999 60% of BDP was provided by non-privatized part of the economy, while state-owned funds and state ownership share in the economy, controlled the 66 per cent of national wealth (Transition in Montenegro, 1999: CEDEM, 1- 35).

Elections held in May 1998, led to exceptional concentration of parliamentary representatives in the coalition “So that we live better” and oppositional SNP, which is well illustrated by the fact that these two parties in total got support from 86% of voters and that they have won 93% of mandates, while all other parties were completely marginalized. ***In these elections, Montenegrin polarized multi-party system evolved into two-party system.*** It seems though, that this is a conjuncture

phenomenon, resulted from sharp polarization of parties and separation of electorate in two sharply opposed blocks, and not a trend which would lead to two-party system in the future. When intensity and severity of current political conflict, (focused on the issues of direction of political development of Montenegro and its equality within FRY), decreases, party life of this republic will probably “go back” to the old multi-party patterns which reflect particularly heterogeneous social (ethnic, religious, cultural) structure of Montenegrin society.

2.4.1 Relations of Montenegro and Serbia

By the victory of the coalition “So that we live better” in Montenegro, a question of relation between these two federal units was actualized. The ruling “red-black” coalition in Serbia (SPS-JUL-SRS) has persistently opposed to equality of Montenegro in the federation, economic reforms, democratization and it decisively denied fulfilling conditions for return of the FRY into international community. It is no exaggeration to conclude that results of the May elections have extremely exacerbated the need for two, significantly different ruling coalitions in Serbia and Montenegro, to find a *modus vivendi* on the federal level.

May parliamentary elections represent, in the formal sense, breakup with earlier practice in which the ruling party has privileged position on all important dimensions of electoral competition. As we mentioned above, before these elections, consensus of parliamentary parties in Montenegro, on the date of elections and most important laws regulating electoral process was achieved. Republic government has undertaken great efforts to update voter registries, and in such manner, to avoid comments that the electoral victory of DPS is a result of manipulations with voter registries. Special state body, Secretariat for Development of Montenegro, was entrusted with the task to verify all relevant data related with Montenegrin voters. In order to achieve this, the Secretariat has provided an opportunity for citizens to obtain information on their data in voter registries through 10 free telephone lines.

Besides that, unique Voter Registry List was published on the Internet in order to provide to all interested subjects (parties, individuals) a possibility to obtain relevant data. In the period of three times before elections, abovementioned Secretariat has conducted 650 000 interventions in the voter’s registry (1.4 interventions for each voter!) which shows how outdated previous list was, as well as how great efforts were taken in order to improve the situation in this area.

Taking in consideration that even after three months of systemic action of the Secretariat for Development of Montenegro, necessary data could not be found for 32000 of citizens of Montenegro, (out of 457.633 with right to vote), Republic

Electoral Commission decided that these citizens would not be allowed to vote on May elections.

Affirmative evaluation of the May elections was expressed by Kore Volan, chief of the Observation Mission of OSCE in Montenegro. Under his opinion, the May elections were "...well conducted and (that they) represent a significant progress in comparison with previous elections conducted in this republic" (*Naša borba*, 2. juni 1998). Similarly, elections were evaluated by CEDEM from Podgorica and CeSID from Belgrade. It is indicative that results of elections were accepted by the representatives of defeated SNP. Organization of the free and fair elections in Montenegro 1998, significantly induced the process of consolidation of democratic order in republic, but it had wider repercussions, as it made the electoral competition, in the old way more difficult at the level of federation and in Serbia.

Instead of trying to make compromise with winning coalition in Montenegro, the ruling coalition of Serbia (SPS-SRS-JUL), which dominated in Federal Assembly and Federal Government of FR, completely ignored new balance of political powers in Montenegro. Disregarding of the new political reality in Montenegro was clearly reflected in act of the Federal Assembly, which has elected defeated president of SNP and defeated candidate on presidential elections in Montenegro in 1997, Momir Bulatovic, for the President of the Federal Government. This election was conducted despite decisive opposing of the ruling coalition in Montenegrin parliament. Republic parliament of Montenegro tried to prevent this election by withdrawing six Montenegrin representatives in the Council of Citizens (members of SNP) and deciding on appointment of new six representatives. Federal parliamentary majority, however, disregarded that decision and conducted election of the Federal President in the old composition of the Federal Assembly. In such manner, Montenegro was roughly marginalized and the provisions of the Article 1, of FRY Constitution from 1992, were violated.

Truth be told, this constitutional principle had not been consistently applied even in the period of 1992-1997, due to the fact that Serbia, economically incomparably stronger and bigger in population (15 and half times), turned out to be far more politically influential partner than Montenegro. For example, key political decisions on war and peace in Bosnia and Croatia, were brought by political management of Serbia, i.e. the President of Serbia Slobodan Milosevic, while the Federal Government acted as Milosevic's administrative service. Serbia refused to cooperate with Hague Tribunal, as well as to extradite people accused for war crimes, without any consultations with the other federal unit. Maybe the voice of Montenegro wasn't heard in the federation until the splitting of the DPS (1997), since political management of Montenegro respected the difficult situation in FRY (war in the neighborhood, economic sanctions of the UN) and consciously accepted the position of the "junior

partner” in the federation? However, regardless of the cause of this passivity, open support of the Serbian management to the oppositional SNP (after 1997 split) and to all adversaries of the coalition “So that we live better” significantly changed the situation. It is no exaggeration to claim that the epilogue of the May elections in Montenegro showed that the time of reconciliation of Montenegro with its inferior position in the federation definitely elapsed. Faced with complete disregard from the political management of Serbia – that “directed and produced” formation of the Federal Government of Momir Bulatovic - Montenegro responded with refusal to recognize the Federal Government and to implement its decisions. With this act, the crisis of the Yugoslavian Federation entered into its acute phase.

2.4.2 The problem of the FRY sustainability

Deep conflict between two governing coalitions in the FRY had a great influence on party relations in Montenegro. The most important member of the oppositional coalition “Together for changes”, SNP – was sharply opposed to democratic changes in Montenegro, (since its very creation in 1997), and it unconditionally supported the Milosevic regime in Serbia (and in the FRY) until its collapse on 5th October of 2000. In return, Serbian regime provided political, media and material assistance to SNP. After the fall of Milosevic’s regime in October 2000, SNP had revised its program commitments and, on their party congress in Bijela (2001) accepted the principle of privatization and even accession of the Serbia and Montenegro to the EU. However, political actions of SNP were incoherent with these commitments, which could be concluded from SNP’s refusal to cooperate with International Tribunal in Hague.

Two more differences were added to already unbridgeable gap between coalition “So that we live better” on one side and SNP and the Government of Serbia on the other side. The first difference is radical demand for independence of Montenegro. Second difference is incomparably more tolerant attitude towards national minorities, backed by provisions of electoral legislation from 1998, which facilitate proportional representation in Montenegrin parliament for Albanian minority. This is an important, but not sufficient step towards “positive discrimination” which facilitates parliamentary representation of all minorities (ethnic, religious) and not only Albanian one.

The demand for independence did not receive unanimous support within the ruling coalition “So that we live better”, which was easy to concluded given withdrawal of NS from the coalition arrangement in the beginning of 2001. Actually, these are the predictable effects of the shift of central electoral controversy between 1998

and 2001. In the first of these elections (1998), electoral controversy was related to the type of political regime (democracy vs. autocracy), but its lines don't converge entirely with the new increasingly important controversy, which I would describe as independency versus federalism, which characterized party divisions in republic parliamentary elections in 2001. These elections took place in a different atmosphere than those from 1998, due to the fact that Slobodan Milosevic's regime fell in Serbia in the meanwhile (October 2000). With the fall of Milosevic's regime real threat of federal military intervention, with which Montenegrin political management was facing, was gone (This threat was reflected in Seventh battalion of the Yugoslav Army, situated in vicinity of Podgorica, with possibility to act in any moment in favor of opposition).

Key participants of 2001 parliamentary elections, were two electoral blocks: "Victory is Montenegro's – Milo Djukanovic" consisting of DPS and SDP; and "federalist block" joined under coalition "Together for Yugoslavia" led by SNP with the support of SNS and NS (the last party has been previously a member of the coalition "So that we live better"). Withdrawal of NS from the ruling coalition was conditioned by the abovementioned shift of the central electoral controversy. Instead of democracy vs. autocracy controversy, which was pivotal in the previous elections, in 2001 the focus was on conflict between advocacy for independent Montenegro and its federal status within FRY. Both controversies that "shifted" in Montenegro between 1998 and 2001 elections, could be labelled as "political cleavages" that are, according to Kitschelt, "determined by the parties which are offering competitive messages and which are addressing to voter groups that differ in terms of their social structure, ideological beliefs and readiness to engage politically" (1992,11). The term "cleavage" is not used accidentally, because it marks differences which don't have temporary but permanent character" (Kitschelt et al, 2000, 63).

Two small Albanian parties have strongly supported coalition "The victory is Montenegro's". It should be stressed that, extremely independist LSCG didn't join Djukanovic's coalition, because it has requested *hic et nunc* declaration of independence of Montenegro, rejecting the state union, which was required by the international community as "intermediate step" before independency. Djukanovic's coalition won in 2001 elections, but with less than the half of mandates (36 out of 77), not allowing it to form the government. Independist coalition was supported (in terms of time, actually – led) by LSCG, but it refused to join the ruling coalition, I believe, out of pragmatic reasons, which will be later discussed.

The Coalition "Together for Yugoslavia" achieved progress in comparison with 1998 elections, by winning 33 mandates, which clearly reflects divided aspirations of the Montenegrin electorate on the state issue of Montenegro. "Minority government" was formed in the divided parliament, out of representatives of DPS and SDP. This

government had difficulties since beginning, due to unpredictable behavior of LSCG. Its position in the Montenegrin parliament deteriorated significantly, when LSCG aligned with the federally oriented opposition “Together for Yugoslavia” in June 2002, which turned yesterday’s parliamentary minority into parliamentary majority. The first step of the new majority (39 out of 77 MP’s) was adoption of the motion of censure of the Government (confidence vote) and at the same time it has amended, despite strong opposition of the DPS, SDP and two Albanian parties – three important legislations concerning elections (Law on Election of Councilors and MP’s, Law on Public Information and Law on presentation of Electoral Lists) and on the same day, passed decision on shortening the mandate of the Montenegrin Parliament. This harshly interrupted democratic practice, established in September 1997 whereby laws governing electoral matters and other laws of strategic importance, are being adopted in the Montenegrin parliament by consensus. Due to the fact that the decision on the shortening of the mandate of Montenegrin parliament entered into force the day after its publishing in the Official Gazette of Montenegro, the President of the Republic has called for early elections on July 20th, and scheduled these elections for October 6th of 2002.

It is important to stress that the period for the conducting of elections started from the date of their announcement. Regarding changes to electoral laws, President of the Republic refused to sign adopted amendments and – using the constitutional right from the Article 89 of Republic Constitution – requested their repeated consideration in the Parliament. However, parliamentary majority once again adopted same amendments, which he had to sign this time, in accordance with the same Article.

Importance of the LSCG increased in the minority government. LSCG became a “kingmaker” providing intermittently to both sides adoption of, not always coherent, legal proposals. Now I will address the social structure, the “human composition” of two opposed coalitions. Judging by the results of empirical surveys before elections in 2001, coalition “Victory is Montenegro’s” was supported mainly by younger, more educated voters, from more developed regions and urban settlements. It is important to stress that the split between supporters and opponents of the independence, in April 2001 elections, didn’t unfold along the ethnic lines, but rather “through” them. This is not related only to Montenegrins, but also to biggest minority group in this republic - Bosniaks. Bosniak voters have actually split into two groups: in the first group, loyalty to the DPS and its leader, Milo Djukanovic, prevailed; and in the second, which opted for the coalition “Together for Yugoslavia”, the wish that the FRY survives and that splitting of the Bosniak population in Sandzak into two countries is avoided prevailed. Besides that, part of Bosniak voters manifested their support to survival of the common state, by voting for Bosniak parties. Illustrative example of such behaviour is Rožaje, predominantly inhabited

by Muslim population, where the coalition of Bosniak parties, which opposed to the independence, won almost 2000 votes. Presumably, the other part of Bosniak voters abstained, which is a familiar reaction of the electorate exposed to “cross-fire”. This presumption is supported by the fact that, precisely in Rozaje, turnout in elections was only 70%, which is 11.8% less than general turnout.

Coalition “Victory is Montenegro’s” was relying on a really wide support of all ethnic groups in Montenegro (Montenegrins, Serbs, Bosniak, Albanians), whereas parties of the other coalition “Together for Yugoslavia” (SNP, SNS and NS), were prevalently rooted into Montenegrins and Serbs, with almost negligible presence in minority population.

Another important particularity was manifested in privatization or, generally speaking, market economy. We need to bear in mind that the social entrenchment of both coalitions / blocks largely depended - just like in other post-communist countries of Central and East Europe - on the possession of resources and capacities of social groups and individuals required for success in society and market economy (Kitschelt, 1992; Kitschelt, Dimitrov and Kanev, 1995; Kitschelt, Mansfeld, Markovski and Tóka, 2000).

Potential social winners in the process of marketization and privatization have opted for the coalition “Victory is Montenegro’s” in larger percent, while social losers opted for parties from the other coalition.

To support such an assessment, we will present several specific findings from two empiric researches conducted by CEDEM and “Damar” in April and June of 2000, on a representative sample of 976, i.e. 991 citizens of Montenegro. The results of these surveys have shown that younger interviewees – who are, in average, better educated than older ones - prefer DPS (pivotal party of the coalition “Victory is Montenegro’s”), while older interviewees more frequently opted for SNP. In April 2000, DPS was supported by 21.7% of citizens up to 30 years of age; 23.8% of citizens aged 30-40; and 35.3% between 40-50 years of age. Corresponding data for SNP were 19.1%; 19.1% and 14.6%. Social structure of supporters of both blocks showed significant features. One of the most emphasized differences between blocks was related to privatization. Supporters of DPS have expressed more favorable attitude towards privatization, comparing to supporters of SNP. In the survey of June 2000 age cohorts of citizens supported the DPS and SNP in the following ratio: 18 - 30 years of age 22.9% compared to 18.5%; 30 - 40 years of age 32% compared to 18.7%; and from 40 - 50 years of age, 31.8% compared to 25.3 %. According to results of same surveys, social groups with higher education have supported DPS in higher percent than SNP. In April 2000, 29.4% of respondents with higher education opted DPS, and in June same year 28.9% of highly educated respondents gave the

same answer, while the corresponding percentages for the SNP were 15.6% and 20%. Having in mind that degree of education is a reliable indicator of total social status (Mihailović, 1995, 21; Toka, 1995, 97), we can conclude that supporters of DPS belong to upper and supporters of SNP to lower part of the social pyramid.

2.4.3 Republic elections 2002

Simultaneously with organization of the parliamentary elections in 2002 (caused by LSCG “change of sides”) activities on establishment of the new union Serbia and Montenegro, in accordance with *The Baseline for the Regulation of Relations...* were ongoing. That general and ambiguous document allowed different interpretations, and it has caused disputes and stalemates since beginning. The provision contained in the document, according to which “Laws on election of MP’s in the Parliament of Serbia and Montenegro, are passed by member states in accordance with principles established in the Constitutional Charter” was since beginning the “stumbling stone”. Supporters of federalist option in Montenegro (SNP, SNS, NS), with support of the management of Serbia, have tried to interpret this provision as an obligation of countries to accept direct elections for the Parliament of the future union, while their opponents interpreted this provision as the right of member states to freely determine mode of election of their representatives for the union parliament. This issue has become a point of other disputes as well, because the answer to this question would determine which of the opposed sides gets to interpret *The Baseline for the Regulation of Relations...* Since for the both parties “stakes in the game” were extremely high – this question wasn’t answered until November 2002, which was deadline for accession of the State Union of Serbia and Montenegro into Council of Europe. A compromise was achieved only after elections for the Parliament of Montenegro, in the end of 2002, when representatives of Serbia in the Commission for the Constitutional Charter have agreed with representatives of independist stream in Montenegro that the first elections for the future union should be indirect and second (after two years) elections should be direct. This compromise was adopted (under strong influence of the EU) without consent of the federalist option representatives.

Besides that, the coalition “Together for Yugoslavia” has strived to keep the greatest possible extent of the federalist character of the future union during the process of creation of the Constitutional Charter of Serbia and Montenegro, which was anyways unfolding with great problems and deadlocks. The Laws passed without consensus in the beginning of 2002, incited debate whether they should be applied to October 2002 elections as well, given that electoral period has already started? DPS, SDP

and two minority Albanian parties advocated a standpoint that implementation of these laws would jeopardize principle of legal certainty; while the new parliamentary majority insisted that they should be applied on elections in October. This dispute couldn't be solved in the parliament of Montenegro, which is exactly the feature of polarized multiparty system. The debate was resolved only when the EU involved, and when confronted sides in the parliament held talks at EU initiative. Those talks ended with a compromise, which was ratified by Montenegrin Parliament on 10th and 11th September of 2002 (see more: Pajvančić, Pavićević i Darmanović, 2002: 9-17), which enabled organization of October elections.

A question arises whether two opposed party blocks had supporters from diverse social and ethnic groups, i.e. whether members of different ethnic groups prevalently opted for parties of these groups, as it was the case before 2001 elections of? Results of CEDEM's survey, conducted in September 2002, strongly support this presumption.

In aforementioned survey, 40.4% of surveyed Montenegrins opted for independist coalition "Democratic List for Montenegro - Milo Djukanovic" (DPS-SDP) created before elections in 2002, as well as 61.7 of Bosniaks, 26.1% of Albanians and 2.2% of Serbs. On the opposed side, 14.3% of Montenegrin respondents, 55.2 Serbs, 0.9% of Bosniaks and not a single Albanian opted for the coalition "Together for changes SNP, SNS and NS". We are noting that 18.2% of respondents in this survey stated that they would abstain from voting and that a large percent of Albanians and Bosniaks stated that they would vote for their national parties.

Besides more distinct ethnic differences in comparison to 2001, "electoral clienteles" of two party coalitions in elections of 2002 and according to some program and political choices...

According to findings of the same survey, 4/5 of supporters of the coalition "Democratic List for Montenegro" has graded Slobodan Milosevic with low grades (1 or 2 out of 5) and in prevalent majority supported cooperation with Hague Tribunal, while 2/3 of the supporters of the coalition "Together for changes" graded Milosevic with 4 or 5, and over 70% was opposed to cooperation with the Hague Tribunal (according to Darmanović, 2002a: 26).

Significant indicators of the October elections in 2002 were results of regular local elections in 19 out of 21 municipalities of Montenegro, held on May 15th, 2002.

These elections weren't held in Podgorica and Herceg Novi, (which constitute about 30% of the republic's electorate) because the extraordinary local elections took place in those municipalities in 2001. On the local elections in 2002, coalition DPS-SDP achieved significant success, contesting findings of the political analyst which were forecasting decrease of the coalition's rating.

Opposed to that, coalition SNP-NS-SNS suffered a defeat, winning 3% less votes in these elections in comparison with results from April 2001 from the parliamentary elections, while LSCG scored almost the same (see more: Darmanović, 2001).

In parliamentary elections of 2002, turnout was 75.6% of Montenegrin voters. “Democratic List for Montenegro - Milo Djukanovic”, the coalition achieved the biggest success scoring 47.34% votes and absolute majority of the seats in the parliament (39 out of 75). In comparison with elections of 2001, this was an increase of 5.3% in votes and increase of 3 seats in the parliament.

The success of this coalition is reflected also in the fact that it has increased number of votes by 13000, despite decreased electoral participation in comparison with 2001. Electoral promises for increase of the employment rate, and better living standards, have significantly contributed to the success of the “Democratic List for Montenegro - Milo Djukanovic”.

Expansion of the coalition’s electorate was probably conditioned also by the decision of this coalition to opt for gradual obtaining of independence, under procedure coordinated with Serbia, FRY and international community, rather than to adopt risky unilateral declaration of independence immediately.

Coalition “Together for Changes” (SNP-SNS -NS) achieved significantly weaker result than on elections in April 2001, which is confirmed by the data on decreased percentage of obtained votes (-2.6%) and on absolute decrease of number of votes won (-14.613). One of the reasons for such failure is probably distancing of their pivotal party SNP, from Slobodan Milosevic, which induced part of “true believers” to withdraw their support to the coalition. Besides that, SNP hastily changed its strategic commitments, opting for democracy and cooperation with the EU, which was unacceptable for a part of its voters. I suppose that the same applies to other party member of the coalition – SNS. This party, under its program orientation, was close to original commitments of NS (from the beginning of 90’s), extremely sceptical towards European integrations and always stressing the importance of maintaining the closest possible ties with Serbia. Having this in mind it is understandable why SNS decisively supported Milosevic’s regime in Serbia and FRY, until 5th October, 2000. Same applies to privatization, which was declaratively supported by the FRY, but at the same time it strongly contested process of auction privatization, which was taking place in Montenegro, in the name of voucher privatization as “a fairer concept”. After 2000, without convincing explanation, SNS accepted previously criticized democracy, market economy and accession to EU. Third party of this coalition was NS, which, since mid-90’s, emphasized its pro-European and pro-democratic orientation, but at the same time it decisively insisted on maintaining federal state with Serbia.

Besides described ideologically-political shifts, decrease of the support to the coalition “Together for changes” is probably also a result of its negative pre-electoral campaign which was reduced to stigmatization of the key decision makers in republic and to announcements of massive criminal prosecution, once when opposition takes the power. Success of such an electoral platform would, undoubtedly, bring even more instability in political scene of Montenegro, thus a significant number of voters opted for more moderate, Djukanovic’s option. In addition to being perceived by part of the electorate as the “disturbing factor”, party coalition gathered around SNP has decreased its electoral body, confusing them by contradictory attitudes. For example, this coalition supported the “Belgrade Agreement” which announced the end of the “third Yugoslavia” which they fiercely defended. But, at the same time, this coalition continuously criticized Milo Djukanovic for having signed Belgrade Agreement on behalf of Montenegro!

LSCG also achieved significantly worse result in these elections, whose electoral support has decreased from 7.8% to 5.7% in comparison with elections of 2001, which in absolute numbers means loss of 8.465 votes. I believe that the key reason for the failure of this party should be sought in its program and political twist in 2002. In very short period, this party evolved from strong support to independence of Montenegro, to a firm political alliance with federalists, which was unforgivable to a significant part of its voters. In addition, results of October elections were unfavorable for LSCG, due to the change of the balance of powers in the parliament. In the new parliament, independist and federalist stream have won 92% of seats in total and first of them obtained absolute majority, which prevented LSCG maneuvers in the politically lucrative role of the intermediary which importantly influences the life of the state by supporting one, or the other side. For “Democratic Coalition Albanians Together” (DKAZ) voted 2.41% of voters (8.498), which is under legal census, but still enough to get 2 mandates under special regulations (“positive discrimination”), which facilitates to Albanian minority parties obtaining of parliamentary representation. ***Generally speaking, the distribution of influence in the Montenegrin Parliament in 2002 under the “mechanics of action” again resembles the two-party (“bi-coalitional”) system with a high degree of polarization.*** But this is a result of conjunct circumstances, in which central contradiction (independence/federalism) has marginalized all others. Moderate form of this orientation, which means more steps over longer period of time, was accepted by the ruling coalition, under influence of the EU.

The “affection” of Montenegrin voters for moderate options one author considers - perhaps too optimistically - unchangeable in all electoral contests since the beginning of pluralistic epoch. He states “There is one feature of Montenegrin electorate that has been constant since the introduction of the multi-party system in 1990, which

is tendency to vote in majority for the option it considers the most moderate one, regardless if this option is moderate in reality or not. Those who were perceived as too radical, whether by the political option they are supporting, or by the manner in which they are acting, have never succeeded in obtaining trust of the majority in Montenegro (Darmanović, 2002a: 23).

Speaking of regularity of October elections, it should be stressed that OSCE Mission has assessed these elections as generally “*free and fair*”. However, the Mission has spotted minor weaknesses in organization of elections and made a list of recommendations aimed at more complete democratization of the electoral process. These recommendations are related to amendments of important legislative provisions (particularly seeking to prevent change of the candidates’ order in electoral lists after voting), as well as to change practices of electoral administration, methods of voter registration, campaigning in media and procedures during the E day (Republic of Montenegro, Early Parliamentary Elections, 20. October 2002, OSCE/ODIHR, Warsaw 28 November 2002).

After elections in 2002, the Government of Montenegro was formed by DPS, SDP and DUA. First two parties are disposing with absolute parliamentary majority (39 seats or 52%), but they have included an Albanian minority party Democratic Union of Albanians (DUA), out of political reasons.

Oppositional parties haven’t accepted electoral defeat. Instead, they directed its activity to obstruction of the parliament (Pavićević 2004, 4). LSCG MP’s boycotted sessions of the parliament since beginning and MP’s of the coalition “Together for changes” (SNP, SNS i NS) passed decision on May 27th, 2003, to abandon the Parliament, due to stopping of the mandatory TV broadcasts of parliamentary sessions. Instead of fight in the Parliament, Montenegrin opposition chose non-parliamentary methods such as organization of rallies, street protests and civil insubordination. Ruling coalition didn’t react to critics from the opposition and parliament of Montenegro has continued its work with only 39 MP’s of ruling parties. ***Functioning of the “reduced parliament” is a result of a deep political rift in society and large “ideological distance” between the most important parties, which is why party system of Montenegro, after each elections, can be classified as the polarized multipartism (Sartori 1976, 131-145).***

Faced with relentless attitude of the ruling majority in parliament and very scarce willingness of Montenegrin citizens to join the non-parliamentary actions, as well as with the pressure of the international community, the opposition has revised the decision to boycott the parliament in September 2004. Veselin Pavicevic has stated “Political autumn in 2004 was marked with announcement and then return of the part of opposition into the parliament. 15 months long absence from parliamentary

seats has ended by decision of two (SNP and SNS) out of four pro-Serbian parties, to give up boycotting the parliament as a “winning formula” in fight of the opposition against ruling regime” (2004, 5). I suppose that the boycott has decreased support for the opposition parties, thus giving it up was in the interest of the opposition itself. Survey of CEDEM from October 2004 is somewhat confirming this hypothesis. According to this survey, opposition parties SNP, SNS, LSCG i NS are enjoying support of only 22% of citizens ready to vote in eventual early elections, which is almost half of support this parties gained in October elections of 2002 (43%).

It should be underlined that the return of the opposition in the parliament has decreased, but not stopped non-parliamentary activities of the opposition. Actually, this activity became indirect. Good illustration of this statement was activity of the NGO Council of People's Assemblies, which is actually *longa manus* of the oppositional SNP and its ally, the Serbian Orthodox Church in Montenegro. SNP has announced that “Until Christmas of 2005, in all old Montenegrin counties (nahija) and tribes, “people’s assemblies” will be held, where citizens will express their opinion on state status of Montenegro.” In the announcement of SNP it was also stated that in the “people’s assemblies, which will be organized, work and make decisions in the most democratic way, tens of thousands of people will decide on the most important issues - state status, Serbian Orthodox Church, language, history and culture” (Pavićević 2004a, 7). This is actually an attempt to revive archaic tribal divisions and traditional clefs in Montenegrin society, in the fight against parliamentary majority. Having in mind all abovementioned, it is possible to state that the political life in Montenegro, before the referendum on independence was burdened with conflicts and uncertainties. ***The party system has kept characteristics of the multi-party system of polarized type.*** Maybe the level of polarization has even increased with attempts of the opposition to replace the parliament with outdated tribal institutions and their absence from the work of the highest representative body.

Finally, referendum on independence was held in May of 2006, where 55.5 % of citizens voted for independence, and made Montenegro an independent state. Soon after referendum, in 2006 parliamentary elections were held. Turnout of these elections was 345.730 out of 484.430 of adult citizens, or 71,3%. The biggest success on elections had ruling coalition DPS/SDP, which won 48.6% of votes (or 164.737), which have provided absolute majority of seats for this coalition (41 out of 81). The success of the ruling coalition, to a certain extent is a result of “adherence of voters to the winners”, which is a constant of political life. In addition, completely unexpected decision of the LSCG in 2005 – to “self-dissolve” due to internal disputes - was favorable for the dominant coalition (more about this unusual decision Goati 2008).

It seems paradoxical that, in this way, a large portion of the LSCG electorate, by

the nature of things, supported DPS and SDP, to achieve independence at the referendum which represented the integrative idea of LSCG.

The Serbian list (49,730 votes, 12 seats) won the second place, at 2006 elections, followed by: Coalition SNP-NS-Democratic Serbian Party, (47.683 votes; 11 seats), Movement for Changes - Nebojsa Medojevic (44,483 votes and 11 seats) and, finally the coalition of the Liberals and the Bosniak Party-Miodrag Zivkovic (3.65% of votes and three seats). The Albanian minority parties (DUA - Ferhat Dinos and Albanian Alternative) received one seat each. Electoral fiasco of opposition parties is somewhat explicable by the long shadow of the referendum results. Probably, part of the supporters of the loser parties has “changed teams” after the referendum” and voted for winner parties, and maybe even larger percent didn’t use their voting rights at all.

Taking in consideration that one of the main tasks of the new parliament was adoption of the constitution, the convocation of the parliament from 2006 was called –constitution-making. This task was conducted on the third session of the Parliament on October 19th of 2007, when the new Constitution of Montenegro was adopted. The new constitution has, in the same way as the previous one, established parliamentary order, with the mostly ceremonial role of the president of Montenegro, whose term of office lasts 5 years. By the Constitution, only Montenegrin language was declared official. Alongside with the process of the Constitution adoption, the government in the post-electoral period was occupied with creation and establishment of the new state institutions (foreign affairs, defense), which functioned earlier at the level of FRY. In addition, huge efforts were invested in alignment of the legislative with the legislative and practice of the EU, in order to accelerate the pace of accession of Montenegro to this international organization. In this work, the opposition started acting constructively, by supporting the majority of legislative initiatives. This has, undoubtedly, decreased tensions in the parliament and made the system less polarized.

After the referendum and adoption of the Constitution, which were questions of central political controversy, federalist stakeholders have understood that *restitutio in integrum* is impossible to achieve (at least not in short timeframe), because it would demand same procedural way required for independence, as well as adoption of the quoted documents. After elections in 2006, the opposition attempted, at all costs, to politicize three new “issues”. The first issue is corruption, which massively involves, according to statements of the opposition, members of the ruling management, especially Prime Minister Djukanovic and his family. Second question is unstoppable increase of the poverty rate, especially in the less populated North of Montenegro, while third issue is the position of Serbian population (especially Serbian language).

Instead of debate on the past, the ruling coalition has focused its efforts to underline the advantages of Montenegro's accession to the EU and NATO.

We should emphasize that this process won't be slowed down – as it was before when Montenegro was a republic of FRY together with Serbia- due to the bad “image” of the second republic. As we have mentioned before the opposition has accepted accession to the EU (not in NATO, though) and not only declaratively, but more and more realistically, which was reflected in support to the proposals of the pro-European laws during 2007 and 2008, which is a huge twist, taking in consideration previous policy of obstruction.

2.4.4 From polarized to moderate multipartism

Even though the mandate of the Montenegrin parliament was expiring only in 2009, ruling parties have “hurried” to dissolve the parliament and to call for new elections, one year earlier, on March 29th, 2009. A convincing explanation wasn't offered for this action, so it seems probable that this decision was a result of strategic calculation of Montenegrin government that the intensity of the global crisis and its negative social effects will be higher in 2010, than in 2009.

On elections of 2009 – with turnout of 329 819 out of 498 805 registered voters (or 66.1%) – signs of political approximation of the ruling coalition and the opposition were visible. Main reason for this was the fact that oppositional parties started supporting the EU orientation of DPS/SDP more decisively, as well as orientation towards market economy and democratization, while earlier central electoral controversy started losing its acute form. If the Government and the opposition offer the same set of goals and values- as it happened in 2009 elections- citizens are opting for those political subjects, which are more trusted to deliver these aims and values. In such circumstances, the question of the credibility of the political actors becomes crucial. In terms of trust in certain political actors, Montenegrin citizens in 2009 elections did not leave any room for ambiguity, and ruling DPS / SDP managed to win a majority of seats in the parliament (48 out of 81), while the fragmented and disunited opposition was pushed to a parliamentary margin. The most successful opposition party, SNP, won only one third of the votes, compared to the ruling coalition (16.5% and 16 seats). SNP is followed by: New Serbian Democracy (9% of votes and 8 mandates) and Movement for Changes (5.9% of votes and 5 mandates), as well as two Albanian minority parties that won one mandate each (FORCA - Nazif Cungu i UDSH-DUA - Ferhat Dinoša).

Pushing the central controversy independence/federalism into the second plan, after declaration of independence of Montenegro, induced parties to dedicate

more time to problems of the citizens and to make the parliament a center of, not only disputes, but also cooperation among parties. Instead of excesses and offenses between representatives of ruling parties and the opposition, parliament increasingly became a center of political dialogue, and party consensus. Tendency of moderation of the conflict among parliamentary parties induced Montenegrin system to gradually lose features of the polarized system and to turn into a type of moderate system.

Tough economic circumstances that Montenegro experienced in the period of 2009-2012, due to global economic crisis, have increased belief of the opposition that the “time has come” to eliminate from the power DPS/SDP coalition. In order to do this, the opposition acted united (“in a single row”), and formed coalition Democratic Front (DF), president of which was a non-party figure Miodrag Lekić. The moving forces of this coalition were NOVA (New Serbian Democracy) and PzP (Movement for Changes). It is hard to explain why the strongest oppositional party in the parliament was left out from initial negotiations on the alliance. SNP was, after elections in 2009 disposing with more seats (16) than NOVA and PZP together (8+5). It is not quite probable that it was simply an omission, and far more likely is the presumption that the DF creators wanted to exclude SNP in the phase of creation and to eventually invite it later to join, only when the coalition is fully formed. In such manner Socialist People’s Party was put before *fait accompli* and faced with bringing of the tough decision on joining to the coalition or independent (risky) running for elections. In such circumstance, SNPO decided to run for elections alone.

In parliamentary elections, held on October 12th 2012, turnout was 70.5%, which makes the difference of 4.4% from elections in 2009. The coalition “European Montenegro – Milo Djukanovic” achieved the biggest success, by winning 39 out of 81 seats, which was a weaker result than result on the elections in 2009, when they obtained 48 seats. The second place was taken by the coalition “Democratic Front - Miodrag Lekic” with 20 seats, far below expectations of “the architects” of the coalition. A weaker result was achieved by the SNP, which won 9 seats, which is 7 less than in 2009. A good result was attained by the Positive Montenegro - Darko Pajović (formed in 2011), which has managed to win 7 seats in its first electoral contest. Minority lists received a total of 5 seats, out of which 3 belonged to the Bosniak Party (BS) Rafet Husović; 2 seats to General Electoral List of the Albanian People; and a seat to Croatian Democratic Initiative (Marija Vučinović).

In formation of the government, all representatives of minority parties have confirmed to the President of Montenegro that they would support any candidate for Prime Minister, from DPS, proposed by him. That support was crucial, as coalition “European Montenegro” was lacking 2 representatives to form the government.

Therefore, DPS/SDP formed the government (out of 19 ministers) with minority parties and on 4th December, 2012, Milo Djukanovic was elected Prime Minister. Out of 71 present MP's in the parliament, the government was supported by 44 of them. 26 voted against and 1 MP abstained.

2.5 Few general remarks

Talking about ruling parties since establishment of pluralism until today, Montenegro represents an exception in comparison with other post-communist countries of Central and South-East Europe, in which the opposition once, or many times, replaced the ruling parties or coalitions in elections. Opposite to that, DPS has constantly succeeded to apply to all constitutional challenges and to remain in power, although since 1997, with coalitions. In the coalitional, SDP electoral and governmental arrangement is quite similar to DPS in their program (but significantly smaller). Between leaders of the two parties on several occasions there were public quarrels, but the coalition survived from 1998 to 2015. We don't dispose with reliable data on relative electoral strength of the two coalition partners, but but connoisseurs of both parties claim that "electoral pray" is divided in ration 5: 1 in favor of the DPS, which (if true) could indicate electoral relations between two parties. Few hypotheses could be offered as an explanation of "longevity" of DPS. Firstly, this party has understood 1989/1990 events as a definite fall of the "real socialism", and not only an episode, after which the old system would be restored with few amendments. Probably, this important conscience has grown inside of DPS management since 1990 until 1997, when its majority decided to implement substantial democratic changes in the party and in the Montenegrin society, in accordance with demands of the time.

These changes were not related to the fight against opponents within the party, but to distancing from the ruling party of Serbia. Firstly, such a venture was required not only capability to foresee global tendencies in modern society, but also (maybe it will sound exaggerating) intellectual courage, because the possibility of Milosevic's intervention against "renegade management of Montenegro" was more than just a fiction. We have already mentioned that program of LSCG was found useful by DPS for their extensive democratic reforms. Main ideas, goals and commitments were taken from this program with certain semantic variations. Minority of the management has opposed to changes of DPS (which could have been expected) and when the changes were democratically adopted, the minority abandoned the party

forming its own party – SNP. This party was considered for a guardian of the “holy flame” and all the positive achievements of the ex-party. The cause for insisting on the orthodoxy is not only, under my opinion, unconditional idolization of the Milosevic’s SOS and (or) a permanent attachment to his charisma, but authentic belief of the part of “true believers”, according to which the socialism is an unstoppable process, which may experience temporary delays, but not definite failure. Secondly, the leadership of DPS has understood that Montenegro is a socially heterogeneous society, and it has tried to adapt the institutions to such society. Among others, I am particularly including two important institutions in this consideration. First institution is the proportional electoral system, which was in force on the first elections of 1990. Proportional system has provided fair political representation to minority population in the parliament, which is not the case with majoritarian system (used on the first elections in 1990 in Serbia). Majoritarian system, as opposed to proportional, prevents inclusion of minorities into the parliament (and political life), by turning the minorities grouped by attributed features (ethnicity, skin color, religion), into “eternal losers” of electoral match. Second institution is the Council for Protection of the Rights of the National and Ethnic Groups, headed by the President of Montenegro, and formed in accordance with the Article 76 of the Montenegrin Constitution (1992). Although the established proportional system in Montenegro had a number of weaknesses (small constituencies, lack of reliable voter’s registry, lack of entire electoral procedure, etc.), and abovementioned Council didn’t become famous for its activity; creation of these institutions speaks about awareness of the Montenegrin leadership that institutions, which foster dialogue and facilitate consensus, are an important element of stability of a heterogeneous society. Third, the causes of electoral and political victories of DPS should be sought also in the weaknesses of oppositional parties, which failed to offer more convincing electoral platform than DPS in entire observed period, and that at the same time, the leadership of these parties has adequate credibility in the electorate of Montenegro. Of course, when I speak about credibility I have in mind perception of Montenegrin electorate, and not any objective feature.

I have repeatedly pointed out that a party system that belongs to the class of multi-party systems was operative in Montenegro in the past period (once with a dominant party, and sometimes without the dominant party). By type this system belongs to polarized pluralism.

Central electoral controversies have shifted in this period, but the level of tension between parties, which advocate for opposed attitudes on this controversies, didn’t. Firstly it was an issue of complete exclusion of Montenegro from decision-making process on the level of FRY. As a result, Montenegro was imposed unacceptable decisions (election of Bulatovic for the federal president) or it was dealing with

consequences (in form of sanctions or limitations) of the unilateral foreign policy of Serbian management (refusal of cooperation with Tribunal in Hague, refusal of the inclusion into international communities and resolving of the Kosmet issue).

After the October turmoil, in Serbia in 2000, causes of emphasized antagonism originated from the “domestic soil”. Central electoral controversy, which divided party system in two opposed blocks on elections of 2001 and 2002, could be formulated as independence versus federalism. This controversy has lost its strength after the decision of majority of voters in 2006 referendum, that Montenegro should be an independent state. Of course, mentioned controversy didn’t disappear right away. In political life inertia is a strong force, which was reflected in 2006 elections, where some of the stakeholders forgot that the citizens already gave clear answer on state status of Montenegro.

On the parliamentary elections in 2009 and 2012, differences between parties were mainly related to the “daily issues”, with far lesser extent of antagonism among parties. It is indicator that the system of polarized multipartism has evolved into a moderate multiparty system, which is an extremely important step in the consolidation of the democratic order of Montenegro.

Vlado Dedović
Zlatko Vujović

PART THREE

**ELECTORAL SYSTEM
IN MONTENEGRO**

3. ELECTORAL SYSTEM IN MONTENEGRO

3.1 Introduction

Bogdanor's (1983: 1) introduction for the book "Democracy and Elections – Electoral Systems and their Political Consequences" initiates by emphasizing that the „Elections represent the heart of electoral process“. And truly, elections represent an inseparable part of representative democracy, and very often these are two concepts that overlap. Numerous authors are emphasizing this relationship, and in such way „Duverger once defined democracy as the rule through free and fair elections“(Vasović, 2006: 104).

Today we can't really imagine democracy without elections⁵⁹, though we can imagine elections without democracy. „Even the regimes which cannot be considered democracies, in any sense of the word, and that provide voters with little or no freedom of choice, when they arrive at the polling station, have felt that there might be some kind of legitimacy to be derived from holding elections“(Gallagher, 2013: 181).

This precisely represents one of the key challenges of countries which have undergone a democratic transition. Whether elections in these countries could be considered free and fair, as it is stated by Duverger, i.e. are they held in accordance with much more specific criteria of international and domestic observation missions?

According to Gallagher (181) „in modern liberal democracies, elections are the central representative institution that forms a link between people and its representatives.“ Besides the fact that there are different approaches in defining of the role of elections, yet the different authors can agree that the elections are: (a)

59 "In the political and legal theory beginning of modern political representation (representative government) is tied to the victory of the bourgeois revolution. The embryo from which the idea of democratization of political representation has further developed, was created as an expression of requirements for the free choice of members for the highest representative body - Parliament" (Pavićević, 1997: 12).

necessary basis for legitimacy of political power (Goati, 1990: 21), i.e. (b) source and foundation of the legitimacy of state power within the system of representative democracy (Sokol, 1990), the most important institution of democratic political order (Kasapović, 2003: 129), i.e. Poliarchy (Dal, 1998: 126).

However, the role of elections is not unambiguous. Besides that fact that they are the most important institution of democratic order, they can also be a powerful tool of manipulation by those in power. On the line of such attitude, Sartori considers that electoral laws are the „most specific manipulative instrument of politics“ (1995: 273). Thus, in the selection of the electoral system should be careful, because the system could influence and frequently play the key role in creation of parliamentary majority. Out of list of different definitions which are treating the term of elections, in this study we will use the elections as an „institutional modus within which voters express their political preferences in the form of votes, and within which the voices of voters are converted into mandates“ (Kasapović, 2003: 160).

3.2 Typology of electoral systems

Theory and practice recognize a large number of electoral systems. Bogdanor (1983: 1) states the fact that the Royal Commission, which was created in order to research existing electoral systems, has found 300 of different electoral systems, in the distant year of 1910.

However, this vast diversity could be decreased by introducing more different types. Speaking about typology, there are different approaches, i.e. criteria, based on which electoral systems could be classified. Regardless of the different approaches, „central criteria of differing among electoral systems is the method of mandates allocation“ (Bogdanor, 1983: 1). One of the first authors, who dealt with impacts of electoral system was Maurice Duverger, who differs „three types of electoral systems (proportional, single-round majoritarian and two-round majoritarian“ presented in his book „The Influence of Electoral Systems on Political Life“ (1950) (Kasapović, 1993: 10). Giovanni Sartori, on the other hand, classifies electoral system only by one function – „deviation from intended full proportionality in relation between number of votes and parliamentary mandates“ thus, according to this author point zero of such classification is „clear proportional elections which lead to full proportional representation“. However, regardless of the attractiveness of this Sartori's standpoint, it was both praised and criticized. Therefore, Dietrich

Nolen believes that “we should start from ‘bipolar continuum,’ because there are two principles of representation inherent to two basic types of electoral systems” (Kasapović, 1993: 28).

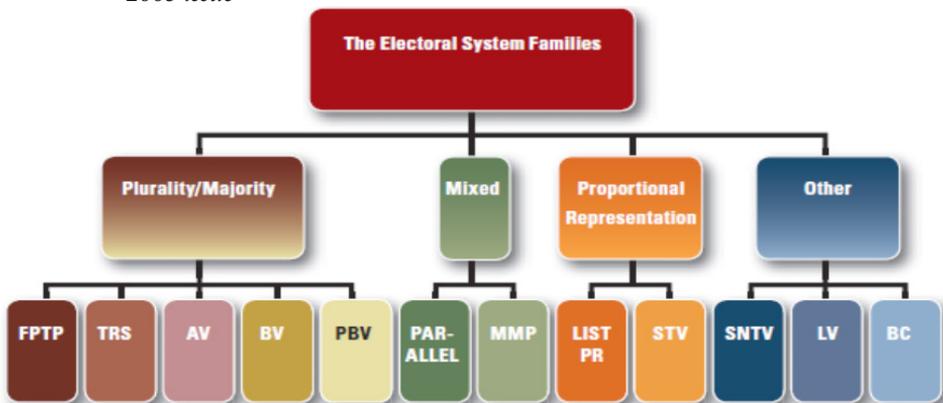
In the row of attempts to create encompassing typology, we will single out typology created by electoral experts gathered around the Institute for Democracy and Electoral Assistance - IDEA⁶⁰.

The typology was presented in second, supplemented issue of publication “Electoral System Design: New IDEA Handbook”, published in 2005. This typology presents second attempt of the group of experts gathered in IDEA, to create an adequate typology. According to this, electoral systems are divided in four categories: (1) plurality-majority systems (2) proportional (3) mixed (4) other systems. Within plurality/majority systems this group of authors differs among: (1) First Past The Post (FPTP) (2) Block Vote (BV) (3) Party Block Vote (PBV) (4) Alternative Vote is(AV) and (5) The Two-Round System (TRS).

The group of proportional systems encompasses: (1) List Proportional Representation (List PR) i (2) The Single Transferrable Vote (STV). In the group of mixed systems are: (1) Mixed Member Proportional System (MMP) and (2) Parallel System.

In the last group under title “other systems”, are placed systems that, due to their specific features, couldn’t be placed in any of aforementioned three groups. These are: (1) System of Single Non-Transferrable Vote (SNTV) (2) Limited Vote (LV) i (3) Borda Count (BC).

Diagram 1: Overview of IDEA typology used in “Handbook Of Electoral System Design”, 2005 issue



In this study, authors are using exactly this typology, *thus the electoral system of Montenegro is classified among systems of party lists.*

60 <http://www.idea.int/>

3.3 Electoral system in practice

Douglas Rae is a pioneer in the research of political effects of electoral systems. In his study “Political consequences of electoral laws” (1967) for the first time he made a systematized comparative analysis, which is dealing with issue of impact of electoral systems to disproportionality and multipartism. In the process of research of consequences of the electoral system for proportionality and electoral results two elements have a key role, and there is wide consensus on them among theorists, (Lijphart 1994: 10). These are: (1) electoral formula (electoral scheme) and (2) magnitude (size of constituency). However, Rae introduces another variable in this system (3) type and model of voting. Lijphart, in his critique of the Rae’s model, points out that he didn’t paid special attention to another variable which should have been included in his considerations, except these three – assembly size. Speaking about Lijphart, it is necessary to point out that, in his study “Electoral Systems and Party Systems – Study of twenty-seven democracies 1945-1990” he introduced more structural elements for research of electoral systems. Lijphart divides these elements into two groups. In the first groups there are 4 main elements: (1) electoral formula, (2) magnitude, (3) threshold and (4) assembly size. In another group, four more elements are added: (a) ballot structure, (b) malapportionment, (c) difference between legislative elections in parliamentary and presidential systems, (d) possibility of linked lists. It could be noted that Lijphart uses two out of three Rae’s variables, and that he introduces two new ones: threshold and size of the parliament.

In this study, during research of effects of electoral system in Montenegro, we will monitor the variables introduced by Douglas Rae: (1) electoral formula; (2) magnitude (size of a constituency – district magnitude), (3) type and mode of voting (ballot structure), with consideration of some of the variables introduced by Lijphart.

Before we start with analysis of electoral system, using aforementioned variables, it is important to point out some key features of the electoral system in Montenegro. As it was already mentioned in this study, Montenegro has remained faithful to proportional electoral system, which has been introduced during renewal of multipartism in 1990. We have already chosen IDEA’s typology, according to which Montenegro belongs in the category of proportional system with party lists- which is the most spread category in the world, and especially in Europe. We can say that within observed period the same electoral system was used in Montenegro, although some changes have been introduced through its evolution.

In order to present in one place key structural changes of electoral system, we will use the table where main structural elements are presented, organized in accordance with election cycles.

Table 1: Overview of main structural elements of electoral system in Montenegro

Elections	Assembly size	Electoral system	Number of constituencies	Size of the constituency	Threshold	Type of electoral list	Preferential vote	Electoral formula
1990	125	List PR	20	1 - 29	4%	Closed blocked	No	D'Hondt
1992	85	List PR	1	85	4%	Closed blocked	No	D'Hondt
1996	71	List PR	14	1 - 17	4%	Modified closed blocked list	No	D'Hondt
1998	73	List PR	1	73 (5)	3%	Modified closed blocked list	No	D'Hondt
2001	77	List PR	1	77 (5)	3%	Modified closed blocked list	No	D'Hondt
2002	75	List PR	1	81 (4)	3%	Modified closed blocked list	No	D'Hondt
2006	81	List PR	1	81 (5)	3%	Modified closed blocked list	No	D'Hondt
2009	81	List PR	1	81 (5)	3%	Modified closed blocked list	No	D'Hondt
2012	81	List PR	1	81	3% 0.7 for minority list, i.e. 0.35% for minority list of Croatian minority	Closed blocked list	No	D'Hondt

Source: Vujović, Z. (2012). *Parliamentarian election in Montenegro 2012: Continuation of dominance of socialists and return of Djukanovic. Political analyses 13.*

3.3.1 Electoral Formula

Rea, just like Lijphart, uses the term of electoral formula, for majoritarian and proportional methods. Speaking about proportional systems for allocation of seats we can differ among methods used for allocation of mandates in the first and second round. Among methods for distribution of seats in the first round we differ between (a) method of electoral number⁶¹ and (b) method of highest number⁶². Unlike to method of electoral number, method of highest average uses the divisor method. Substantially, method of the highest average is the method in which each party's votes are divided by a series of divisors in order to an average vote. The party with the highest average, after each stage of the process, wins a seat, and then its vote is then divided by the next divisor. The process continues until all the seats have been filled (Farrel, 2001).

In this group, there are five different methods: (1) Adams, (2) Andre, (3) D'Hondt, (4) Huntington, (5) Imperiali, (6) Sainte-Laguë, as well as modifications of mentioned methods. The most significant advantage of these methods is that, unlike the method of electoral number, they are enabling allocation of seats in the first round. These systems are more commonly used, either like systems for allocation of seats, or as a supplement to another method of allocation.

Methods for allocation of seats in the second round are used only for allocation of remaining seats, which are not allocated in the first round. Some of the methods of the first round allocation (methods of highest number), are used as well for al-

61 **Method of electoral number** – »methods of converting votes into seats in proportional elections, where the number of mandates of each electoral actor is determined based on the share of the electoral number or electoral quota in the total number of votes they won. In the process of conversion, initially general electoral quota, or electoral number is determined, and then the number of votes of each party is divided by this quota. Quotient obtained in this mathematical process is the number of mandates won by a party (Kasapović, 2003: 231). Number of electoral numbers contained in the result of the electoral list, represents a number of mandate that the list has won. There are several methods of electoral quotient: (1) Hare quota, (2) Hagenbach - Bishop quota, (3) Imperiali quota and (4) Droop quota. By these methods all the mandates can't be allocated, so for the allocation of remaining mandates other methods are used »If it's a case of the same level of mandate allocation, level of the base constituency, usually are introduced (1) minimal residual method, (2) method of highest residue and (3) method of highest average«(Kasapović, 2003: 234).

62 **Highest number method** – In addition to the method of electoral number, another group of methods used for allocation of mandates in the system of party lists is the highest number method: Highest number methods are „procedures of converting votes into seats in proportional elections, where number of mandates of the each actor is determined by dividing his total number of votes with a certain list of divisors. Methods are distinct on the basis of divisors used, i.e. on the basis of numbers by which the total number of votes of electoral actors is divided. These methods are also called division methods“ (Kasapović, 2003: 234).

location of seats which are not allocated in the first round, unlike the methods of allocation for the second round, which can't be used in the first round allocation. Methods of the second round of allocation are: (c) minimal residual method⁶³, (d) method of the highest residue⁶⁴ i (e) method of the highest average⁶⁵. Method of highest number, i.e. the method of highest quotient is used in Montenegro, since the renewal of the multipartism. Regardless of the numerous received critiques, allocation of mandates is done in accordance with the D'Hondt method; i.e. it was used during each electoral cycle on parliamentary and local elections.⁶⁶

3.3.1.1 Electoral Threshold

Lijphart's third key variable is threshold. We will deal with it within the electoral formula, taking into consideration that in case of Montenegro, it significantly determines the outcome of the seats' allocation. Among decision-makers there is quite confusion on the issue of character and role of electoral threshold. Here we will point out the difference between three forms of electoral threshold: (1) legal threshold, (2) natural threshold and (3) effective threshold. Legal threshold is the percentage of votes or number of direct mandates, which a party has to win in

63 **Minimal residual method** – »Minimal residual is calculated by subtraction of the votes that have been already allocated to mandates in the first round of allocation, from the total of votes won by a party. After this process it should be determined which party has the least votes which are not translated into mandates, and they are awarded with remaining mandates.« Kasapović, 2003: 229). This method is the favorable for the big parties, and is to be called Polyi's method (Müller, 1959)

64 **Highest residual method** – »Highest residual is calculated by subtraction of the votes that have been already allocated to mandates in the first round of allocation, from the total of votes won by a party. The party with the highest number of votes that are not translated into mandates is awarded with remaining mandates. « (Kasapović, 2003: 229.). Unlike the minimum residual method, this method is favorable for the small parties.

65 **Highest average method** – »Highest average is calculated by dividing votes which are not translated into mandates of each party with number of mandates allocated in the first round plus one. Parties with highest result of this operation are awarded with remaining mandates. «(Kasapović, 2003: 230). Let's use an example that out of 81 mandates in the first round 78 was allocated. Remaining number of mandates (3) is allocated when a number of „unused“ party votes is divided by number 79 (78 allocated numbers + one). Party lists with three highest quotients, will be awarded with 3 remaining mandates.

66 "Called after a Belgian mathematician (Victor d'Hondt), it is known as also as a method of minimal divisor. Firstly the electoral mass of each electoral list is being calculated. Electoral mass of each of electoral lists is divided by numbers 1,2,3... up to number of seats which should be allocated in a constituency. Obtained quotients are sorted by size from highest to lowest. Quotients are then counted, starting from the highest, up to the number of seats for each constituency. The last result obtained is a common divisor by which the electoral mass of each of the lists is divided. Each of the lists has as many mandates as the number of times the common divisor is contained in its electoral mass." (According to: M. Pajvančić, 1999)

order to participate in the process of seats' allocation. It means that this is a legally regulated condition. Douglas Rea defines natural census as the "minimal percentage of votes which must be obtained by a party in the most favorable conditions, to win its first mandate in an electoral constituency. It depends on the size of electoral district (M), number of the parties which are competing in it (S) and the method of conversion of votes into mandates" (Kasapović, 2003: 154). Effective threshold represents a "composite variable based on the legal threshold and the size of the constituency" (Lijphart, 1994: 50). "Legal threshold and size of electoral constituency represent the two dimensions of the same variable – effective threshold. If there is no legal threshold, its role is overtaken by the size of electoral district, in a way that small districts have equal effect as the big legal thresholds" (Kasapović, 2003: 155). However, existence of the threshold is not only typical for proportional systems, but also exists in case of majoritarian systems, where winning of the certain majority is required for obtaining mandate, like in the case of the two-round majoritarian system. In the case of system of the party lists, which is used in Montenegro its role is to prevent small parties to acquire parliamentary status and endanger the stability of the political system, by impeding creation of the government. Electoral threshold exists in the mixed systems as well. It is most frequently determined in the form of prescribed percentage, but also through the number of prescribed direct seats in implementation of the majoritarian method. In the case of Montenegro, legal threshold plays role of the reserved seat, in the special mechanism of minority positive discrimination, which will be explained later in the text.

Lijphart differs, dependent on the certainty of obtaining of the seat, (1) lower - threshold of representation and (2) upper – threshold of exclusion. First type of threshold is, according to Lijphart, "minimal percentage of votes, that can earn a party seat under the most favorable circumstances", while the upper census is "the maximum percentage of votes that, under the most unfavorable conditions, may be insufficient for a party to win a seat" (Lijphart, 1994: 25).

Table 2: Overview of relation of census, size of constituency and percent of dispersed votes

Elections		Size of the constituency	Prohibition clause	Percent of "dispersed" votes
1.	1990.	1 – 29	4%	11.2
2.	1992.	85	4%	20.8
3.	1996.	1 – 17	4%	20.3
4.	1998.	73 (5)	3%	5.8
5.	2001.	77 (5)	3%	6.7
6.	2002.	1 (4)	3%	5.3

7.	2006.	81 (5)	3%	2.5
8.	2009.	81 (5)	3%	12
9.	2012	81	3% 0.7 for minority lists, 0.35% for minority list of the Croatian minority	2,7

Source: Vujović, Z. (2012). *Parliamentarian election in Montenegro 2012: Continuation of dominance of socialists and return of Djukanovic. Politicke analize* 13.

Legal electoral threshold has varies between electoral processes. In the first three electoral cycles (1990, 1992, 1996), legal threshold of 4% votes of the total number of voters that voted in the constituency, was used.⁶⁷ In the republic parliamentary elections held in 1998, i.e. 2001, during distribution of seats (in the Republic and single constituency and on the polling stations determined by the special decision of the Parliament – 73+5) prohibition clause was set at the 3% of votes from the total number of the turnout.⁶⁸ The same system was applied in elections of 2002 (71 +4 representatives on special polling stations).⁶⁹ In elections of 2006 and 2009, 81 representative was elected (76+ 5 representatives on the special polling stations) – with threshold of 3% of turnout in a constituency. Changes of electoral law in 2011 have introduced differentiated electoral threshold. Thus, besides of the threshold of 3% there are thresholds for minority parties of 0.7%, and for parties representing Croatian minority 0.35%. Threshold determined for minority par-ties can be seen as a type of reserved seat, because surpassing of this number guarantees winning of the first seat for every minority party, regardless of the size of D’Hondt quotient and its effects.

67 “However, here should be pointed out that effects of the prohibition clause introduced in 1992 have influenced the structure of the Montenegrin Parliament. In such way, electoral list of DPS, with 51.2% of votes at the level of Montenegro, has obtained 45 (63.4%) out of 71 seats in the Parliament electoral list of „People’s Unity“ coalition has obtained 25.6% votes – 19 (26.8%) seats; List of SDA with 3.5% votes – 3 (4.2%) seats; list of DS CG with 1.8% votes– 2 (2.8%) seats and list of Democratic Union of Albanians (DUA) with 1.4% of votes -2 (2.8%) seats. At the same time, two electoral lists, which have won more than 4% of votes on the level of Montenegro (SDP and SRS) have remained without seats in the parliament (According to: V. Pavičević, 1997)

68 The condition for participation in the distribution of seats in the 1998 elections, fulfilled the electoral lists: list of the coalition “To Live Better - Milo Djukanovic” (DPS, NS, SDP), which won 49.5% of votes got 42 (53.8%) of the 78 seats in the Parliament; list of the Socialist People’s Party (Momir Bulatovic) with 36.1% of votes - 29 (37.2%) seats; list LSCG - Slavko Perovic with 6.3% of the votes - 5 (6.4%) seats; list DSCG - Mehmet Bardhi with 1.5% of votes - 1 (1.3%) seat, and the list of DUA with 1.0% of votes - 1 (1.3%) seat.

69 The right to participate in the distribution of mandates have acquired: the “Democratic List for a European Montenegro - Milo Djukanovic” _ 47.3% of votes - 39 (52.0%) seats; list of coalition “Together for Change - SN P-SNS -NS” _ 37.9% of votes - 30 (40.0%) seats; list “Montenegro can - Liberal Alliance of Montenegro” _ 5.8% of votes - 4 (5.3%) seats, the Democratic Coalition “Albanians together” 2.4% of votes - 2 (2.7%) seats.

In order to avoid dispersion of votes, political parties have resorted to coalitions. However, this led to the situation in which smaller parties, without significant support of the voters, had disproportional participation in the parliament. In elections held in 2009, key opposition parties have decided to run individually. In a consequence, only three opposition parties (if we disregard minority parties) have obtained parliamentary status, with as much as 12% of dispersed votes.

On these elections, dispersion of votes was significantly higher (2.5%) than on previous elections (2006), i.e. on elections after (2012), in which coalitional arrangements dominated.

3.3.1.2 Allocation of seats

We will demonstrate the way in which allocation of mandates is directly conducted, through a list of steps that the State Electoral Commission of Montenegro has undertaken in the procedure of determination of the final results of elections – on the parliamentary elections held in October of 2012.⁷⁰

Step 1: Stating the final results of the elections

On the basis of electoral material, obtained from all polling stations in Montenegro, State Electoral Commission initiates calculation of the final election results, in the following numeric categories: number of registered voters; number of voters who voted in polling stations; number of voters who voted by the letter; total number of voters who voted; number of received ballots; number of unused ballots; number of used ballots; number of invalid ballots and number of valid ballots.

Table 3: *Numeric overview of the conducted electoral process on the Parliamentary elections in 2012*

Number of registered voters	51.4055
Number of voters who voted in polling stations	347.424
Number of voters who voted by the letter	15.290
Total number of voters who voted	362.714
Number of received ballots	515.055
Number of unused ballots	152.321
Number of used ballots	362.714

⁷⁰ Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Number of invalid ballots	5.764
Number of valid ballots	356.950

Source: State Electoral Commission Act No 846 from 15/10/2012

Step 2: Determining of the total number of votes obtained by each electoral list

After presentation of the general data on electoral results, in all polling stations in Montenegro initiates the process of counting –determining of the total number of votes of electoral lists, by the order set on the general electoral list.

Table 4: Overview of the total number of votes of electoral lists, by the order set on the general electoral list

	NAME OF THE ELECTORAL LIST	Br. glasova	%
1.	ALBANIAN YOUTH ALLIANCE - ALEANCA RINORE E SHQIPTARËVE	531	0,15%
2.	SERBIAN UNITY	5.275	1,48%
3.	CROATIAN CIVIL INITIATIVE (HGI) – DECISIVELY	1.470	0,41%
4.	“POSITIVE MONTENEGRO – DARKO PAJOVIĆ”	29.881	8,37%
5.	SNP – SOCIJALIST PEOPLE’S PARTY OF MONTENEGRO – WORD AND ACT	40.131	11,24%
6.	DEMOCRATIC UNION OF ALBANIANS – UNIONI DEMOKRATIK I SHQIPTARËVE	2.848	0,80%
7.	ALBANIAN COALITION: DEMOCRATIC ALLIANCE IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE KOALICIONI SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE	3.824	1,07%
8.	DEMOCRATIC FRONT– MIODRAG LEKIĆ	82.773	23,19%
9.	FORCA FOR UNITY - FORCA PËR BASHKIM – Genci Nimanbegu – Vasel Sinishtaj – Zana Sarvan	5.244	1,47%
10.	BOSNIAK PARTY– RAFET HUSOVIĆ	15.124	4,24%
11.	COALITION EUROPEAN MONTENEGRO – MILO ĐUKANOVIĆ	165.380	46,33%
12.	TOGETHER	1.384	0,39%
13.	SERBIAN NATIONAL ALLIANCE –DR RANKO KADIĆ (DSS,SSR i GG)	3.085	0,86%

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Step 3: Determining the electoral lists which “surpassed threshold”

In accordance with the Article 94 paragraph 1 of the Law on Elections of Councilors and Representatives, only electoral lists which obtained more than 3% of total

number of valid votes are participating in the allocation of the mandates. These lists are selected by the simple insight into the table, in which the total number of votes, that each list has obtained, is listed.

In such manner, on 2012 elections following lists have obtained mandates:

Table 5: Overview of electoral lists which “surpassed the threshold”

	NAME OF THE LIST	Number of votes	%
1.	“POSITIVE MONTENEGRO– DARKO PAJOVIĆ”	29.881	8,37%
2.	SNP – SOCIALIST PEOPLE’S PARTY OF MONTENEGRO- WORD AND ACT	40.131	11,24%
3.	DEMOCRATIC FRONT– MIODRAG LEKIĆ	82.773	23,19%
4.	BOSNIAK PARTY– RAFET HUSOVIĆ	15.124	4,24%
5.	COALITION OF MONTENEGRO – MILO ĐUKANOVIĆ	165.380	46,33%

Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Step 4: Determining of electoral lists which “haven’t surpassed the threshold”

The next step is defining of lists which haven’t obtained necessary number of votes (3% of total number of valid votes) and which, in accordance with this fact, will not participate in distribution of seats based on Article 94, paragraph 1 of the Law on Election of Councillors and Representatives. Only their names are listed, without repeating the number of votes obtained.

Table 6: Overview of electoral lists which “surpassed the threshold”

1.	ALBANIAN YOUTH ALLIANCE - ALEANCA RINORE E SHQIPTA
2.	SERBIAN UNITY
3.	CROATIAN CIVIC INITIATIVE (HGI) – DECISIVE
4.	DEMOCRATIC UNION OF ALBANIANS – UNIONI DEMOKRATIK I SHQIPTARËVE
5.	ALBANIAN COALITION: DEMOCRATIC ALLIANCE IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE KOALICIONI SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE
6.	FORCA ZA JEDINSTVO - FORCA PËR BASHKIM – Genci Nimanbegu – Vasel Sinishtaj – Zana Sarvan
7.	TOGETHER
8.	SERBIAN NATIONAL ALLIANCE – DR RANKO KADIĆ (DSS, SSR i GG)

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Step 5: Determination of the electoral results of Croatian minority parties

On the basis of Article 94, paragraph 2, point 2, its being determined whether the list which has represented members of Croatian minority in Montenegro, has obtained result of 0.35% of valid votes, obtaining thus, one MP seat. After the consulting of the list with the total number of votes, it has been determined that the electoral list **CROATIAN CIVIC INITIATIVE (HGI) – DECISIVE, has obtained 1.470 of votes, i.e. 0,41% of valid votes**, and, having in mind that this was the only list of Croatian minority in Montenegro, and it obtained more than 0.35% of valid votes – it has obtained one parliamentary seat.

Step 6: Determining of the electoral results of the list of minority people

On these, illustrative elections (2012), only lists of Albanian minority people have participated in distribution of seats on this basis. Bosniak party has surpassed legal threshold, thus it didn't use this method of positive discrimination. Within determining of electoral results of the lists of minority people, there are two phases of this procedure. In the first phase is presented total number of votes obtained by these lists, in this case lists of Albanian minority people.

Table 7: Overview of total number of votes obtained by lists of Albanian minority people

	NAME OF THE LIST	Number of votes	%
1.	ALBANIAN YOUTH ALLIANCE- ALEANCA RINORE E SHQIPTARËVE	531	0,15%
2.	DEMOCRATIC UNION OF ALBANIANS – UNIONI DEMOKRATIK I SHQIPTARËVE	2.848	0,80%
3.	ALBANIAN COALITION: DEMOCRATIC ALLIANCE IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE KOALICIONI SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE	3.824	1,07%
4.	FORCA FOR UNITY - FORCA PËR BASHKIM – Genci Nimanbegu – Vasel Sinishtaj – Zana Sarvan	5.244	1,47%

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

In the second phase on the basis of the Article 94, paragraph 1 of the Law on Election of Councilors and Representatives, is being noted which lists haven't obtained 3% of valid votes. In order to be eligible to participate in distribution of seats according to the provision from the Article 94, paragraph 2, point 1 of the Law on Election of Councilors and Representatives, these electoral lists must obtain at least 0.7% of valid votes. Thus, in this case, electoral lists under number 2 (0,8%), 3 (1,07%) and 4 (1,47%) were qualified for distribution of seats. After that, electoral results of these three lists are summed up – by simple addition – creating the results of the summarized electoral list of Albanian minority people.

Table 8: Overview of lists of Albanian minority people which participated in allocation of seats under Article 94, paragraph 2, point 1 of the Law on Election of Councillors and Representatives

	NAME OF THE LIST	Number of votes	%
1.	DEMOCRATIC UNION OF ALBANIANS – UNIONI DEMOKRATIK I SHQIPTARËVE	2.848	0,80%
2.	ALBANIAN COALITION: DEMOCRATIC ALLIANCE IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE KOALICIONI SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE	3.824	1,07%
3.	FORCA FOR UNITY - FORCA PËR BASHKIM – Genci Nimanbegu – Vasel Sinishtaj – Zana Sarvan	5.244	1,47%
4.	TOTAL NUMBER OF VOTES	11.916	

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Procedure of the determination of results of electoral lists of Albanian minority people was concluded in such manner.

Step 7: Creation of the list of all lists which obtained the right to participate in allocation of the seats

After the results of all electoral lists are determined, along with the lists of parties which have “surpassed the threshold”, as well as the lists of minority people parties (Croats and Albanians), which have obtained the right to participate in allocation of seats, SEC is approaching to creation of list of parties, which will participate in distribution of seats. Here should be taken into consideration that in this way only 80 seats are being allocated, due to the fact that one seat has already been allocated to the minority Croatian list. Electoral result of the Croatian party, didn’t contain D’Hondt’s quotient, i.e. that mandate wasn’t allocated through use of D’Hondt’s method – it was automatically allocated after that list obtained 0.35% of votes, thus it could be considered as a reserved seat, unlike the seats of summarized list of minority Albanian people, which will be allocated through D’Hondt’s method. Along with the names of the list, the total number of votes which each of the lists has won is given, as well as the total number of votes of summarized electoral list of Albanian minority.

Table 9: Overview of all electoral lists participating in the distribution of mandates

	NAME OF THE ELECTORAL LIST	Number of votes	%
1.	“POSITIVE MONTENEGRO – DARKO PAJOVIĆ”	29.881	8,37%
2.	SNP – SOCIALIST PEOPLE’S PARTY- WORD AND ACT	40.131	11,24%

3.	DEMOCRATIC FRONT– MIODRAG LEKIĆ	82.773	23,19%
4.	BOSNIAK PARTY – RAFET HUSOVIĆ	15.124	4,24%
5.	COALITION EUROPEAN MONTENEGRO – MILO ĐUKANOVIĆ	165.380	46,33%
6.	Summarized electoral list of Albanian minority	11.916	3,34%

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Step 8: Allocation of seats

The first step in the procedure of calculation of the number of seats, which will be obtained by each list individually, is classification of quotients by the lists, which is presented in the following table. In accordance with the Article 95 of the Law on Election of Councillors and Representatives, number of seats obtained by each list is determined by dividing the total number of obtained votes in the constituency of each list by series of divisors 1,2,3... conclusively with the number of 80 (the number of seats allocated by this method). In such manner obtained quotients are classified by size, taking in consideration only the 80 highest quotients (in this case).

Table 10: Classification of quotients by lists

Divisor	Quotients					
	Coalition European Montenegro- Milo Đukanović	Democratic Front - Miodrag Lekić	SNP – Socialist People's Party – word and act	Positive Montenegro - Darko Pajović	Bosniak Party - Rafet Husović	Lists of Minority Albanian People
1	165380.00	82773.00	40131.00	29881.00	15124.00	11916.00
2	82690.00	41386.50	20065.50	14940.50	7562.00	5958.00
3	55126.67	27591.00	13377.00	9960.33	5041.33	3972.00
4	41345.00	20693.25	10032.75	7470.25	3781.00	2979.00
5	33076.00	16554.60	8026.20	5976.20	3024.80	2383.20
6	27563.33	13795.50	6688.50	4980.17	2520.67	1986.00
7	23625.71	11824.71	5733.00	4268.71	2160.57	1702.29
8	20672.50	10346.63	5016.38	3735.13	1890.50	1489.50
9	18375.56	9197.00	4459.00	3320.11	1680.44	1324.00
10	16538.00	8277.30	4013.10	2988.10	1512.40	1191.60
11	15034.55	7524.82	3648.27	2716.45	1374.91	1083.27
12	13781.67	6897.75	3344.25	2490.08	1260.33	993.00

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13	12721.54	6367.15	3087.00	2298.54	1163.38	916.62
14	11812.86	5912.36	2866.50	2134.36	1080.29	851.14
15	11025.33	5518.20	2675.40	1992.07	1008.27	794.40
16	10336.25	5173.31	2508.19	1867.56	945.25	744.75
17	9728.24	4869.00	2360.65	1757.71	889.65	700.94
18	9187.78	4598.50	2229.50	1660.06	840.22	662.00
19	8704.21	4356.47	2112.16	1572.68	796.00	627.16
20	8269.00	4138.65	2006.55	1494.05	756.20	595.80
21	7875.24	3941.57	1911.00	1422.90	720.19	567.43
22	7517.27	3762.41	1824.14	1358.23	687.45	541.64
23	7190.43	3598.83	1744.83	1299.17	657.57	518.09
24	6890.83	3448.88	1672.13	1245.04	630.17	496.50
25	6615.20	3310.92	1605.24	1195.24	604.96	476.64
26	6360.77	3183.58	1543.50	1149.27	581.69	458.31
27	6125.19	3065.67	1486.33	1106.70	560.15	441.33
28	5906.43	2956.18	1433.25	1067.18	540.14	425.57
29	5702.76	2854.24	1383.83	1030.38	521.52	410.90
30	5512.67	2759.10	1337.70	996.03	504.13	397.20
31	5334.84	2670.10	1294.55	963.90	487.87	384.39
32	5168.13	2586.66	1254.09	933.78	472.63	372.38
33	5011.52	2508.27	1216.09	905.48	458.30	361.09
34	4864.12	2434.50	1180.32	878.85	444.82	350.47
35	4725.14	2364.94	1146.60	853.74	432.11	340.46
36	4593.89	2299.25	1114.75	830.03	420.11	331.00
37	4469.73	2237.11	1084.62	807.59	408.76	322.05
38	4352.11	2178.24	1056.08	786.34	398.00	313.58
39	4240.51	2122.38	1029.00	766.18	387.79	305.54
40	4134.50	2069.33	1003.28	747.03	378.10	297.90
41	4033.66	2018.85	978.80	728.80	368.88	290.63

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

Finally, SEC is determining total number of seats obtained by individual electoral lists, on the basis of the previously stated methodological approach. Thus, in elections of 2012, electoral lists have obtained following results:

Table 11: *Final overview of distributed seats*

1.	CROATIAN CIVIC INITIATIVE (HGI) – DECISIVELY	1 (one) seat
2.	“POSITIVE MONTENEGRO – DARKO PAJOVIĆ”	7 (seven) seats
3.	SNP – SOCIALIST PEOPLE’S PARTY OF MONTENEGRO- WORD AND ACT	9 (nine) seats
4.	DEMOCRATIC FRONT– MIODRAG LEKIĆ	20 (twenty) seats
5.	BOSNIAK PARTY – RAFET HUSOVIĆ	3 (three) seats
6.	COALITION EUROPEAN MONTENEGRO – MILO ĐUKANOVIĆ	39 (thirty-nine) seats
7.	Summarized list of Albanian minority people 2 (two) seats:	
	ALBANIAN COALITION: DEMOCRATIC ALLIANCE IN MONTENEGRO, DEMOCRATIC PARTY AND ALBANIAN ALTERNATIVE KOALICIONI SHQIPTAR: LIDHJA DEMOKRATIKE NË MAL TË ZI, PARTIA DEMOKRATIKE DHE ALTERNATIVA SHQIPTARE	1 (one) seat
	FORCA FOR UNITY - FORCA PËR BASHKIM – Genci Nimanbegu – Vasel Sinishtaj – Zana Sarvan	1 (one) seat

Source: Act. No: 846 – State Electoral Commission of Montenegro, Podgorica, 15/10/2012

3.3.2 District Magnitude

One of the issues which attracted a lot of attention of academic community, within defining of the main components of electoral systems, is the issue of delineation of constituencies. This question is particularly important in systems where change of constituency size can affect results of elections. Professor Vasovic concludes that “size of the constituency and the electoral formula are the key parts of the electoral system” listing the comparative practice of ex-socialist countries and noting of existence of three key dilemmas in the process of determination of constituency size, or constituency limits: setting of general criteria for determination of constituency boundaries; deciding whether entire state should be considered one constituency or it should be divided into several constituencies; in case that state is divided in multiple constituencies, whether they should be single member constituency or multi member constituency, as well as whether there should be more of small or big constituencies (Vasović, 2013: 243).

Answers to these questions could be used as the basis for analysis to determine electoral units in Montenegro. It should be emphasized in this part that, within the

organization of the first elections for the People's Assembly of Montenegro in 1906, the state was divided into 56 units under rule of captains (*kapetanije*) and 6 district towns (Cetinje, Nikšić, Podgorica, Kolašin, Bar i Ulcinj). In each of the mentioned administrative units one representative was elected. Within the Kingdom of Serbs, Croats and Slovenians, under electoral law from 1922, the state was divided in 56 electoral constituencies, where Montenegro was a single constituency. Such territorial solution for organization of elections was enforced until 1931 when the Law on Election of People's Representatives for the People's Assembly was adopted. This law has divided country into new administrative units – *banovine* - which represented also electoral constituencies and in each of these constituencies certain number of representatives –depending on the size of population- was elected. Zeta *banovina* was one of these constituencies, with 220-265 thousands of voters which elected 20 representatives for People's Assembly.

3.3.2.1 Electoral districts through electoral processes in the period 1990 – 2014

If we compare legal frameworks of all electoral cycles in Montenegro for the period 1990-2014, we can concluded that lawmakers were inclined to turn entire Montenegro into a single constituency. However, two electoral cycles are exception to this rule. These are elections from 1990 and 1996. On second parliamentary and first early elections, Montenegro was turned into single electoral district, and on the very next elections it was divided into 14 electoral constituencies. Changes of the electoral law in 1996, were aimed at additional strengthening of forces of the ruling DPS, in relation to the newly formed coalition "People's Unity", which has had significantly higher support of voters, than their member parties when they were running independently. After these elections, changes of electoral law in 1998 renewed the principle of organising elections in entire Montenegro, as in a single constituency. This principle has remained in force until today.

We will try to explain in more detail this short overview, through analysis of electoral processes from the aspect of organization of constituencies in order to present certain characteristic elements, which have been a part of the electoral system of Montenegro.

At the first multi-party elections in Montenegro, in December 1990, Montenegro was divided into 20 constituencies. In accordance with the Law on Election of Councillors and Representatives, 125 representatives were elected for the Parliament of the Socialist Republic of Montenegro, in accordance with a principle that territory of the constituency is the territory of the municipality. In the next table (Table 12) distribution of the total number of seats across constituencies is presented. Choice

of this principle for determination of electoral units was justified by the statement that it “provides organization of the system of proportional representation of all participants in electoral process, so-called proportional system, and provides representation in republic parliament to individual municipalities (especially those with small population and mixed nationalities)...”⁷¹

Table 12: Elections 1990 – Electoral constituencies and number of seats in each constituency

Electoral constituency/ Municipality	Number of mandates
Bar	8
Bijelo Polje	11
Budva	2
Danilovgrad	3
Žabljak	1
Ivangrad	10
Kolašin	3
Kotor	5
Mojkovac	2
Nikšić	15
Plav	4
Plužine	1
Pljevlja	9
Rožaje	4
Tivat	2
Titograd	29
Ulcinj	5
Herceg Novi	5
Cetinje	5
Šavnik	1
TOTAL:	125

According to Pavićević, introduction of criteria for the number of representatives by the constituency, which was determined in accordance with the number of registered voters, instead of the number of citizens in each constituency, has led to invalidation of the basic idea of the law – according to which the electoral equal-

⁷¹ Comment on the Law on Election and Revocation of Councillors and Representatives, “Electoral laws with commentaries”, “Official Gazette of SR Montenegro” Titograd, 1990.

ity of citizens should have been provided, i.e. that each citizen with a right to vote should dispose with the same quantity of power. Determining the price of the seat by both criteria (seat/citizens – seat/voter), with classification of potential and real number of seats by constituencies, Pavicevic concludes that, in accordance with adopted criteria (seat/voter), the difference between the highest and lowest “price of the seat” by constituency amounted to 1680, which makes 52.1% of the average price of the seat at the level of the Republic, or 67.3% of the lowest seat price in a constituency (Kolašin). Also, it can be concluded that in the case of another criteria (seat/citizen) this price would decrease to 41.7% of the average seat price at the national level, i.e. 56.7% of the lowest seat price in a constituency (Šavnik) (Pavićević, 1997: 135-136).

Organization of the next elections, this time for the Citizens’ Council of the Federal Assembly, in May 1992, was a key point for organization of the electoral constituencies in Montenegro and prelude for changes in this part of electoral system, which happened during 1992. Namely, on the eve of the elections, in April of 1992, the Law on Electoral Constituencies for Election of Representatives in Citizens’ Council of the Federal Assembly was adopted.⁷² The Law stipulates that, in total, 30 representatives from Montenegro will be elected for Citizens’ Council. The Law has defined following principles, i.e. “criteria”, according to which constituencies will be determined: (1) number of voters in municipality or constituency; and (2) territorial connection of municipalities for which a common constituency will be created. Having in mind these criteria, the Law stipulates that 13 constituencies shall elect a total of 30 representatives. Electoral districts established by this law, are presented in the following table. The Law has also contained a provision that elections shall be repeated (within 7 days) in case that turnout of voters is less than half.

Table 13: Electoral districts in accordance with Law on Electoral Constituencies for Election of Representatives in Citizens’ Council of the Federal Assembly, 30th April 1992 (I version of the Law)

Constituency/Municipalities	Number of representatives
Ulcinj	1
Budva-Bar	3
Tivat – Kotor – Herceg Novi	3
Cetinje	1
Podgorica	7
Danilovgrad	1
Nikšić – Plužine - Šavnik	4

72 “Official Gazette of RCG“, br. 18/92

Kolašin - Mojkovac	1
Bijelo Polje	3
Berane - Andrijevica	2
Plav	1
Rožaje	1
Pljevlja - Žabljak	2
TOTAL:	30

Only 15 days after adoption of the Law on Electoral Constituencies for Election of Representatives in Citizens' Council of the Federal Assembly, representatives of the ruling party have resorted to electoral "tailoring" of constituencies, through adoption of Law on Amendments to the Law on Electoral Constituencies for Election of Representatives in Citizens' Council of the Federal Assembly, drastically changing prior solution. Namely, by passing amendments, instead of 13 established constituencies, only 7 constituencies were defined with different number of allocated seats per constituency as well.

Table 14: Electoral constituencies in accordance with Law on Amendments of the Law on Electoral Constituencies for Election of Representatives in Citizens' Council of the Federal Assembly, 15th May 1992 (II version of the Law)

Constituency/Municipality-ies	Number of representatives
Br. 1: Ulcinj	1
Br. 2: Cetinje	1
Br. 3: Danilovgrad	1
Br. 4: Kolašin - Mojkovac	1
Br. 5: Plav	1
Br. 6: Rožaje	1
Br. 7: Podgorica-Budva-Bar-Tivat-Kotor-Herceg Novi-Nikšić-Plužine-Šavnik-Bijelo Polje-Berane-Andrijevica-Pljevlja-Žabljak	24
TOTAL	30

On early parliamentary elections on December 20th, 1992, held after adoption of the Constitution of the Republic Montenegro, which has defined principle that one representatives is elected for each 6000 voters, Montenegro has been turned into a single constituency for the first time.⁷³ In accordance with provisions of the

⁷³ "Following reasons are prevalently used for advocacy of organizing of the state in the single electoral constituency: First, existence of the single constituency and united electoral lists liberates

Constitutional Law for Implementation of the Constitution, in Montenegro, as a single constituency, 85 representatives were elected for the parliament. Five political subjects took part in distribution of seats in these elections.⁷⁴

As early as the next parliamentary elections, held in 1996, electoral principles, from elections in 1992, were changed. Montenegro was again divided into 14 constituencies. This replacement of a single constituency with 14 new ones, size of which varied from 1 to 17 parliamentary seats, was done in order to make more favorable environment for ruling DPS. Amendments to the Law on elections of Councillors and Representatives⁷⁵, adopted in July 1996, have foreseen that the election of representatives to the parliament is done on the basis of electoral lists in one or more constituencies, and that the decision on constituencies will be brought by the Parliament of Montenegro. Also, systematically new principle introduced through amendments to the electoral law in 1996, was that the number of seats per constituency, will be determined correspondingly to the number of voters on previous elections in that constituency. In such manner, in accordance with the new electoral geometry, 71 representatives to the Parliament were elected in 14 constituencies, as demonstrated in the following table (Table 15).

Table 15: Constituencies in elections for republic parliament, November 1996

Constituency/Municipality/Municipalities	Number of seats in the Parliament
Bar	4
Andrijevića - Berane	5
Bijelo Polje	6
Danilovgrad	2

the society from one part of the complex and difficult job of electoral geography and geometry, or to put it plainly – inconvenient conflicts over tailoring of electoral boundaries. Secondly, organization of the entire country into an electoral unit, provides to each voter to participate in election of his/her representatives. Third, one electoral unit provides more favorable environment for identification of the voter with entire country thus contributing to strengthening of the country's integrity. Fourth, one electoral constituency solution provides maximum equality of the voters, i.e. maximum value of the vote of each voter. Fifth, such system enables election of the most competent people for representatives. Six, organization of entire country into a single constituency provides implementation of the proportional electoral system to the greatest extent. In other words, it provides maximum achievement of the main demand of the proportional principle – for the number of parliamentary seats of one party, i.e. organization, corresponds to number of voters...“ Vasović, V.: „Selected essays I-V: Elections and Electoral Systems in the Modern World“, p. 243, Podgorica, 2013.

74 DPS - 46 seats; SNP - 13 seats; Serbian Radical Party CG - 8 seats; The People's Party of Montenegro - 14 seats; The Social Democratic Party reformists - 4 seats.

75 Law on Amendments and Supplements of the Law on Election of Councillors and Representatives, “official Gazette of RCG ” No. 21/1996

Nikšić - Plužine	9
Pljevlja - Žabljak	5
Cetinje	3
Podgorica I (without territories of local communities: Tuzi, Mileš, Dinoše, Vuksanlekići-Podhum, Sukuruć, Vranj, Hoti i Zatrijebač)	17
Podgorica II (territories of local communities: Tuzi, Mileš, Dinoše, Vuksanlekići-Podhum, Sukuruć, Vranj, Hoti i Zatrijebač)	1
Ulcinj (with territories of local communities Ostros from Bar municipality – polling stations for 1992 elections 1992 Ckla, Arbneš, Ostros, Veliki Ostros, Koštanjica, Bobovište i Tejani)	3
Kolašin – Mojkovac - Šavnik	3
Budva - Kotor	4
Plav - Rožaje	4
Tivat – Herceg Novi	5
TOTAL:	71

After deep political crisis in the state, during 1997, one of the main preconditions for organization of early elections in 1998, was the passing of the new Law on Election of Councillors and Representatives. Electoral Law was adopted on the second extraordinary session of the Parliament of Montenegro, on February 18th, 1998. Article 12 of the Law precisely defines that election of the parliamentary representatives is done in the Republic as a single constituency. This has marked renewal of the „*at large*” system, which was already enforced in 1992. The provision which foresees election of the one representative for each 6000 voters was kept, while the number of the representatives in the Parliament is determined by the Parliament with special decision, latest by one day before announcement of elections.

3.3.2.2 Special measures for better representation of Albanian minority people 1998-2012

Besides these solutions, which were already enforced in 1992, one novelty was introduced in the electoral law. Namely in the transitional and final provisions of the law, it was defined that five Representatives out of the total number of Representatives would be elected in polling stations defined by the special Decision of the Republic Parliament.⁷⁶ This was an attempt of better parliamentary representation

⁷⁶ This provision was changed several times. By amendments of the electoral law from 2002, number of representatives elected on special polling stations was 4; this number was again changed to 5 by amendments in 2006. Finally, the new Law from 2011, introduces different mechanism for representation of minorities.

of Albanian minority in Montenegro, with prerequisite that only parties that have won over 3% of votes in mentioned polling stations will participate in distribution of seats. The Law has also foreseen that the electoral list, which was eligible for distribution of seats in aforementioned polling stations, would be increased with number of votes from other polling stations in the country, provided that it's not included in distribution of seats in those polling stations. Finally, the law has provided that the votes of electoral lists which are not eligible for distribution of votes in special polling stations, will be added to their votes from other polling stations in the country, provided that it's included in distribution of mandates in those polling stations.

In the context of previously stated, it could be concluded that the electoral geometry in this case was put in use of "affirmative action", in order to provide better representation of one minority – Albanian, in the parliament. However, drawing of boundaries of practically new electoral constituency has carried the risk of incitement of national tensions, because it was factually drawing the borders around territories in Montenegro, where majority of population is Albanian. The base for "reserving seats" for the Albanian minority, and their certain favouring in regards to other minorities, was established on prior elections (1996). In those elections were created two constituencies, which were not following the administrative boundaries of municipalities, but rather they encompassed polling stations with Albanian majority, regardless of their municipalities. In such manner, four mandates were practically reserved for representatives of Albanians in constituencies 8 (Podgorica II) and 9 (Ulcinj). Although it was introduced as a mechanism for improvement of minority representation, this system was used mainly by ruling coalition, which was winning 1-3 seats in the special polling stations.

After restoration of independence of Montenegro, electoral legislation was amended several times, but concept of the Montenegro as a single constituency remained the same. Constitution of Montenegro, adopted during 2007, has foreseen that the Parliament has 81 representatives, thus on elections in 2009 and 2012 81 representatives were elected, with a note that on 2009 elections, the principle of special polling stations was again enforced. This provision was finally erased by amendments to the electoral law from 2011.

3.3.3 Ballot Structure

This variable is one of three variables used by Rae, whereas it's not included in the four key variables. Rae himself states in his study that this is quite feeble variable, considerably less influential than electoral formula and district magnitude (Rae, 1967: 129). We differ between two types and modes of voting: (1) ordinal and (2)

categorical. Ordinal voting provides opportunity for a citizen to vote for more than one candidate, or one list, while categorical voting allows voting for only one candidate/list. Unlike categorical voting, which can be voting with one vote only, ordinal voting has possibilities for (1) voting with two votes (2) voting with multiple votes. Only ordinal voting can be: (1) cumulative (2) split vote (3) preferential. “Standard one-round and two-round majoritarian electoral systems, as well as proportional systems with closed blocked lists are implying categorical voting” (Kasapović, 2003: 98), unlike ordinal voting which is tied to proportional systems with open and closed unblocked lists; proportional systems with competition among candidates, like the system of single transferrable vote; and with special forms of majoritarian systems such as alternate vote” (Kasapović, 2003: 98). Electoral lists are representing a list of candidates nominated by political parties or citizens. In Anglo-Saxon election theory is used a division that differs (1) closed and blocked (2) closed unblocked and (3) open electoral lists. It should be emphasized that they are used in the system of individually transferrable vote, but also in majoritarian systems. In Anglo-Saxon theory, besides already presented classification, a part of authors classifies election lists into (1) closed, (2) open and (3) free, where closed lists are corresponding with closed blocked, open with closed unblocked and free with open lists. The first step after calculation of won seats, is the determination of candidates to whom these seats will be awarded. The method, by which this will be done, depends on the type of electoral list. For this consideration, we will use classification that recognizes: (1) closed and blocked (2) closed unblocked and (3) open electoral lists.

By setting the rules on procedure of voting Law on Election of Councillors and Representatives and Law on Election of the President, stipulate that the voter from the ballot can chose only one electoral list, i.e. the candidate for the president. The voting is be performed, on parliamentary elections by encircling the ordinal number before the title of the chosen list of candidates, or by circling the title of the list, or by circling the name and surname of the leader of the list; i.e. on presidential elections, by circling the ordinal number before the title of the candidate, or by circling the name and surname of the leader of the list. Such method of voting implies that the voter with his vote categorically expresses his preference in relation to the parties, i.e. candidates on the electoral list (one vote ballot – *straight ticket*)(Pavićević, 2012: 149). This was the most common and most used method of voting in Montenegro. According to used typology, in Montenegro are used closed and blocked lists. Therefore, there is no possibility for voter to influence the order in which obtained seats will be allocated to candidates, i.e. which candidates from the party list will be selected to represent citizens in the parliament. As it could be seen from the Table 1, in Montenegro, regardless of the changes in legislation, a possibility of preferential voting never existed, ever since establishment of the multipartism.

3.3.3.1 Institutional measures for improvement of representation of women

Systems of electoral lists are quite convenient for introduction of institutional measures for improvement of participation of women in representative bodies. Thus, by the last changes of electoral legislation, party lists need to include a certain number of women, and certain number of representatives of “underrepresented gender” must be selected from the list of candidates.

Democratic elections are characterized by environment which promotes “certain balance” or “equity” of male and female candidates. The amendments to the electoral law from 2011 introduced, for the first time in Montenegro, a quota for representation of underrepresented sex on electoral lists. For the candidate list to be verified and declared, there must be at least 30% of candidates of underrepresented sex on it. As this norm didn't foresee introduction of the „zip“ model, which would precisely define places on the electoral lists reserved for women, political parties in 2012 have implemented this norm by placing women on the lower places of electoral lists, which resulted in extremely low representation of women in the current convocation of Montenegrin Parliament. Recognizing this, Parliamentary Assembly of Council of Europe in Montenegro praised introduction of 30% quota for women of electoral lists, but also recommended introduction of “zip” model, according to which, each third place on the list would be reserved for the candidates of underrepresented sex. After elections in 2012, OSCE/ODIHR has also stated that “To ensure greater representation of women in parliament, consideration could be given to supplementing the current quota system with requirements for the placement of women in higher positions on candidate lists. A system of alternating male/female candidates could also be considered“ (OSCE/ODIHR, 2012: 5).

By the last amendments of the Law on Election of Councillors and MPs in order to implement the principle of gender equality, a provision was adopted, according to which “the electoral list shall contain at least 30% of candidates of the underrepresented gender. Among every four candidates on the list (first four places, other four places and so on until the end of the list) there must be at least one candidate-representative of underrepresented sex“.⁷⁷ Also, a provision was passed according to which if the mandate of councillor or MP of the underrepresented sex ceases, first following candidate in the electoral list from underrepresented sex shall be elected instead of him. This provision will, to a great extent, decrease the manipulations which existed in implementation of this model. However, this will be only verified on the new parliamentary elections, in which the modified model will be applied for the first time.

⁷⁷ Law on the Election of Councillors and MPs, Article 39a of the revised text

In order to see the effects of the new provision, we will use a table overview, comparing on the local level, effects of legal solutions before adoption of legal amendments in 2011, i.e. 2014.

Table 16: *Overview of the composition of local parliaments and national parliament before amendments of the electoral law.*

Municipality	Total	Men	Women	Representation of women
Andrijevica	31	30	1	3,20%
Bar	36	31	5	13,88%
Berane	35	33	2	5,71%
BijeloPolje	38	34	4	10,53%
Budva	32	25	7	21,88%
Danilovgrad	33	27	6	18,18%
Žabljak	31	25	6	19,35%
Kolašin	31	25	6	19,35%
Kotor	33	26	7	21,21%
Mojkovac	31	27	4	12,90%
Nikšić	41	37	4	9,75%
Plužine	31	27	4	12,90%
Pljevlja	35	33	2	5,71%
Podgorice	55	47	8	14,55%
Rožaje	33	30	3	9,00%
Tivat	32	25	7	21,88%
Ulcinj	33	31	2	6,00%
Cetinje	33	29	4	12,12%
Herceg Novi	35	28	7	20,00%
Plav	32	29	3	9,38%
Total	724	632	92	12,71%
	Total	Men	Women	Representation of women
Parliament of Montenegro	81	70	11	13,60%

Source: Tomović, Nikoleta (ed.), (2012). *Political Activism of Women in Montenegro*, CeMI, Podgorica, p.21.

CeMI has dealt with the issue of political participation of women in a thematic study, in which this issue was analyzed in detail. For the purpose of this study data on participation of women were collected, not only for national, but also for local

parliaments. This analysis shows that participation of women in local parliaments, before 2011 amendments, was quite low. According to the data from Table 16, average participation of women in local parliaments, on the level of all municipalities, was 12.71%. In accordance with the electoral law from 2011, local elections were held in 8 municipalities (Andrijevića, Berane, Budva, Kotor, Mojkovac, Nikšić, Tivat and Ulcinj). In those 8 municipalities, after that electoral cycle, average representation of women amounted to 23.46%, while in remaining 14 municipalities that held elections in accordance with the law from 2014, participation of women increased to 26.52%.

It is noticeable that there is a significant increase in the participation of women in parliamentary bodies, at least at the local level. When the same law applies to the national parliamentary elections, a positive change could be noted.

Table 17: Overview of the composition of local parliaments and national parliament after amendments of the electoral law in 2011 and 2014

Municipality	Total	Men	Women	Representation of women
Andrijevića	31	22	9	29,03%
Bar	37	27	10	27,03%
Berane	35	24	11	31,43%
BijeloPolje	38	34	4	10,53%
Budva	32	25	7	21,88%
Danilovgrad	33	21	12	36,36%
Žabljak	31	23	8	25,81%
Kolašin	31	20	11	35,48%
Kotor	33	24	9	27,27%
Mojkovac	32	26	6	18,75%
Nikšić	31	21	10	32,26%
Plužine	30	23	7	23,33%
Pljevlja	31	24	7	22,58%
Podgorice	63	45	18	28,57%
Rožaje	34	26	8	23,53%
Tivat	32	25	7	21,88%
Ulcinj	32	28	4	12,50%
Cetinje	33	24	9	27,27%
Šavnik	30	22	8	26,67%
Herceg Novi	/	/	/	/

Petnjica	31	26	5	16,13%
Golubovci	22	15	7	31,82%
Plav	31	22	9	29,03%
Gusinje	30	23	7	23,33%
Tuzi	/	/	/	/
Total	763		193	25,29%
	Municipality	Total	Men	Women
Parliament of Montenegro	81	68	13	16,05%

Source: Tomović, Nikoleta (ed.), (2012). *Political Activism of Women in Montenegro*, CeMI, Podgorica, p.22.

3.3.3.2 Block vote system experience

Looking back to electoral processes during 90's, in elections held on 9th and 23rd of December 1992, for President and members of the Presidency of SR Montenegro in accordance with the Law on Election of President and members of the Presidency of SR Montenegro⁷⁸, we can note implementation of a different method of voting compared to all other elections held in Montenegro. This law stipulated that voting shall be performed with ballots containing the name and surname of all nominated candidates for the President and members of the Presidency of the Republic, and that a citizen shall vote by circling the ordinal number before the name of the candidate.

The Law precisely defined that a citizen could vote only for one candidate for President of Presidency and for a maximum of four candidates for members of the Presidency of Republic (1 + 4). In such way, candidates had the opportunity to directly express their preferences towards all candidates from the list – even towards those who belong to opposed political options. In elections, there were three candidates for President of the Presidency and a total of 14 candidates for 4 seats in the Presidency. It is interesting to note that the ballot was composed of two parts – the upper part, marked with number “I” was listed “For the Election of the President of the Presidency of the Socialist Republic of Montenegro”; while at the bottom, under the symbol “II” was indicated “For the Members of the Presidency of the Socialist Republic of Montenegro”. By this, two levels of the functions in one state body were placed on the same ballot. It is interesting that violation of the voting rules in one of these two parts of the ballot didn't cause invalidation of entire ballot. In the first round, only two candidates have received the required majority for the members of the Presidency (Dr. Milica Pejanovic Djurisc and Svetozar Ma-

78 “Official Gazette of Montenegro”, No. 36/90, October 3, 1990.

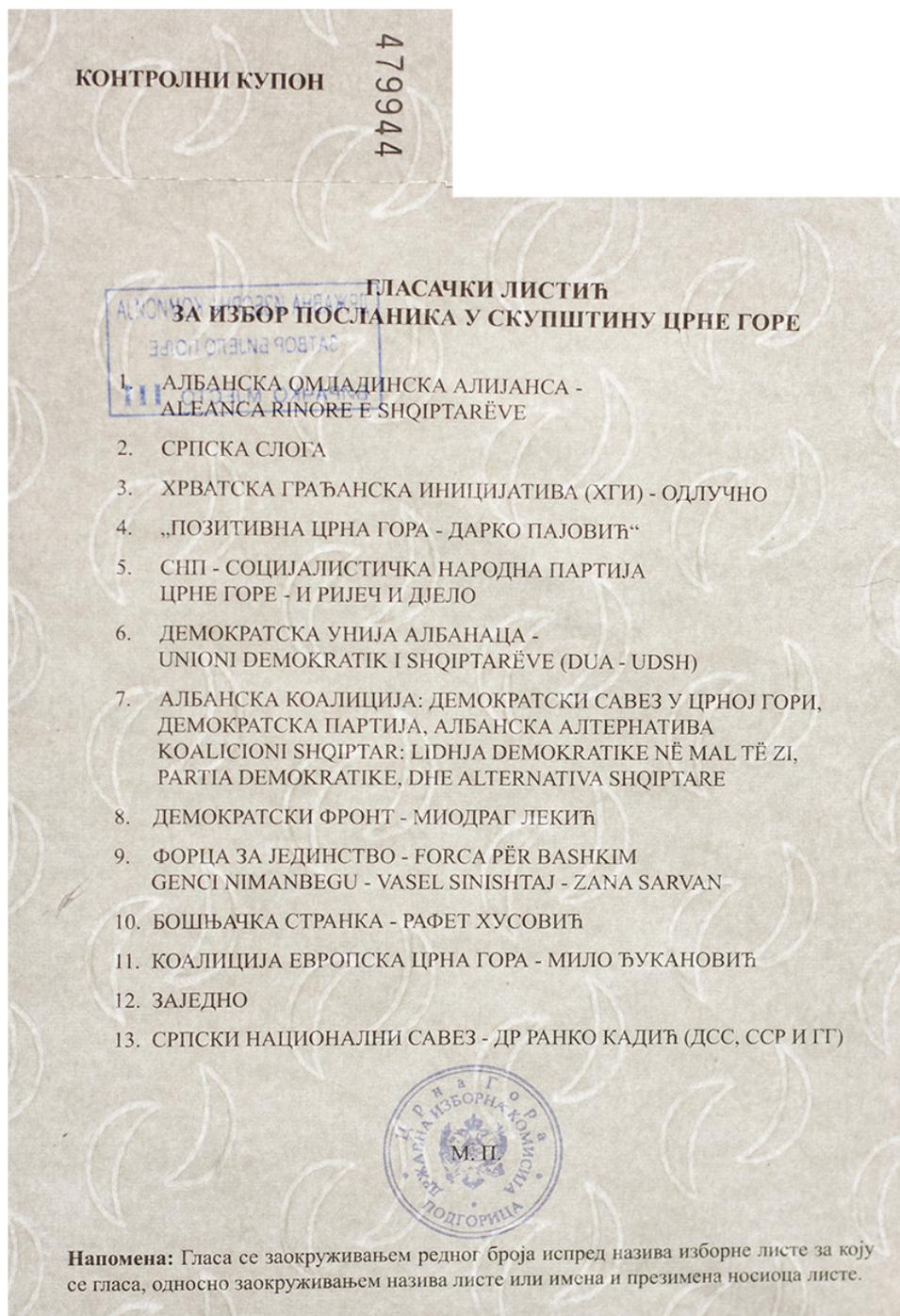
rovic), while in the second round of elections, president of the Presidency (Momir Bulatovic) and the other two members of the Presidency (Hazbo Nuhanovic and Prof. Ilija Vujacic - who was an independent candidate) were elected. In the case of elections for the members of the presidency, it wasn't list voting, but rather type of block voting typical for majoritarian systems. Block vote system exists when, instead of single-member, elections are held in multi-member constituencies, where system of the relative majority is used and voters have number of votes, which is equal to the number of representatives which should be elected. Montenegrin case was different, due to the fact that absolute majority was required for the election of the members of the presidency, and therefore, on only occasion when this system is used in Montenegro, two-rounds of voting were held.

3.3.3.3 Shape, layout and preparation of ballot in Montenegro

Law on Election of Councillors and Representatives stipulates that each ballot shall contain: indication of the constituency; the ordinal number placed before each individual list of candidates; the titles of list of candidates according to the order determined on the general list of candidates; a remark stating that the electors will cast their votes for only one list of candidates, which is done by encircling either the title of the list or the name and surname of the leader of the list. In addition to the abovementioned data, the ballot paper contains also, on its back and in the upper right corner, the name of the municipality, the name of the polling station, the indication of the number of the polling station, as well as the stamp of the Polling Board containing the title and the number of the polling station.

The ballot is printed in a manner whereby it has two parts: a **control coupon** in the form of a separate section containing the unique serial number, and a **ballot paper**. The control coupon and the ballot paper must be separated by perforation. The Law also stipulates that the range of serial numbers on the control coupon must be equal to the number of voters registered in the Voter's Registry, while the number of ballots in serial order (on the control coupon) is determined for each polling station in respective constituency. The control coupon of the ballot is printed, in width, up to 1/2 of the width of the ballot paper. In accordance with the last changes of the law on 2014, ballot papers is printed on the specially protected 120-gram paper with the watermark (previous solution was 90 grams).

State Electoral Commission (SEC), in advance of each elections, through bylaws precisely defines shape and layout of ballots. This very important part of the electoral procedure is done through *Decision on the form and shape of ballots, methods, place and control of printing, validation and distribution of ballots*. For the purpose



Picture 1: Ballot used in the parliamentary elections held in 2012

of this study we will analyze provisions of the Decision from the last parliamentary elections, in order to explain procedure of preparation and creation of ballots. In accordance with the decision, the ballot is validated by SEC stamp, mechanically in the process of printing of ballots. Ballots are printed in number corresponding to number of registered voters, which is determined in accordance with the Law on Voter's Registry. Decisions stipulates that 3% of the spare ballots are printed, which are held in the SEC. Upon necessity, in case of repeated elections in certain polling station, or damage to the ballot, on the request of Municipal Electoral Commission (MEC), the ballots are handed by SEC to the authorized personnel of the MEC. The Decision also stipulated that the ballots will be printed in the Printing factory "Obod" Cetinje, which is also entrusted with procurement of the special paper⁷⁹, and the process of printing will be conducted in presence of the SEC members, proxies of all electoral lists which do not have representatives in the SEC permanently, as well as in presence of representatives of all national and international observation missions. Procedure of the preparation of the ballot for printing is done in such manner that SEC prepares one ballot which is validated by the stamp. On the basis of this ballot, printing house prepares on the computer text of the ballot, originality of which is confirmed by the SEC and validates it by the stamp. In such manner prepared ballot is being transferred to the tracing paper and from the tracing paper to the polymer panel – the matrix. After preparation of the matrix, tracing paper is being destroyed and the text of the ballot from the matrix is being compared with the original. Once the accuracy of the matrix is ascertained, the printing process begins. Upon completing the process of printing and mechanical voting of the ballots, matrix is destroyed and protocol is being created and signed by attending members of SEC and representatives of the printing house. Counting of the ballots, their classification by municipalities, and packing, is done by the members of SEC in the premises of the printing house. After this, the ballots are transferred to members of municipal electoral commissions and the protocol is created for this process.

79 Law on Public Procurement Procedures ("Official Gazette of Montenegro", No. 42/2011), until recently in force, stipulated that this law would not be applied for the procurement of electoral material. Such provisions led to the situation in which this process was conducted far from the public eye, with possibilities of favoring certain election material providers. During recent changes of this Law ("Official Gazette of Monenegro", No. 57/2014), this provision is deleted, thus on the next elections procurement, printing and other services related to electoral material will be set through the public procurement procedure, which will increase transparency of this part of the procedure.

3.4 Alignment of the electoral framework with international standards

International standards and good practice for free and fair elections are defined and described through documents adopted by international organizations. Principles in which the essence of democratic elections is contained, are stated in provisions of International Covenant on the Civil and Political Rights (1966), which foresees that each citizen has the right "...to vote and to be elected at genuine periodic elections which shall be universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors". Aforementioned provision of the International Covenant on the Civil and Political Rights is interpreted in the same, or similar way in many international and legal documents, aiming at incorporation of the electoral right in the concept of human basic rights and freedoms. Within regional, i.e. European system of protection of human rights and freedoms, electoral right is guaranteed by the European Convention for Protection of Human Rights and Freedoms (1950). Article 3 of the First Protocol to the Convention stipulates that participating states are obliged to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature. Besides setting of the general principles of universality, generality and secrecy of the voting right, uses also the term „fair elections“, which encompasses fulfilment of two conditions: elections must be held in accordance with provision of election laws (formal legitimacy of elections) and they have to provide to voters the choice among different alternatives (so-called substantial legitimacy of elections). Besides legal sources of general character, which contain international principles of democratic and fair elections, international standards can be found in the documents of organizations that are nourishing longstanding tradition of election observation in almost all parts of the world. Documents that "are encompassing elementary international attitudes and principles on democratic elections" were developed through the practice of these organizations (OSCE, Council of Europe, etc.).

Primarily, this is final Document of the Copenhagen OSCE Meeting (1991), which stipulates general prerequisites which must be obtained in order to have free and fair elections. Besides Copenhagen Document on the level of Member States of the Council of Europe, Code of Good Practice in Electoral Matters was passed by the Venice Commission – which precisely elaborates general principles of the European electoral heritage – general, equal, free, secret and direct right of vote.

In the following chapters of our study, overview of the electoral right in Montenegro will be presented, from the point of the alignment of electoral legislation and voting

procedure with international standards of free and democratic elections. Special attention will be paid to alignment of electoral regulations and procedures with principles presented in the Copenhagen Document and Code of Good Practice in Electoral Matters, as the most important particular sources of international standards on the European soil.

3.4.1 Universal suffrage

Each individual, in principle, has the right to vote and to be elected. This sentence gives substance of the universal suffrage principle. The state is obliged to provide implementation of the right to vote to each citizen, without discrimination at any basis. However, in accordance with provisions of the Code of Good Practice in Electoral Matters, there are exceptions to this general principle, based on certain limitations, which are set in legal acts as criteria, i.e. conditions for exercising of the active or passive right to vote, such as age, citizenship, residence etc.

3.4.1.1 Right to vote and right to run for office

The Constitution of Montenegro defines right to vote as universal and equal. Active and passive suffrage, according to the Constitution, is granted to adult citizen of Montenegro, with at least 2 years of residence in Montenegro. Law on Election of Councillors and Representatives stipulates that “right to elect councillors and representatives and right to be elected have citizens of Montenegro with the Montenegrin citizenship, who are enlisted in the voter s’ registry in accordance with the law regulating voter registries, on the basis of universal and equal suffrage, on the free and direct elections, by secret ballot”. Article 11 of the Law contains more precisely defined constitutionally proclaimed conditions of age, citizenship and residence, as well as the conditions for exercising of the active and passive suffrage. Electoral law stipulates that active right to vote is granted to legally capable, adult citizen of Montenegro, with at least 2 years of residence in Montenegro before the day of elections. Conditions for the passive right to stand in elections are: age (18 and older), legal capacity, at least 2 years of residence in Montenegro and at least 2 years of residence in residence on the territory of the municipality, or city district.

Therefore, three key conditions for obtaining voting right in Montenegro, are: age (18 and older), citizenship and residence. Code of Good Electoral Practice in Legal Matters foresees that these three conditions could be considered as legitimate conditions for acquiring of right to vote. The issue of citizenship of Montenegro, as the main condition for acquiring of the voting right, was disputed on many oc-

casions after the adoption of the Constitution in 2007, in context of possibility of introduction of the dual citizenship among Serbia and Montenegro. This debate was particularly incited by the Law on Citizenship of Serbia which granted right to Serbian citizenship for the Serbs residing in Montenegro, without the prior revocation of citizenship of Montenegro. Ruling parties in Montenegro, at that point, considered the existence of the dual citizenship unacceptable. They decided that, in case a Montenegrin citizen obtains citizenship of another state, he/she will be deprived of Montenegrin citizenship. After adoption of the new electoral legislation in 2011, and marginalization of the issue of dual citizenship, situation has become much clearer, at least in terms of the citizenship condition. Citizenship is the primary condition for acquiring of the active and passive electoral rights and, as such, fully aligned with international standards.

Residence, as the condition for acquiring of the right to vote, induces numerous disputes in Montenegrin electoral ambient. Even though the constitutional and legal systems recognize this condition ever since the 90's, this institute almost by default represents one of the legal traps, indicated as such by many national and international experts dealing with electoral issues. Namely, the Constitution of Montenegro from 2007 stipulates that, in addition to the citizenship and years of age, citizen must fulfil the criteria of residence – at least two years of permanent residence in Montenegro. From the aspect of international standards, this condition is valid, only if it's not extended over a period longer than 6 months. On the criteria of biannual residence, as condition for suffrage in Montenegro, Mission of OSCE-ODIHR has taken following standpoint after 2009 elections: “The Constitutional requirement of two-year residency is not consistent with the principle of universal suffrage. The right to elect and be elected should be granted to all citizens as a fundamental human right, and any practical considerations for the implementation of this right should be addressed in legislation“. The same or similar formulations were contained in every following electoral process in Montenegro. This issue has recently gotten again in the focus, during discussion of the Laws on registries of permanent and temporary residence. During this discussion it couldn't be concluded how many Montenegrin citizens have temporary or permanent residency abroad, and whether such registry exists in Montenegro at all. CeMI has suggested that controls in the field should be done, in order to verify data from the registries of Ministry of Foreign Affairs, before introduction of the new centralized Voters' Registry. After such control, which would confirm that certain persons are enlisted in Voter s' Registry on the basis of incorrect information, these persons would be erased from the Voter's List. However, so far there was no political will to conduct such action, which would eliminate all doubts related to existence of phantom voters, and which would have long-term positive effects when it comes to the integrity and reliability of voter registries in Montenegro.

3.4.2 Secrecy of the ballot

Secrecy of the ballot is one more in the row of principles of fair and democratic elections, which has been foreseen by all international documents. OSCE standards are binding states to provide procedure of the voting in accordance with legislation, which will guarantee that voting is done secretly, personally, in an organized manner and in safe conditions. This implies providing of “swift and adequate registration of registered voters” during procedure of the voting, as well as of safety of electoral materials and ballots, after voting. In accordance with the standpoint of OSCE, the presence of persons without authorization for participation in electoral process, or observation of the precinct commissions, shouldn't be allowed. OSCE specially emphasized that voting in any other form, but personal shouldn't be allowed (group voting, family voting, proxy vote, etc.), except in the cases when a voter needs assistance to implement his right. Secrecy of the voting must be provided in each part of the voting process, including issuing of ballots, setting up of the polling booths and process of voting itself. In cases of voting out of the polling station, in special institutions (hospitals, prisons, embassies), procedures of voting must be organized in such manner as to preserve secrecy of voting and to avoid fraudulent and irregular pressuring of the voters. The last stadium of the voting procedure – vote count and determination of election results, in accordance with OSCE standards, must be a transparent process, open for observation of representatives of electoral lists and election observers.

The standards of the Venice Commission are similar to standards of OSCE on this issue, with accentuation of the fact that secrecy of the ballot is not only the right, but also an obligation of the voter – breach of which is punishable by the disqualification of the exposed ballot. Venice Commission Code stipulates that electoral procedures must be simple and that each form of breach of the secrecy of the ballot (special accent was placed on “family voting”) should be sanctioned appropriately. Standards of transparency of electoral procedure, in accordance with the Venice Commission, stipulate that ballots should be exposed publicly, e.g. on the table of the president of the precinct electoral commission, and that signing or stamping of the ballot shouldn't be done during issuing of the ballot to the voter. According to the Venice Commission it is possible for the member of commission issuing the ballot to mark the issued ballot and recognize it later during counting, which would endanger secrecy of the ballot of the particular voter. Code also stipulates that, from the moment of issuing of the ballot, no one else should be allowed to touch it – up until the final act of casting of the ballot in the ballot box.

Constitution of Montenegro stipulates free and fair elections and secrecy of the voting. These constitutional principles are later more precisely elaborated through

provision of the Law on Election of Councillors and Representatives, which is fully aligned with international standards in this part. Law on Election of Councillors and Representatives, in its provisions on electoral procedures regulates in detail voting procedures in polling stations out of polling stations, with closer elaboration of the principle of secrecy of voting, personal voting, voter identification, etc. Secrecy of the vote is provided through precise set up of the polling station - which must meet the standards of vote secrecy, behind the curtain (voting booth). The voter is required to fill in a ballot only in the space designated for it (a curtain, booth) so that no one can see how he voted. In case that voter violates secrecy of the ballot, by voting publicly, outside of the designated place, or by showing publicly his ballot to the precinct electoral commission revealing his vote, president of the commission shall, based on the previous decision of the commission, invalidate the ballot, by crossing it out, pack in the special envelop and insert it in the ballot box instead of the voter – with obligatory registration of this procedure in the protocol.

Besides legal provisions, State Electoral Commission, in advance of every electoral process, adopts closer regulation of measures for providing of the vote secrecy. In the last parliamentary elections, in 2012, the State Election Montenegro has adopted this act that prescribes detailed set up of polling stations - stipulating that the competent municipal authority is obliged to timely ensure that the space, designated for the polling station by municipal election commission, is prepared and open during the voting. Also, this act provides that the room for voting must be enough spacious to provide undisturbed work of an electoral commission, i.e. that there is enough space for all the members of electoral commission to have insight and access to electoral material and ballot boxes, and enough space for setting up curtains or booths for undisturbed voting. In the room designated for voting, special place for cabins (or curtains) shall be envisaged, so that no one can see his vote. Besides that, this act envisages that electoral commission is obliged to provide a space for persons authorized to monitor elections, from which they can observe electoral process and have the insight into work of electoral commission. On elections in 2012 there were some unforeseen cases, where polling stations contained video surveillance, SEC has instructed “immediate turning off of the video surveillance or covering of cameras with a cloth”

Law on Election of Councillors and MP’s stipulates that if any kind of disruption occurs in the polling station, electoral commission can stop the voting, until the order is restored. Reasons and duration of the intermission of voting are entered into the protocol of the electoral committees. Representatives of the police on duty or another unformed person are not allowed to access the polling station during polling. Exceptionally, the President of the Polling Board, upon the prior consent of the Polling Board, may ask the police on duty to enter the polling station, only if

order and peace at the polling station have been disturbed. The use of telephones, mobile phones and pagers shall not be allowed in the voting premises. Besides that, law states that the use of telephones, mobile phones and pagers is not allowed in the voting premises. Members of the Polling Board and persons who supervise the work of election administration bodies are not allowed to keep any kind of records at the polling station on voters who have voted as well as to use copies of the Voters' Registry or any other auxiliary records of electors.

Very important segment of the voting procedure is the procedure of voter's identification. In accordance with the newly adopted solutions in the process of amending the electoral law, concept of identification was completely changed by introducing electronic identification of voters in polling stations. Provisions which introduced this novelty stipulate that electronic devices for identification of voters will be used at polling stations, and that voter must be electronically identified in order to vote. Law defines that these electronic devices are a compact hardware and software unit composed of: electronic reader of machine readable records from ID cards and passports; computer in memory of which the extract from the closed electoral register for a specific polling station is placed, including the latest photographs of the voters from the register of ID cards and passports; printer to print a confirmation on successfully executed identification of the voter.

Procedure of the electronic identification of voters is done in the following way: Upon his arrival to the polling station, the voter presents his ID card or passport to the chairperson of the Polling Board (precinct electoral commission). The chairperson of the Polling Board finds the voter in the electronic and printed extract from the electoral register by electronic identification, and thereafter the voter shall put his signature at the designated place in the electoral register after which the polling board will allow the voter to vote. The device for electronic identification will show the photograph of the voter on the screen and print a paper slip – confirmation that contains the name and surname, unique ID number and ordinal number of the elector identical to what is contained in the printed electoral register. The chairperson and the member of the Polling Board from opposite political option (respecting the majority-opposition parity) shall put a clear autograph on the printed slip – confirmation, which will be kept together with the voting coupon.

System of electronic identification wasn't applied by now in the countries of the region, and it carries certain risks and uncertainties. In this sense, preparations for implementation of this concept must be through, in order to familiarize all representatives of the electoral bodies with the procedure, to the thinnest details. Also, state bodies should prepare a detailed risk assessment for the implementation of this method. Additionally, it seems more reasonable to test this method in some of the election at the local level, before its activation in the national level. Finally,

but not less important, is the fact that this new system will cost the country 1.4 million euro, according to the estimation.

3.4.3 Direct vote

One of the common principles of the European electoral heritage is direct (personal) vote, in accordance with which, each voter votes personally and his voting right is not transferrable to any other individual. This principle implies that voters elect directly their representatives in representative bodies, which should exclude every possible intermediary between voter and representative. However, in modern democracies, parties are trying to act as intermediaries, through the right to voluntarily distribute seats obtained by their lists – which directly endangers the principle of direct voting.

Proportional system with closed list in Montenegro is not favorable for the respect of the direct voting principle. In accordance with the Law on Councilors and Representatives, the voter is choosing one electoral list from the ballot, by circling the ordinal number before its name. In such manner voter gives his vote to an electoral list, i.e. political party which takes the role of “intermediary” between voter and his representative. Upon closing of elections and announced electoral results, each party receives number of seats proportional to number of votes, and seats will be allocated to candidates, based by their order on the electoral list.

3.4.4 Equal suffrage

Equal suffrage standard encompasses several elements, which must be incorporated into electoral legislation and directly applicable, in order for electoral processes to deserve the epithets “free and democratic”. Constitutive elements of equal suffrage are: equal vote right, equal voting power, equality of opportunity, equity and prohibition of discrimination of minorities in elections, gender equality and parity of genders, etc. Equal suffrage is understood through international standard, according to which one voter has the right to “one, and just one single vote” – with decisive prohibition of multiple voting which is a “common abnormality of democratic societies” Law on Election of Councilors and Representatives recognizes this standards by stipulating the voter can vote only once in one electoral cycle. Also, by organizing Montenegro as one, multi-member constituency, lawmaker has decreased the influence of electoral geometry to the value of each voter. In this part of the study we will deal with individual aspects of equal suffrage, which are

especially interesting from the point of view of alignment of Montenegrin legislative with international standards.

In the context of implementation of the equality standard, according to Code of Good Practice in Electoral Matters, it is necessary to provide equality of parties and “make” the state ensure equality of all participants of electoral processes. In electoral ambient of Montenegro, “strict equality” is being provided, which implies that rules on equality are applied to “all political subjects, regardless of their current political strength, or support of the electorate”. However, analysis of organized electoral processes in Montenegro has indicated the existence of certain anomalies, which are endangering basic principles of equal suffrage. Here, we are primarily speaking about abuse of state resources and during electoral processes – a phenomenon noted for the first time in elections in Ukraine and Russia, whereas today it’s a feature of electoral processes in many other countries.

3.4.4.1 Abuse of state resources during electoral process

Theoretically speaking, abuse of state resources in electoral campaign is defined use of state or public powers and capacities (including means of coercion, human, financial, material and other resources) from political parties and politicians in power, in order to increase their chances on elections, through violation of legal norms and responsibilities they are entrusted with. Politicians and political structures in power have at their disposal wide spectrum of resources through which they can benefit in electoral process, in a mode that goes out of the framework of the fair political behavior. Institutional, financial resources and media resources are the most abused by parties in power. In such way, besides the harmful effects of the corruption, democratic nature of elections is brought into question.

Law on Financing of Political Subjects and Electoral Campaigns⁸⁰ defines wide spectrum of prohibitions and limitations during the electoral campaign. These provisions were response to a necessity of the legal regulation of the phenomenon characterizing almost all elections, since introduction of multipartism in Montenegrin system until today – the phenomenon of abuse of state resources.

Pursuant to the provisions of this Law, it is forbidden to political entities receive material, financial assistance and in-kind contributions from: other countries, companies and legal entities from outside Montenegro, private individuals and entrepreneurs who do not have the right to vote in Montenegro, anonymous donors, public institutions, legal entities and companies with state capital, unions,

80 Official Gazette of Montenegro, no. 52/2014 of 16.12.2014

religious communities and organizations, non-governmental organizations, casinos, bookmakers and other games of chance.

The Law also prohibits to political subjects, legal entities and individuals to put pressure on legal entities, companies and individuals when collecting contributions or any other activity related to electoral campaign and funding of electoral subjects. Also, it is prohibited to use facilities of state institutions, state authorities, local government bodies and local administration bodies, public enterprises, public institutions, state funds and companies founded and/or partially/ completely owned by the state or local government, for the preparation or implementation of electoral campaign, unless all these conditions are provided to all other participants in electoral process. The Law has foreseen full transparency in granting of social benefits, transparency of budgetary expenditures and prohibition on debt relief to the citizens during the election campaign by some categories of legal persons, etc.

Comprehensive legal regulation of the abuse of state resources area is one of the main features of electoral legislation of Montenegro, because in no other country in the world is this issue regulated that meticulously. However, along with the added value brought by these provisions, in terms of improving of the fairness and creation of conditions for equal suffrage of all participants in electoral process, insufficient or inefficient implementation of these provisions may lead to endangering of the electoral environment and questioning the legality of the electoral procedures implemented and legitimacy of the achieved election results. In this sense, implementation of these provisions should be placed in focus not only of the political subjects and bodies of electoral administration, but dominantly in the focus of law enforcement bodies, which will follow and process all the actions and activities, related with abuses of state resources, which are endangering democratic nature of elections.

3.4.4.2 Validation of electoral lists

Equality of participants must be present in all phases of electoral process. One of the guarantees of existence of the equal conditions for validation of electoral lists in Montenegro is provision of the electoral law, stating that the electoral list will be validated if its candidacy is confirmed by signatures of 0.8% voters in the constituency. During recent amendments of the electoral law, political parties have adopted solution which is roughly violating principle of equality and equity of participants of electoral process – according to which the list can be validated without signatures of support, if it has at least one parliamentary representative. It is obvious that such provision would put parliamentarian parties into a privileged

position, as opposed to parties which don't have their representatives in the Parliament. After constitutional appeal of CeMI, the Constitutional Court has ruled that such provision is unconstitutional and "discriminative, it is not based on objective and reasonable justification. The Law failed to establish a legitimate aim and logical relation of proportionality between means used and aim which should be achieved, which violated principle of equal suffrage"

3.4.5 Freedom of choice / Free suffrage

Code of Good Practice in Electoral Matters foresees that the freedom of choice is constituted out of two key elements: freedom of voters to form an opinion and free expression and freedom of voters to express their wishes and action to combat electoral fraud.

Forming of free opinion in voters is unavoidable element of democratic electoral procedures, which is partially overlapping with the principle of equality of participants to electoral process. In the broadest context, each voter has the right to be informed objectively and impartially on programs of candidates, i.e. electoral lists which are participating in electoral process, in order to have the possibility to choose an option on the basis of "clean offer" which should be reflected in qualitative assessment of electoral programs. Public media are playing really significant role in providing conditions for implementation of free elections in their full capacity. Thus electoral laws should contain provisions which will regulate issues of media representation, and grant equal media representation of all participants to the electoral process. Opinion in voters might be created on the basis of their presence on the rallies of electoral actors. Therefore, state bodies should provide accessibility of public places to all participants wanting to organize promotional rallies or campaign activities – in order to be a step closer to voters, i.e. in order for the voters to be more acquainted with their program offer. Finally the issue of financing of campaign activities i.e. issue of financial and other resources, at disposal of electoral participants, which could potentially represent a source of substantial inequality among these participants. Thus, the state must provide equal opportunities for financing campaign activities from the state budget to all participants of electoral process, but also it should provide that state resources used during electoral campaign are available to everyone. The cases of ruling parties acquiring advantage in the comparison of with other parties, through abuse of state resources, are quite common in transitional societies. In such way, equality principle is being violated and the issue of existence of political corruption emerges. Code of the Venice Commission also emphasizes that "Voters' freedom to form an opinion may also be infringed by individuals, for

example when they attempt to buy votes, a practice which the state is obliged to prevent or punish effectively“.

The second element of the free suffrage is free expression of the voter's will. Code of good Practice in Electoral Matters foresees that free expression of the voter's will requires, in the first place, strict obedience of the voting procedure. Code stipulates that voters should have the possibility to give their votes to nominated lists and candidates, i.e. that the ballots with their names must be provided, as well as the possibility of casting these ballots in ballot boxes. Besides that, the state must provide appropriate facilities for conducting of electoral procedure. Finally, voters must be protected from the threats or limitations that can prevent them from voting on their own free will. The state must prevent and sanction such practices.⁸¹

Through the provisions of the Law on Election of Councillors and Representatives, on the level of general principle, voters have the right to be informed through the media on electoral programs and activities of electoral lists and candidates. Media are obliged to apply consistently principles of equality towards all electoral lists. A special set of provisions of the electoral law is dedicated to representation of electoral lists during electoral campaign. In this part, the rules for representation of electoral lists and the candidates in the means of public information have been set. It is foreseen that election participants have the right to daily, in the same duration, and freely inform the citizens on their candidates, programs and activities, through national broadcasting service –RTCG and through regional and local public broadcasters. Besides provisions regulating representation through means of public information, this law contains provisions regulating issues of participation of public officials in electoral processes and certain limitations for their appearances in campaign; as well as limitations of the use of resources of government bodies, public enterprises, public institutions and funds, local government units, as well as state owned enterprises (money, technical equipment, facilities, etc.), for purposes of electoral campaign. Finally, this part of the law contains another international standard of fair elections, reflected in the right of electoral lists and candidates to prepare electoral leaflets, advertisements, photographs, posters, etc. to expose them publicly, without special authorization in public spaces designated for this purpose by the relevant authority.

81 Criminal Code in the special chapter deals with criminal offences against electoral rights, and it defines following criminal acts: violation of the right of nomination; violation of the right to vote; violation of freedom of choice in voting; abuse of the right to vote; compiling of inaccurate voter lists; prevention of the voting procedure; prevention of the electoral monitoring; violation of the vote secrecy; falsification of voting results; destruction of documents on voting and other forms of serious offenses against electoral rights.

3.4.5.1. Media representation of participants to the electoral process

International standards are foreseeing that equality of opportunity of participants to the electoral process must be applied in their media representation as well, i.e. that all participants to the electoral process “may express their opinion in the main public media, and that all parties have the right to hold gatherings, including gatherings on the public places and the right to distribute informative material“. Law on Election of Councillors and Representatives of Montenegro, in provisions regulating representation of electoral lists in media, entitles electoral lists to marketing promotion of their candidates and programs and publishing of announcements of their rallies on the national broadcasting service RTCG – in daily shows, free of charge. In other programs, especially those organized by commercial public media, electoral lists may also advertise freely, but with relevant payment, in accordance with the rules passed by the broadcasting agency. Property of: state bodies, public institutions and bodies, or local governments while state owned companies, can't be used for representation of electoral lists. Even though the international standards of media representation are mainly included in Montenegrin legislation, national media are often running „concealed campaign“, in favor of ruling parties. This is also noted in report of OSCE/ODIHR from the last elections in 2012 “Although the electoral law bans government officials from taking part in the campaign during working hours, the distinction between their institutional role and election-related appearances was not always made clear to the audience. News programs focused on the activities of state and government officials, many of whom were also candidates in the elections“.

Therefore, OSCE/ODIHR, aiming to provide true equality in coverage and access for all electoral contestants, has recommended that „public media should ensure balance in their news and current affairs reporting. Further efforts should be made to draw a clear distinction between official government activities and their campaign appearances“

3.4.5.2. Rules on electoral campaign financing

Through provisions of the Law on Financing of Political Subjects and Electoral Campaigns are regulated the issues of acquiring and providing of the funds for the regular work and electoral campaign of political subjects, prohibitions and limitations of state property usage, funds and public authorizations in the period of electoral campaign, as well as control, inspection and audit of financing and financial management of political subjects. Area of financing of political subjects and financing of electoral campaigns (for parliamentarian, presidential and local

elections) was united for the first time by adoption of the Law on Financing of Political Subjects and Electoral Campaigns in the end of 2014. In this part we will refer only to part dedicated to parliamentary elections.

The Law on Financing of Political Subjects and Electoral Campaigns stipulates provision and distribution of resources for financing of electoral campaign to subjects participating in election processes. Identified expenses of electoral campaign are: election rallies, commercials and advertising material, media presentation, advertisements and publications, public opinion surveys, involvement of authorized representatives of a political entity in an extended composition of electoral bodies, overheads and general administration and transportation costs during the election campaign. After verification of an electoral list (i.e. the list of the candidates) all subjects are granted 1/5 of designated budget (20%) for financing electoral campaign, while remaining 4/5 (80%) are being distributed only to those political subjects who obtained mandates – proportionally to the number of obtained mandates. Besides budgetary funds, political subjects may collect funds to finance campaign from private sources as well (membership fees, donations etc.) but only during electoral campaign. At the same time, the total amount of funds obtained from private sources, shouldn't surpass "thirtyfold amount" of funds which are allocated to the subject, on the basis of the first instalment of budgetary funds.

Boris Vukićević

PART FOUR

**ELECTORAL CAMPAIGN
IN MONTENEGRO**

4. ELECTORAL CAMPAIGN IN MONTENEGRO

4.1 Why the analysis of electoral campaigns?

Electoral campaign represents an attempt of a candidate or of an organized group to convince the part of the population to make certain decision (The Encyclopaedia of Political Science, 2011: 181). Its main function is to provide voters' support to political subject, or individual-candidate, who tends to rise into power (Slavujević, 2007: 13). Final aim of each electoral campaign is for the candidate or political organization to be elected, in order for them to obtain possibility to implement their ideas in practice. Campaigns, of course, have sense only in multi-party states, while in single-party states they may occur, but they are more of a farce than a real attempt to persuade voters to *choose* something. Thus, it is not necessary to speak about electoral campaigns in Montenegro, before the first multi-party elections, especially after adoption of the 1974 Constitution, which has turned representatives into delegates of organizations of associated labour, municipalities, etc. The Parliament of the Socialist Republic of Montenegro has, by adoption of the Amendments to the Constitution on July 30th 1990, created a pathway to change of this delegate's system and change of the organization of the Parliament in three councils, foreseen by the 1974 Constitution. In the same year the Parliament has adopted the Law on Assembling of Citizens, which has confirmed and legalized existing parties in the Republic, besides the League of Communists, which had a leading role at the time. In multi-party system, without single monopolized ideology, electoral campaigns are obtaining purpose, along with all their accompanying elements concerning campaign financing and its media representation, legal organizations of campaigns, its duration, surveying of public opinion during campaign, etc.

Regardless of the fact that, judging by the public opinion surveys, there are no special differences in preferences of the voters before and during electoral campaign, research of the electoral campaign in Montenegro has its meaning. Electoral campaigns are emphasizing certain central issues of political debates and parliament

discussions, more clearly than it is done in the party and political life in period between elections. Campaigns are placing party leaders in the front row, which emphasizes political weight that party leaders continuously have in their parties and in the political system (in accordance with the strength of the party)

Other focal questions are being opened during campaign as well, such as attitude of the media towards parties, or financing of political parties. Finally, electoral campaigns are also the opportunity to see to which extent is it possible to implement (frequently changed legal regulations concerning elections, electoral campaign, financing of the participants of campaign and other aspects of political process.

4.2 General features of electoral campaigns in Montenegro – *role of the leader, key topics, communication channels (media and social networks)*

Electoral campaigns in Montenegro were quite frequent, having in mind that elections were held in 1990, 1992, 1996, 1998, 2001, 2002, 2006, 2009 and 2012, alongside with presidential elections 1990 (these were the last elections for the President of the Presidency), 1992, 1997, 2002, 2003, 2008, 2013 and series of local elections, which were held parallel to parliamentary elections in 90's – but, during the last decade, development of coalition combinations, has led to the situation in which practically each year in Montenegro is an election year, at least for some municipalities (and over a certain period there were, today disregarded, direct elections for presidents of municipalities and the Mayor).

Probably, the frequency of campaigns has decreased their significance for the people. In the first several electoral cycles, campaigns were characterized by organization of huge rallies on squares or in sports halls, with rhetoric strife among leading political actors. This dimension, an aspiration to show the strength of certain political option to the electorate, through mass gatherings during electoral campaign, was also typical for the period of split in the ruling Democratic Party of Socialists, and especially in the period before referendum on independency. This was the time of big polarization, which existed before and after that key period 1997-2006, but it was the most emphasized during that time. Democratic Party of Socialists sought, on several occasions, to organize a glamorous campaign, modelled after Western-type campaigns. Before presidential elections in 1997, the key ones for the modern history of Montenegro, in campaign of Milo Djukanovic, famous actors from

Belgrade and other celebrities took part. However, the success was achieved only in the second round, when the field work, and not the shiny campaign, led to final success. The similar situation happened on elections in 2001 and 2002, when elections led with a pompous campaign of DPS were won only with tight majority, while local (2001) and republic (2002) elections, were won with overwhelming majority. Namely, meanwhile, DPS concentrated on *the door to door campaign*, and intensified its field work, which was previously present as well, but from that moment on became dominant recipe of successful campaigns in which this party participated, including referendum campaign (Darmanović, 2007: 97). In such a small country as Montenegro, it's not physically impossible to reach each voter, which undoubtedly has significantly stronger effect than observing any kind of expensive campaign on the television. The elections in the post-referendum period have different pattern of rallies in comparison with previous ones – squares are replaced by smaller sport fields, big halls have been frequently replaced by small halls of the culture centres, local community centres, etc. On one hand, this is probably reflection of the voter's fatigue by the big rallies (after the big rally for independence of Montenegro on the Square of Republic in Podgorica, each later rally seems small) and, on the other hand, this is also the result of the awareness of parties that *door-to-door* campaigns are more effective along with small rallies where their messages could be presented just as well as on the big rallies. Accessibility of information to the voters is also increased nowadays, through larger number of media and through great variety of media and social networks, which has undoubtedly contributed to this transformation. In '90's (until 1997), unless they would come to the rally by themselves, citizens were bound to be informed on electoral campaign through only one television, one state papers and (during most of this period) through only independent radio, which reported on those events at clearly defined time, usually in the biased and pretentious way. In the era of new media, each event is announced to wider masses, as soon as it's happened and not only through TV and radio stations and press but, above all, through internet portals and social networks. In addition, different media are differently politically oriented, thus citizens don't need to be at a rally in order to get timely and clear information on it.

Also, it should be stated that there was practically no billboards during '90s, but in the first decade of XXI century they became more present in the electoral campaign, alongside with posters, which are typical for each elections since the first ones in 1990. Looking from the outside, this resembled to the outlook of the electoral campaigns in the West.

Personalities are usually in the focus of electoral campaigns. This is an expression of the deep personalization of political parties, but so far mostly through recognition of a party only through its leaders. Again, this is an expression of multi-decade, even multi-century binding of Montenegrins for authorities, which was present

through entire period of theocratic-autocracy of Peter II, enlightened absolutism of Prince Danilo and King Nikola, to the King Aleksandar Karađorđević, and later Blažo Jovanović, and Tito. In consequence, political parties are usually tied for their leaders to such extent that even referendum campaign was related to leaders of blocks, even though citizens should have made the choice on something, importance of which exceeds by far importance of current political actors. This was particularly visible on the independist side, where the strong authority and great charisma were undeniable. Leaders dominated even formally, due to the fact that their name is usually part of the title of the electoral list, their photos are on posters and billboards, they speak the last on the most important rallies; but also, they dominated substantially, because they give the tone to the campaign, they are given the most media space, taking in consideration that their speeches have more political weight than speeches of others, due to underdeveloped level of inter-party democracy. Even though this was a dominant feature of the beginning of the second transition, e.g. the elections of 1998, still this characteristic is significantly present in other campaigns as well, which will be further discussed in the part related to the last electoral campaign.

Campaigns from the period before split in the DPS, were frequently followed by situations which could have led to a more serious conflict. The case of preventing of the Bijelo Polje rally of the Liberal Alliance of Montenegro, when the rally organizers and their supporters were prevented from entering Bijelo Polje, by blocking their way, is one of the cases. Such situations, regardless of the tensions which undoubtedly followed referendum campaign, were not repeated after post-electoral period of 1997-1998, when Milo Djukanovic defeated the incumbent president of Montenegro, Momir Bulatović, preparing by this a pathway for the second Montenegrin transition.

Regardless of the changes of electoral system in the first, second and third parliamentary elections, mainly in accordance with needs of the ruling party which has won absolute majority on all three occasions; change of the number of constituencies from 20 to 1, then again to 14, the role of the candidate for representative was never emphasized. Taking in consideration the fact that the country was divided in 14 electoral constituencies in elections in 1996, it was expectable to have a greater role of the candidate for representative, who would have a stronger connection with voters than in a single constituency, i.e. in *at large system*. However, this didn't happen, because the focus was directed towards the pinnacle of the ruling party, above all Bulatović-Đukanović-Marović triumvirate, which led its last campaign before final split only five months after the elections; and towards oppositional coalition People's Unity headed by Novak Kilibarda and Slavko Perović; marginalizing by these candidates from the second row of the party and local politicians.

After these elections, until today, Montenegro will continue to apply system *at large* (with modification of the so-called *small* or *Albanian* constituency). This system functions in the way that voters are being offered with one, already established, electoral list per party (or coalition or group of citizens). This did not increase visibility of candidates during electoral campaign.

The parties are competing in electoral markets, but some markets are closed for certain parties, especially in countries with tradition of subcultures based on racial ethnic or religious clefs, i.e. in heterogeneous societies. However, in Montenegro the voting followed primarily program-political lines of division, rather than religious or ethnic ones, regardless of the fact that Montenegro is a religiously and nationally heterogeneous state. Therefore, the electoral market of Montenegro was much more open than markets in other heterogeneous countries (Goati, 2008: 94). However, if we observe development of national parties in Montenegro, which represent national minorities, we can note a tendency of increase of the support for these parties, i.e. turning of the minority people towards their national, instead of civic parties. National parties of minorities (except Albanian) have acquired parliamentary status in the period, only when *at large* system wasn't applied – in 1990 and 1996, while in other elections Bosniak minority parties failed to surpass the threshold and Croatian minority didn't even have the party. Albanian national parties, favoured through small constituency, have at the beginning obtained fewer votes than DPS in this constituency, but in time they reached the number of 4 out of 5 parliamentary seats, elected in their constituency.

The tendency of aligning of minority people with their national parties became more visible after referendum, although it hasn't provoked any political breaches in the political scene, given that minority voters of the ruling coalition have supported national parties which are already incorporated into coalition as faithful partners of DPS. Naturally, these parties are focused on voters of their minority, and therefore limited to this electoral market in their electoral campaign. Taking in consideration the number of seats minority parties could win, in the case of the Croatian minority, only the first place on the list is relevant, and remaining ones are there only as place fillers. Naturally, while Croatian minority has one party only, in its case there were no problematic situations. However, in the case of Albanian minority on the last elections, the first elections in which Albanian minority didn't receive special status in regards to other minorities, since 1996, a conflict emerged that is not yet resolved. Namely, in order to overcome the problem of the less favourable electoral law, Albanian parties made coalitions, but coalitions won only one mandate each so agreement on rotation of seat in the parliament was reached. It meant that after agreed amount of time the elected parliament member would resign and the second candidate from the list would take his place, later to be

replaced in the same way by the third one. As the result of the conflict in political parties that represent Albanian people in Montenegro, out of one, and then two parties from the last decade of XX century, at least five relevant political subjects emerged. In order to increase their chances of obtaining the parliamentary status, Forca has made a coalition list with Civic initiative, and Democratic Party entered into coalition with Albanian Alternative and Democratic Alliance in Montenegro. Democratic Union of Albanians has run for elections alone, and it failed to obtain a seat, which confirmed that decision of other subjects to unite was wise. (A similar situation regarding the rotation model has happened the same year in Serbian parliamentary elections, also with the Albanian minority. Four parties of Albanians of Presevo Valley have united and agreed on rotation, in accordance with their results on the previous local elections.) However, after the 2012 convocation of the parliament has entered into their second half of the mandate, representatives declined to step down and give way to the next candidate on the list, leaving in such way their colleagues from other parties of their joint list out of the parliament. This case was another indicator of how fragile pre-electoral promises and party agreements are, even when they are made in the written form. Lists of Albanian parties were clearly presented as coalitions, and Democratic Alliance (the party which was prevented from using their mandate) was even the first party in the title of the coalition. There is a possibility that voters of parties, which had second or third place in the list, are actually misled to vote for the list in order to have only the first listed party represented in the parliament. If citizens would have the possibility to choose individual candidates from the list, they could clearly show their preference and decide who should be in the parliament.

4.3. Electoral campaign – legal framework

Questions addressing electoral campaign, its organization, duration and funding, are regulated through multiple laws. The Constitution of Montenegro, as the highest legal act, doesn't address campaign issues, and leaves these issues to be regulated by laws. The Constitution generally stipulates that an authority, which is not derived from freely expressed will of citizens in democratic elections, in accordance with the law, can't be established or recognized (The Constitution of Montenegro 2007, Article 2, Official Gazette of Montenegro, No. 1/07). It also guarantees the secrecy of voting (Article 45), foresees that electoral laws are adopted by two-third majority of all representatives (Article 91), stipulates that the President of Montenegro calls

for parliamentary elections (Article 95), as well as that the Constitutional Court decides on electoral disputes that are not under jurisdiction of other courts (Article 149) – those would be all provisions related to elections and electoral process in the Constitution itself. It is natural and common that constitutions don't go into details of electoral process and for electoral campaign to be completely left out from this act. The Law on Political Parties (Official Gazette of Montenegro, No. 21/04, with Law on Amendments of the Law on Political Parties, Official Gazette of Montenegro, No. 59/11) also omits electoral campaign. However, electoral campaign is regulated by the Law on Election of Councillors and Representatives and Law on Financing of Political Subject and Electoral Campaigns (which replaced the Law on Financing of Political Parties). The Law on Election of Councillors and Representatives from 1998, and its numerous amendments and supplements are defining more precisely different issues related to electoral campaign. During the last decade and a half, since *Agreement on Minimum of Principles for Development of Electoral Infrastructure in Montenegro* (September 1st, 1997) that changed electoral legislation, provisions regulating electoral campaign have changed several times. The whole chapter, related to presentation of electoral lists and candidates in the electoral campaign, was erased by the Decision of the Parliament in July 2002 (The Law on Amendments of the Law on Election of Councillors and Representatives, Article 10, Official Gazette of Montenegro, No. 41/2002), and soon replaced by the new one (The Law on Amendments of the Law on Election of Councillors and Representatives, Article 10, Official Gazette of Montenegro, No. 46/2002).

It is not allowed to publish results of public opinion polls within 15 days before elections. In the comparative practice, there are different experiences, thus many countries allow publishing of public opinion polls results even on Election Day. Polls give certain tone to the campaign and open space for abuses. In order to prevent these possible abuses, in Montenegro, even before introduction of this deadline (The Law on Amendments of the Law on Election of Councillors and Representatives, Article 25, Official Gazette of Montenegro, No. 14/2014), similar deadline existed, only it was shorter (first seven, than ten days). Upon their confirmation until the end of the campaign, electoral lists are entitled to inform the public on their programs and activities through Radio Television Montenegro and local stations, while commercial broadcasters are obliged to provide paid advertising to electoral lists, under the same conditions. The Law precisely defines duration of videos, reports, etc. that should be broadcasted by Television of Montenegro and Radio of Montenegro, as well as the obligation of organization of duels of the candidates, i.e. electoral lists representatives.

Due to frequent accusations of abuse of state resources in campaign, provisions banning this anomaly were introduced, on multiple occasions. In that way, it was

foreseen that the property of the state bodies, public enterprises, institutes and funds can't be used for advertising electoral lists; also, police and members of the National Security Agency are banned from participating in campaign in any way; while public officials appointed by the Government and local self-governments, along with civil servants and state employees, can't participate in the campaign and can't express their attitudes on elections publicly during work hours. Amendments of the Law in 2011 have foreseen establishing of the special Committee for monitoring of implementation of the Law, in part related media, composed out of five representatives of ruling majority and opposition (The Law on Amendments of the Law on Election of Councilors and Representatives, Article 51, Official Gazette of Montenegro, No. 46/2011).

Electoral campaign ends 24 hours prior to the day of elections (according to earlier provisions – 48 hours before the day of elections). This means that electoral activities, in form of rallies and media appearances are ceasing. However, increasing presence of the door-to-door technique in the campaign, along with social networks and presence of the regional and foreign media in Montenegro have made this rule quite relative.

Last changes of the electoral law stipulate that the TV duels of candidates on RTCG shall be translated into sign language (The Law on Amendments of the Law on Election of Councillors and Representatives, Article 24, Official Gazette of Montenegro, No. 14/2014), in the spirit of increasing tendency of equal treatment of persons with disability and in accordance with European legislations (which is also notable from other amendments in the Law, related to access to polling stations, patterns for persons with damaged eyesight, etc.).

4.4. Financing of electoral campaign

Particular attention was paid to financing of political subjects – participants in the electoral process - in the electoral campaign. In accordance with the measure from the Action Plan for Implementation of the Strategy for the Fight against Corruption and Organized Crime for the 2013/2014 period, the Law on Financing of Political Subject and Electoral Campaigns was adopted in December of 2014. This Law regulates, among other issues, methods of acquiring and obtaining financial funds for the regular work and electoral campaign, as well as the limitations for using state property, funds and public powers, in duration of campaign (Law on Financing of Political Subject and Electoral Campaigns, Official Gazette of Montenegro,

No. 52/14). Political subjects are, under this law, political parties, coalitions and groups of voters, as well as candidates for the post of the President of Montenegro. Thus, this law has replaced two previous laws: Law on Financing of Political Parties and Law on Financing of Campaign for Election of the President, Mayors and Presidents of Municipalities from 2009. The Law stipulates that abovementioned political subjects can acquire funds for electoral campaign from private and public sources, where public sources are funds from the state budget and budgets of local communities, while private sources are membership fees, donations, incomes generated from activities or property, legacies and credits from banks and other institutions (Articles 5 and 6). Budgetary funds are allocated in the election year⁸² in amount of 0.25% of the total budget funds, (which are reduced for the funds of the capital budget and the budget of the state foundations). The amount of 20% is allocated in equal portions to all lists that have been verified, while the rest of the funds (80%) is allocated to subjects that won mandates, proportionally to the total number of MPs or councillors seats. Political entity can acquire funds from private sources only during the campaign and the law stipulates that funds acquired in this manner cannot exceed thirtyfold amount of budgetary funds obtained by political subject upon verification of the list. The political subject is obliged to open an account which may not be used for other purposes, with the institution responsible for payment transactions. Political subjects are banned from using material, financial or in-kind donations from other states, enterprises and legal entities outside from Montenegro, physical entities that don't have the right to vote in Montenegro, from anonymous donors, public institutions, state owned legal or economic entities, trade unions, religious communities and organizations, non-governmental organizations, casinos, bookmakers, chance games organizers, and from persons convicted of criminal acts with elements of corruption. In order to emphasize even more prohibition of abuse of the state resources, use of the facilities of state and local bodies, public enterprises and institutions, state funds and enterprises founded by the state, is prohibited, unless all participants of the electoral process are provided with the same conditions. In addition, distribution of the promotional material in listed bodies and institutions is prohibited.

This is significant in a state where electoral campaigns are regularly followed by mutual accusations that certain political subjects are financed by other states, i.e., on the other hand, that certain political subjects are additionally funded from state resources. Also, cancellation of citizens' debts, including bills, has been prohibited from the day of the call of elections, until expiration of one month after the elections. Public officials are prohibited to use state vehicles during campaign, except in case of official needs. During campaigns, there are frequent accusations

⁸² In the case of early elections, funds are allocated from the current budget reserve by the same principle.

that state officials use their positions in order to help the campaign of their party. Often the line between simple conducting of state business, (which must be done even in the time of campaign), and conscious participation in the campaign is blurred. Question also arises why prohibiting use of the state vehicles, except for protected persons and for official use, when state vehicles are already foreseen to be used only for official purposes and not for party or private needs of public officials. The Law leaves the possibility of employment in state and local bodies, exceptionally, due to undisturbed and regular process of work, in accordance with the systematization act. This provision has replaced disputable solution from the Law on Amendments to the Law on Financing of Political Parties (Official Gazette of Montenegro, No10/2014) which prohibited all employment in state institutions and local bodies since announcement of elections until expiration of one month after elections. This provision was deemed necessary by the parliamentary majority that adopted it (composed of representatives of the opposition and minority partner of DPS- Social Democratic Party) for prevention of the abuse of state resources. This provision, along with many others, was repealed by the Constitutional Court, which found that such provisions are not in accordance with the Constitution, and constitutionally granted rights and freedoms. Such decision of the Constitutional Court has accelerated adoption of the new law, rather than adoption of amendments to the previous one.

Expenses of electoral campaign are encompassing expenses related to pre-electoral rallies, advertising videos, promotional material, media representation, announcements and publications, polls, engagement of proxies in extended composition of electoral authorities, overhead and general administration, as well as transportation costs (Law on Financing of Political Subjects and Electoral Campaigns, Official Gazette of Montenegro, No. 52/14). An important novelty is that control of financing of electoral campaigns is done by the Agency for Prevention of Corruption. Political subject, participating in the campaign is obliged to provide invoice of media advertising during campaign to the Agency, along with report on funds acquired and spent for electoral campaign, as well as to notify the Agency on opening of the special campaign bank account for collection of funds from private sources. This Agency is established in accordance with the Law on Prevention of Corruption, which foresees that the Agency, as independent body founded by the Parliament, conducts control of financing of political subject and electoral campaigns (Law on Prevention of Corruption, Article 4, Official Gazette of Montenegro, No53/14). Ministry of Labour and Social Welfare is obliged to provide the Agency with data on number of social benefit users and amount of social welfare aid, once in every 15 days; analytical card on expenditure of funds from budgetary reserve from the day of announcement of elections, until the day of elections; as well as the decisions on employment in the state and local institutions from the day of announcement

of elections, until the day of elections. Agency also obtains from the election participants the report on origin, structure and amount of funds acquired and spent from private and public sources. This report should be submitted by political subjects within thirty days from the day of elections and the Agency is obliged to publish these reports on its website within the next seven days. Agency controls the implementation of the law and it is also in charge of initiation of procedure to decide if there the law has been breached. In case political subject doesn't use funds in accordance with the law, the Agency can decide to sanction the political subject by revoking its rights to budgetary funding for the financing of electoral campaign. The Law on Financing of Political Subjects and Electoral Campaigns contains precisely defined sanctions for violation and disregard of provisions of this Law (Law on Financing of Political Subjects and Electoral Campaigns, Articles 51-57, Official Gazette of Montenegro No. 52/2014).

The Law on Financing of Political Subjects and Electoral Campaigns has replaced the Law on Financing of Political Parties, taking a part of its provisions, but at the same time, introducing a number of new provisions. The new law is significantly larger (65 articles in comparison with 43, although the new law encompasses issues related to presidential elections); it encompasses a set of new measures and solutions and it addresses coalitions and groups of citizens as political subjects, not only the political parties as it was the case before. While the previous law was many times changed and amended and in 2011 it replaced the previous one (Official Gazette of Montenegro No. 49/2008)⁸³, it remains to be seen how the new law will turn out to be, because there was still no electoral campaign where it could have been applied.

Participants in the elections are combining resources from the state funds with resources donated by the individuals, by default - party officials and party members. Participants to elections are also taking bank loans in order to provide enough funds to participate in elections, which is specially the case with new political subjects, e.g. Positive Montenegro in 2012. The most funds from the state, in accordance with the rules of distribution, were always allocated to Democratic Party of Socialists. It had the least problems to provide donations, as expected winner of all elections so far (it's easier to invest funds into expected winner than into likely loser). Therefore, seeking to save money, opposition parties have rather opted for internet campaign, than for particularly expensive advertising in media. Even though internet campaign also doesn't come completely free of charge (e.g. paid ads on portals) it is still immeasurably less expensive than television, radio, newspaper or billboard campaigns.

83 Which replaced the Law on Political Parties Financing from 2004 with the Law on Amendments to the Law on Political Parties Financing from the 2005.

4.5 Electoral campaign for the last parliamentary elections in 2012

Parliamentary elections in 2012 were the fourth state-level elections in Montenegro after restoration of independence, and the third parliamentary elections in independent Montenegro. The campaign consisted of similar topics, although some new tendencies emerged. There were mainly no big rallies in city squares in the campaign, while *door-to-door* campaign was active this time as well, with growing importance of social networks in the electoral campaign. Understanding the popularity of social networks, the most of the electoral lists have opened accounts on the Facebook and Twitter, and internet portals have confirmed growing importance in relation to other media. Stronger presence of web portals in the electoral campaigns and the political life overall led to growing number of *party bots*. Party bots are individuals who are commenting news on internet portals in order to create public opinion that is positive for party they are working for or negative for its opponents. Since it is very easy to comment news on portals in Montenegro, even without signing in, party bots are becoming more and more active, and their presence will most probably increase even more in the future. The tone of the campaign was similar to previous campaigns, and all messages were mainly demagogic and populist, followed by characteristic nitpickings and low blows from both ruling parties and opposition. Regardless of the fact that six and a half years and two electoral cycles have passed since the referendum, identity issues have made a large part of the campaign, sometimes followed by promises on European future, improved living standards and fight against crime, mostly lacking elaborate program for their achievement. Two ruling parties have again - for the sixth time in the row - run the elections in the common list "Coalition European Montenegro - Milo Đukanović", with a slogan "Forward, Montenegro!" The campaign was severe and highly negative, due to the fact that the ruling DPS-SDP has run against partially consolidated opposition and the new political force which was openly targeting DPS-SDP electorate. Therefore, the opposition was criticized and labelled as pro-Serbian and ruling coalition pointed out its merits from the time of renewal of independence. Leaders of two ruling parties had the lead role, above all DPS leader Milo Djukanovic. Using his popularity, the ruling coalition has added his name to the official title of the coalition, regardless of the fact that he wasn't participating in the campaign as the prime minister (at the time), but *only* as the president of the bigger member of the coalition. Even though the presentation of the candidates from the electoral lists was traditionally conducted, special attention was not paid to candidates for MP's. As usual, citizens mostly voted for leaders of parties, thus Djukanovic carried out significant part of the campaign, maybe even more than

in previous elections of 2006 and 2009, considering more serious opposition. The practice in many states is that electoral lists, on the very beginning of the campaign, declare who would be the president of the government if they were in position to form executive power. Electoral lists in Montenegro haven't used this practice in 2012. In this way the voters are substantially choosing between leaders of parties, while candidates for representatives are more in the role of decoration. Even the prime ministers, if they are not party leaders, are perceived as proxies (as was the case of Sturanovic and Luksic), intermediaries, or surrogates of the party leader.

Democratic Front, constituted out of parties New Serbian Democracy and Movement for Changes, was created as attempt to create strong and unified opposition list without dominant pro-Serbian mark. This coalition had gathered on their list, among others, non-party members, previous members of Socialist People's Party, and it was led by Miodrag Lekic, former Minister of Foreign Affairs in one of Djukanovic's governments. Even though majority of this coalition's candidates had background in pro-Serbian parties, campaign of DF was supposed to accentuate some other issues, thus this party has presented elaborate program of 595 measures. However, their campaign was mainly negative, directed against ruling DPS, and especially against its leader. Slogan of the coalition's campaign was Unity, Equality, Democracy, and pivotal place in the campaign was entrusted with coalition leader Miodrag Lekic. Taking in consideration that the Movement for Changes, (popularity of which was decreasing continuously after initial success), and New Serbian Democracy (as very conservative Serbian and unionist party) have realized that they could achieve success only if their politicians are pulled in the background, they have pushed Lekic and other non-party candidates into center of the campaign. This was reflected in the title of the list, which had the name of the leader added to it: Democratic Front – Miodrag Lekic. The electoral campaign was particularly difficult for Socialist People's Party (SNP). On one hand, the negotiations on accession of SNP to Democratic Front with movement for Changes and New Serbian Democracy, have failed – and one part of the SNP membership, including ex-leader of the party have split SNP and joined the Democratic Front. Campaign was additionally hampered by the fact that media, which were oriented against the ruling coalition, have opened significant space for two new opposition subjects – DF and Positive Montenegro, leaving SNP out of the picture. Therefore, the party was again focused on the field work, which was supported by the stronger party infrastructure in relation to other opposition subjects. Finding themselves in the gap between the road to a civic option and earlier pro-Serbian policy, the SNP has facilitated in their campaign. In the second part of the campaign, seeking to take some pro-Serbian voters from the DF, which had to put aside these issues, SNP accentuated the issues of Serbian language and change of the Montenegro state symbols. This party has participated in elections with the list titled “*SNP – Socialist*

People's Party – The Word and Act”, and it was the only major political force that didn't have a name of their leader in their list's title. This was a certain indicator of multiple power centres within the party, which would lead to another split within SNP, two years after the elections.

Positive Montenegro was created as a new force, responding to the need for another *pro-Montenegrin*, and yet oppositional party. Following the “freeze”, and practical shutdown of the Liberal Alliance, Movement for Change appeared, which has tried to take the space of a non- Serbian-anti-DPS party, but their decline began immediately in the next election cycle, creating again room for a new political force. Darko Pajovic, their leader, even though he was deprived of charisma, was emphasized in the campaign, along with some high officials of the party and his name was part of the title of electoral list *Positive Montenegro - Darko Pajovic*. Positive Montenegro sought to maintain a critical distance both from the government and the opposition in their campaign, and exactly this kind of policy brought them solid electoral success and later decline, as well as the final split-up of the party. The party that was polling at about 10% of the popularity could hardly survive on the platform, which demagogically stated: *Positive Montenegro is a political option which is not siding either with the current government, or with the current opposition. We are always only on the side of all citizens of Montenegro* (<http://www.cdm.me/politika/izbori-2012/pozitivna-nismo-zedni-vlasti-kao-nasi-politicki-opponenti>). Post-electoral events have shown unsustainability of such politics, which was paid dearly by Positive Montenegro, especially on local elections in Niksic.

Minority parties were less present in the media, and mainly promoted by the national broadcaster. Their campaigns were focused on the parts of Montenegro populated by minority nations, which they represent. Bosniak party, by far the most significant minority party, has led the campaign under slogan “*I choose my own!*”, expressing their intent to unite the Bosniak electorate to the greatest possible extent, and to attract their support, unlike the previous elections where Bosniak minority mainly supported DPS-SDP. This party has also added the name of their president Rafet Husovic to their official title, although it can't be perceived as the leader-based party, due to the fact that the most exposed person in the campaign was the vice-president of the Party Suljo Mustafic. Minority party candidates, as previously stated, are not very much exposed, taking into consideration the limited number of seats they can win, and wider public is acquainted with the first 2-3 candidates from the list.

Generally, electoral campaign of 2012 has shown continued tendency of transfer of the campaign onto social networks and internet portals, and that the number of glamorous, big and noisy events, such as concerts and fireworks, is decreasing. On the other hand, some of the previous campaigns issues were raised again, including

identity issues, despite attempts of previously unionistic parties to make distance from these issues. In the center of attention were again leaders of electoral lists, both political veterans, such as Milo Djukanovic, and relatively new politicians, such as Darko Pajovic, and especially Lekic.

4.6 Conclusion

Even though Montenegro has seen organization of numerous electoral campaigns, regardless of the evolutionary development present in certain fields, some features from the elections in previous decades have persisted. Electoral campaigns, although modernized and influenced by the west, frequently organized with help of foreign experts, still remain marked by populism and demagoguery, without real dispute on concrete substantial issues of the state policy. Despite the fact that independence of Montenegro was obtained on the referendum, results of which were immediately internationally recognized and further established by constitutional provisions, issues that have marked all elections before the referendum, were opening again on all post-referendum elections, although with a weaker intensity. Campaigns are less noisy; there is less mass gathering and more field work. In campaigns, parties sought to reach as much voters as possible, which is quite feasible in such a small country. The importance of the internet is also something new, comparing with elections before ten or more years and growing presence of the electoral subjects on the internet will, quite sure, be continued. Some of the leading politicians have their accounts on the social networks, which makes them closer to the voters and provides them direct communication with the electorate. It is important to emphasize that the legislation has quite change in the last quarter of century of multipartism in Montenegro. Previous monopolies of the ruling party are significantly limited and the new legislation on electoral system and campaign financing are significantly more aligned with European norms. Many issues, which were not precisely defined previously and which left space for potential manipulations, are regulated legally. Also, the amendments of the electoral law have obtained constitutionally required two-third majority, which represented the reflection of certain maturity of political actors, regardless of the pressure coming from the EU.

However, despite indubitable evolution, visible in different fields, some things remain very slightly changed. Electoral lists of parties and coalitions participating in elections are established in party organs, which also determine positions on the electoral lists, which remain unchanged. Even though political subjects are seeking

to ensure equal representation of candidates from all parts of the country, of different profiles, and frequently emphasize importance of the youth and women in their lists, voters are substantially choosing among parties, i.e. above all among their political leaders. Individual candidates play episode roles in the campaign, mainly giving prepared speeches in peripheral events, or on important events before the act of the party leader. The unchallenged role of Milo Djukanovic, as central figure of all previous campaigns in the past years, (even on the presidential elections, where he wasn't a candidate), indubitably contributed to such situation. Other political groups, although in lower level than DPS, have identified themselves with their leader. In the period 2012-2013, this was especially the case with Miodrag Lekic, considering his solid result on the parliamentary and very good result on the presidential elections. Media are also contributing to such situation, since they are always putting party leaders in the first plan, often simplifying titles where name of the leader is used rather than the name of the party („Lekic“ instead DE, „Milo and Ranko“ instead DPS and SDP, etc). Certainly, existence of the electoral law where citizens are choosing electoral lists of parties or coalitions, and not for concrete names, is contributing to this situation in which, besides leader –eventually couple of personalities from the party top- hardly anyone of the candidates is recognized by the wider public, or has some political weight. Names of the candidates exist on electoral lists, but their function for voters is mainly ornamental. This is certainly connected with the issue of inter-party democracy and other questions like – to which extent is it possible to independently run the campaign and leave your own mark for candidates who are not on the top of the electoral list. A representative, who won the seat thanks to the party management, will most certainly act differently from the representative sitting in parliament due his own success and support of his voters. The change of electoral law in direction of opening of electoral list would, most certainly, (even though maybe not right away) led to more significant roles of the candidates in pre-electoral process and increased attention paid to electoral list candidates by voters and media. However, taking in consideration historical examples in Montenegrin politics and present tendencies of voters' identification with strong leaders, it is probable that the role of party leaders will continue to be decisive in electoral campaigns. Also, for some time more, electoral campaigns, even local ones, will be burdened by great historical and national issues, which will yet take precedence over disputes on program issues regarding public policies.

Zlatko Vujović
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PART FIVE

**INTERNAL PARTY
DEMOCRACY
IN MONTENEGRO**

5. INTERNAL PARTY DEMOCRACY IN MONTENEGRO

5.1 Intra-party democracy and its challenges

The issue of intra-party democracy represents a taboo among the members of political parties in countries with new democracies. However, this issue is not sufficiently explored even in consolidated democracies, let alone having understandable standards towards the political parties.

Despite a widely spread attitude that “political parties have created democracy”, which was expressed by Schattscheider 70 years ago (1942: 1), it didn’t seem so in the development of this type of political organization. Political parties, as a term, have appeared in XVIII century, while it’s considered that political parties, as a central organizational unit of politics in many countries, were created only in XIX century (Scarow, 2006: 16).

In most Western European countries, the creation of parties took place simultaneously with the transformation of the medieval assembly into a parliament, which has obtained an increased importance and autonomy by opposing the monarchy. Important causes for the creation of political parties – according to Duverger (1976) – should be sought in expansion of the suffrage and in the aspirations of voters to influence the members of parliament in an organized manner, as well as in the aspirations of the representatives to be reelected. The Europe of the XIX century was characterized by a relationship between strong monarchies and weak parliaments. General suffrage for men often preceded the stronger parliamentarisation in which elected representatives were empowered to truly rule (Scarow, 2006: 16). The creation of political parties is related to efforts to provide seat to a candidate supported by a certain group of citizens. Duverger differs between the parliamen-

tary and extra-parliamentary origin of parties (Goati, 2007: 21). The parliamentary origin of parties, according to Duverger, implies the association of representatives into groups (parliamentary groups), or the association of citizens in groups, which are supporting certain representatives (electoral committees) in their reelection. The extra-parliamentary origin of parties exists when extra-parliamentary subjects (unions, churches, professional associations, economic corporations, the army) form political parties in order to protect their own interests.

Authors are pointing out that the term “political parties” didn’t originally have a positive connotation. The term “parties” was related to the term “fraction”, which had a negative context, symbolizing unwanted social divisions. Today, when citizens are encountering modern political parties, it is noticeable that these parties are facing an advanced decline of public trust. Even though some authors consider parties as pillars of democracy, the critics of political parties are labeling them as constraints for further processes of democratization. Namely, they claim that democracies are frequently turning into partitocracies, i.e. rule of parties instead of rule of citizens. From the current perspective, Rousseau’s antagonism to the strengthening of political parties seems understandable. Furthermore, in his interpretation of “general will”, Rousseau deemed it unacceptable that certain organizations, which are based on supporting only one part of the nation, represents the interests of all citizens (17). Such a legacy has determined a significant relationship between the general population and political parties. In spite of the citizens’ reluctance, a range of involvement for political parties constantly grew. There is ample amount of evidence on hostility towards parties and their militant representatives (Colomer, 2011: 5). The attitude towards the parties has changed in line with their increasing involvement into political life.

However, both then and today, political parties are growing stronger, despite the attitudes of their numerous opponents; the range of involvement of parties is still increasing. Today, it seems that one cycle of development for political parties is closing and that we are at the beginning of another development cycle, which implies a transition from the lack of public trust towards party democratization.

But, is that possible? Today, there is still an open issue among theorists, whether political parties could be democratic, i.e. according to Cross and Katz (2013: 1) “whether parties themselves must be, should be and are they internally democratic, with respect to their internal decision-making practices and distribution of power and influence”. Same authors (5) are pointing out that this issue should be considered, keeping in mind that parties are just a part of a wider system. Sartori (1965: 124) is much more explicit in his attitude, as he claims that “a democracy is not the sum of many small democracies”. “The purpose of democracy is free choice among political parties, rather than a direct participation within parties – based

on further assumption that parties are rather considered as teams of politicians than associations of citizens” (Cross, Katz, 2013: 5). Thus, the issue of intra-party democracy should be considered not exclusively as an independent phenomenon, but also as one of the segments of the democratization of society, i.e. as a part of democratic decision-making in public interest.

Despite the fact that this issue is present among theorists, it is not causing any dilemmas amongst those who are dealing with the establishment of democracies in countries of the III and IV wave of democratization (5). Numerous efforts have been vested into institutionalization and standardization of the issue of intra-party democratization. Documents produced by the Venice Commission should be observed in this light. Even though the Code of Good Practice in the Field of Political Parties represents a timid attempt of treating certain important issues and issues of intra-party democracy, it is worthy of attention, especially for the countries in the process of democratic consolidation and Europeanization. Of course, this is not a sole attempt, and other organizations as well, such as Stockholm based IDEA, are dealing with this issue.

There are different approaches to defining intra-party democracy, i.e. there is no unique definition of this term. One of the authors who decided to define this term is Susan Scarrow, and according to her definition, intra-party democracy is “a wide term describing a great range of methods for including members into the process of deliberation⁸⁴ and decision making” (2005: 3).

According to the same author, supporters of the intra-party democracy consider that parties which use the methods of intra-party democracy “can expect to select a more capable, and more likable leader, to have more responsive politics and, in result, to achieve greater electoral success (3). However, there are researchers who are pointing out the other side of the medallion of stronger inclusion of party membership, i.e. pointing out the problems that parties can face, in case they make this choice. The problems are primarily reflected in: (1) higher degree of inclusion in the candidate selection process can weaken the cohesion of parliamentary parties, since leadership can lose the power to refuse nomination or reelection of unreliable candidates (4); (2) “candidates selected through a democratic procedure might be less suitable to general preferences of voters, than a list of candidates chosen by the management of the party that pays close attention to the result of public opinion polls (4). Scarrow describes concerns of many researchers related to the fact that party activists have much more extreme political positions, and that the strengthening of their influence may cause the distance between the party and its electorate. However, as she concluded, this is not proven or confirmed.

84 Reflection and objective consideration of various aspects of the issue which is to be decided.

5.2 Political party models and intra-party democracy

For understanding and researching intra-party democracy, it is important to be aware of basic political party types, as well as their view towards membership and voters. Actually, this different party structure influences democratic procedures within the party. One of the key questions which arise is: “should party management determine party politics, or this should be done by the membership and supporters of the party?” (Katz, 1997: 38). This issue affects numerous relations within a party, i.e. as formulated by Carty (2013: 13) “who or what is a party”. The answer to this question, we can look at the work of Katz and Mair (1993), which states that “a party has three faces: the party on the ground, in the central office and in the public office”. “Relations among the faces of a party define any party as a unique organization and shape the democratic tensions that govern its internal party decision-making and political life” (Carty, 2013: 11). When we speak about types of parties, Duverger’s basic typology of two key types of parties gets frequently quoted. These key types are: (1) cadre and (2) mass parties. However, this classification was later expanded with other models: (3) catch-all (people’s) parties and (4) cartel parties. We have singled out these four basic models, although there are other attention-worthy models, such as Panebianco’s (1988) term “electoral professional party” i.e. “entrepreneurial party”, “business-firm” party, “charismatic party”, which are firmly tied to the personality of a leader, who oversees their internal life, managing the membership much as the owner of a private firm mobilize its work force” (Carty, 20).

Cadre parties. Cadre parties, according to Duverger, represent a “grouping of notabilities for the conduct of elections, conducting campaigns and maintaining contact with candidates” (64). “Cadre parties are formed in the late XVIII and in the beginning of XIX century in Western European countries and in the USA, and they are composed of a small number of loosely connected members, that are activated only in the electoral period” (Goati, 242). To put it more simply, cadre parties are composed of those who fight for their electoral functions, i.e. so-called „office seekers“. The real examples of these parties are related to the period of limited suffrage, in the end of XIX and in the beginning of XX century, i.e. for liberal and conservative parties that originated in that period. However, “pure” examples of this type are not frequent. Duverger lists radicals from Third French Republic, as an example of an ideal type of cadre party (64).

Mass parties. Mass parties, contrary to cadre parties, are dominantly relying on membership, i.e. on its massiveness. The abundance of members, for these parties, provides independency from rich donors in decision-making, which are the

features of cadre parties. “The mass parties are antipode of cadre parties, as they are trying to include as many members as possible of the lower strata of the “social pyramid”, above all members of the working class that obtained voting right through reforms” (Goati, 243).

The massiveness requires adequate institutional design, i.e. a more complex model of decision-making in relation to cadre parties. Carty (13) points out that all three of the distinct faces of parties are typically well developed: “the members (of the party on the ground) are connected to the party leadership (in public office) through institutions and processes of accountability organized and managed by a bureaucratic cadre of professional partisans (the party in central office).” Exactly these relations, according to this author are providing for the parties of this type to be representative and democratic. However, unlike Carty, Goati points out that “Out of the three previously listed “faces” (aspects) of a party “in mass parties key importance was given to central party management, while the party on the ground and the party in public offices had peripheral importance. However, after many decades of reforms in these parties (under influence of external and internal “earthquakes”), power balance changes causing many internal conflicts nowadays, because two marginalized faces in phase of creation, are becoming increasingly important and frequently contest the dominant position of central party management” (Katz and Mair, 2002: 119; Goati, 2008). Mass parties alone, leftist parties, have suffered significant changes and they shifted from the approach which was characteristic for their creation.⁸⁵

Catch-all parties. Dichotomous Duverger’s typology has failed the test of dynamics for party relations⁸⁶. Simply, “the infection from left to right” has happened,

85 „For example, there is no doubt that the measures adopted by social-democratic governments have significantly contributed to the improvement of the working class’ position, thus it is not exaggerated to say that the transformation of the mass, i.e. social-democratic parties, is actually a result of their success in the transformation of society” (Goati, 247).

86 „Duverger’s hypothesis, stating that mass parties will override cadre parties, had many supporters during XX century. One of them is Burns (1963, 335), who considered the progress of American democracy possible only if the parties in the USA become better organized and if they acquired large membership. This author, following Duverger, has estimated that American parties, had not taken into consideration the special institutional context for their activity. Exactly this, extremely decentralized organizational structure, harshly criticized by Burns, provides for normal functioning of political institutions in the USA, based on the strict division of powers. The creation of solid, disciplined parties, representatives of which are voting unanimously in accordance with the directives of their leaders, would lead to the blockage of executive power in the USA, when the party of the president has no majority in the Congress and the Senate. This was the main reason why, for example Epstein (1957, 103; 1966, 604; 1967, 100), has explicitly dismissed criticism of American parties as “outdated”, in comparison with European parties. According to this author, the mass parties are not formed only for needs of electoral contest, but also as a result of aspirations to take the power in an extra-parliamentary way. American parties are deprived of subversive

as labeled by Duverger (xxvii), i.e. cadre parties have started overtaking some organizational forms for their opponents - mass parties (Carty, 16). However, this wasn't a one-way process. On the other hand, mass parties were under influence of cadre parties, so Epstein, inspired by the Duverger's term (1967: 257-260), labels this process as a "phenomenon of infection from right to left". Simply, in order to survive challenges posed by left (mass) parties, they had to seek larger electoral support. The two-way process of "infection from left to the right and from right to the left" has initiated the creation of a new type of party, labeled as a „catch-all party" by Kirchheimer (1966: 184). Catch-all parties are limited to the support of concrete social structures, unlike mass parties, thus they are trying to reach almost all types of society, which frequently leads to contradictory messages. Such an approach leads also to oscillations in the voter's support, as these parties lack a firm base in the electorate. In order to reach different social structures, these parties are dominantly relying on media, i.e. on social media (internet). "Catch-all party has also given up the intent to radically change society and it settles for small but lasting improvements instead, which blurs important differences between this party and the cadre party that is created as a natural bastion of the status quo" (Goati, 249). Increasing the influence of catch-all parties, leads to the equalization of programmatic approaches, so political programs started resembling each other, up to the point when it's not clear which is an original and which is copy of another program. Catch-all parties are functioning as "electoral machinery" with quite marginalized membership, dominated by party management. In such parties there is no space for development of intra-party democracy.

Cartel parties. Some authors note that catch-all parties gradually evolve into a new party model starting from the '70-s of XX century (Katz, Mair, 1995) – **cartel party**⁸⁷. Cartel parties are composed of professional politicians, which are engaging professionals to organize massive campaigns that guarantee electoral success. Such campaigns are extremely expensive, thus these parties are largely supported by state subventions, i.e. their actions and campaigns are abundantly financed from the state budget. Party membership serves only as a tool to provide legitimacy and the difference between the party member and party supporter is quite blurred (Katz, Mair, 1995: 21). In cartel parties, the decision-making process involving

goals and adapted to characteristics of American political order and historical development of that country" (Goati, 246).

87 Cartel parties are groups of leaders fighting for power. They are, according to Mair (1997, 107-15) „...partnership of professionals, not association of citizens, or for citizens". These parties are characterized by the establishment of a pattern of mutual understanding, which minimizes the risk in electoral contests.. "...Parties –losers are provided with not only material means, but also important jobs and possibilities to appoint their members in the wide state apparatus". In such a way, electoral conflict among parties is minimized to a moderate dispute, where vital interests of defeated participants are spared (Goati, 254).

party members is directed by the party management, thus we can hardly speak about the development of intra-party democracy. As pointed out by Mair (1994: 17) „democracy on the paper can actually coexist with strong influence of elites in the practice”. Strong state financing of these parties, in one hand, makes these parties independent from rich donors, and on the other hand, makes them indifferent to attracting more supporters.

5.2.1 Types of parties in Montenegro

For a decade, the political scene in Montenegro was characterized by conflict between two parties which originated from a previous party named the League of Communists of Montenegro (1990), i.e. by the split of the transformed communist party (DPS) into DPS and the new party, SNP. Their organization was reflecting the procedures inherited from the previous communist party. This heritage has caused strong centralization, which remained unchanged until today.

From the introduction of a multi-party system DPS, as well as SNP (until the end of the participation in the federal administration), have abundantly used state resources, which gave them a significant advantage over other, oppositional parties. However, through government and opposition agreements in 1992 (the government of people's unity) and in 1997 (the agreement between one part of the divided DPS and the democratic opposition), wider state financing was provided for parliamentary parties on the state and local level. In accordance with the last legal changes, 0.6% of the state budget and 1% of the local budget is allocated to parties. In case that local self-administration fails to provide funds for the parties on the local level, this obligation is transferred to the state. There are obvious similarities between cartel type parties and Montenegrin parties. Huge state funds make these parties independent in respect to donors, but also independent in respect to their membership. These funds have also strengthened the position of the central party office that manages these funds and other procedures as well. However, Montenegrin parties don't have all the features of cartel parties, as it was noted earlier by Goati: „Regarding other important features, Montenegrin parties – like parties in a majority of countries of Central and Eastern Europe – are demonstrating significant distinctions from the cartel party type. Amongst these distinctions, we should certainly list: the period in which the party has become financially independent from the state, a degree of (in)stability of party groups which makes a cartel, the quality of relations among main parties and the character of relationships among three “faces” of parties... When it comes to the relative stability of groups, the main parties constituting the cartel, in Montenegro (and in the majority of post-communist countries of this region) such a phenomenon can't exist, due to the fact that the “subsidence of

political soil” still didn’t take place (similar: Lewis, 1996, 14). In those countries the “rang list” of parties is relatively quickly changed, due to the fact that almost after each election new parties emerge in the first plan, while earlier ruling parties become marginalized”. The latest developments are confirming Goati’s attitude. Only after the last elections (2012), four parliamentary subjects, one in the ruling coalition and three in the opposition have suffered splits that have produced party subjects, which are stronger, according to public opinion polls, than parties they originated from.

However, despite the similarities with cartel parties, some of these Montenegrin parties have a large membership. DPS once represented a massive party, which transformed into a catch-all party, but today it has features that closely resemble a cartel party. On the other hand, among the newly formed parties, there are some that possess features of cadre parties, i.e. parties with small number of members. By saying “without members”, we imply a very limited, symbolic, number of members, far from the existence of a real party infrastructure which is standard for modern parties. The majority of these parties were created in a parliamentary way, i.e. when part of the representatives of a parliamentary party has left the party. Another example of “parties without members” in Montenegro, are the parties that have lost members due to the internal split, and they are trying to substitute loss of party infrastructure through coalitions and aggressive media performances. In most cases, such parties, are almost unregistered by public opinion polls, but their management still succeeds to obtain parliamentary status through complex combinations.

The above listed pure party types hardly exist in practice. There are some examples, which come close to those examples, such as cartel parties in Austria, Finland, Norway... However, when it comes to Montenegrin parties, the main impression is that these parties should be placed somewhere on the axes between catch-all and cartel parties. Just like in cartel parties, their membership is subject to manipulation and it mainly serves to give legitimacy to the party leadership. Democratic procedures are undeveloped and just a small amount of people gathered around the leader of the party dominates over the decision making process.

5.3 Intra-party democracy dimensions

In order to comprehend, i.e. to compare different parties, in this paper we will first explain the criteria for differentiation, used by Susan Scarrow (2005). Namely, she introduces three dimensions, i.e. criteria for comparing political parties i.e.

monitoring of changes within them: (1) inclusiveness (2) centralization and (3) institutionalization.

Inclusiveness implies a degree of inclusion of party members in the decision-making process and it shows how big circle of persons entitled to bring decisions really is. In parties with a high level of exclusivity, all the power is concentrated in the hands of the party leader, or the small group of people around them. Contrary to such parties, parties characterized with high level of inclusiveness, party members (in some cases even party supporters) are allowed to take part in the decision-making, above all in the selection of the party leader, i.e. in the selection of candidates for public offices.

Centralization explains extent to which the decision-making process is centralized, i.e. whether political decisions are brought in one place, or the process is spread on many levels. In parties with high centralization, the central party body brings key decisions, which must be respected at all levels. The central party body meets regularly and brings all sorts of decisions. On the other hand, in decentralized parties, the central party body meets rarely, leaving more space for decision-making on the lower party levels. In those parties, the central party body is more focused on coordination and communication, rather than on the management of the party in all segments. Scarrow (6) also notes that there is a third form, between highly centralized and decentralized parties. These parties are called “stratarchical” parties. In those parties “decisions are decentralized among geographic layers of the organization (“strata”) but tightly controlled by party elites at each of these different levels“, even though “exclusive party organizations tend to be centralized, but it is important to note that the reverse is not necessarily true” (6) (Eldersveld, 1964). Namely, decentralization is not accompanying democratization by default.

Institutionalization represents the third criteria, which comprises “broad range of characteristics, including party’s autonomy from other actors, the extent of its internal organizational development, and the extent to which supporters identify with the party and view it as an important actor” (6). There are two dimensions of party institutionalization: (1) the degree to which internal decision procedures are formalized, and (2) the extent to which the party has coordinated structures throughout its target constituency (6). Mostly, new parties are not highly institutionalized, which doesn’t imply that old parties are sufficiently institutionalized. It should be pointed out that institutionalized parties are not always democratized parties. Developed internal party procedures can mitigate intra-party conflicts, i.e. provide their resolution within the party. In Montenegro, we are faced with an increasing number of party splits. Low level of institutionalization is not provided for the consolidation of relations within parties, so the side with minor support

feels that it can survive only if it leaves the party. Therefore, the consequence is that we have high fragmentation of opposition parties, but even the ruling DPS wasn't immune to conflicts and splits (1997).

Speaking about the content of the intra-party democracy we could narrow it down to the three key issues of decision-making within parties described by Scarow (10): (1) selection of candidates, (2) selection of leaders and (3) setting party policies. Through these procedures we can observe all three dimensions of intra-party democracy. Thus, despite the fact that there are no exact models which could be precisely defined, by comparison of these elements, we can get the answer to the question of, how democratic are the parties themselves?

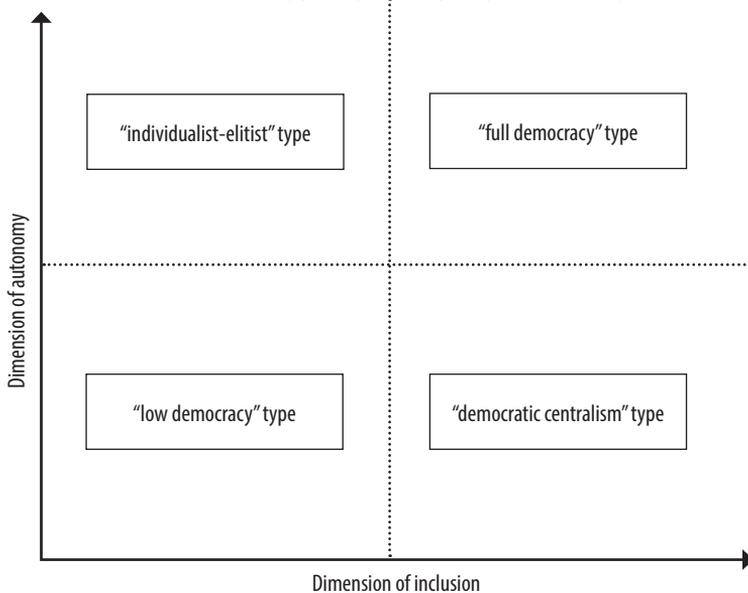
5.4 Parties in Montenegro and intra-party democracy

Besides Susan Scarow, yet another author is treating the issue of intra-party democracy in a multidimensional manner, trying to comprehend the situation within the parties. While, in the Scarow case we saw the use of the three-dimensional model, Čular uses a bi-dimensional model. In both models two dimensions remain the same: centralization/autonomy and inclusion. In the Scarow case we have a third criteria- institutionalization.

In this essay we will use Čular's model, which can help us get a more complete image of the situation of intra-party democracy in Montenegrin political parties. Namely, for each of these two dimensions, Čular provides a list of indicators and, depending on the combination of values, differs among four types of parties:

1. "Low democracy" type (low level of autonomy and low level of inclusion);
2. "Democratic centralism" type (low level of autonomy and high level of inclusion).
3. "Individualist-elitist" type of party (high level of autonomy and low level of inclusion);
4. "Full democracy" type and (high level of autonomy and high level of inclusion).

Graphic 2: Two dimensions and types of intra-party democracy



Source: Čular, 2004: 35

The dimension of inclusion is related to the horizontal aspects of a political party, it indicates the number of members of the party which are included into the decision-making process, and it underscores the difference in the range of powers given to the wider party bodies in relation to powers granted to the narrow circle of the party management (Čular, 35 :2004).

The dimension of autonomy relates to the vertical distribution of power, i.e. to the autonomy of different levels of the party, as stated by Čular “the extent at which the “party on the ground” can freely act and influence the decision-making processes at different party levels”.

DIMENSION OF AUTONOMY: Within the dimension of autonomy we can differ between three sub-dimensions: the rights and the protection of party members, autonomy of the local party level and direct influence of the local bodies to the decision making process at the national party level.

Indicators for the dimension of autonomy:

- a) **Members’ rights - indicators:** general rights, rights to form factions, protection of members against disciplinary measures.
- b) **Autonomy of the local level:** autonomy in decision-making (about local structure, in disciplinary procedures, in selection procedures for local elec-

tion and about local coalitions), prerogatives of higher level in local affairs (in the procedure of disclosure of local organizations, in election and replacing local leadership, in calling local conventions, in local decision-making, in the coordination of local activities, party officials from higher levels, ex officio members of local bodies).

- c) **Influence of the local level on the central party - indicators:** through the election of representatives for party conventions, through the election of members of the central political and executive bodies, through the role in the selection procedure for national elections, through initiatives in calling national conventions and amending the statute.

DIMENSION OF INCLUSION: Within this dimension we can find three sub-dimensions: the direct role of members in the decision-making process, the prerogatives of the conventions of members or delegates vs. the executive bodies and the concentration of power in the hands of the party president. If we observe intra-party democracies through the lenses of these sub-dimensions on the one end of the scale there would be parties with the most decisions passed by the membership assemblies, the direct elections and the constrained party president, while on the opposite end there would be parties with power mostly concentrated within the narrow circles of executives, the indirect system of representation and the president with strong powers and privileges (Čular, 2004: 36).

Indicators for the dimension of inclusion:

- a) **Direct participation of members – indicators:** in direct decision-making and elections, in the selection procedures, in initiatives towards the central level.
- b) **Prerogatives of conventions vs. executive bodies -indicators:** at the central level: in passing statute and political programs, in the election of members of the central political and executive bodies, in the selection procedures; at the local level: in the election of members of local executive bodies, in the election of representatives for conventions at a higher level, in the selection procedures.
- c) **Power of the President – indicators:** in personal matters: the right to propose/appoint a vice-president, the right to propose/appoint other members of the central bodies, the right to suspend/replace/exclude a member; in the selection procedure: at the central level, at the local level; other prerogatives.

5.4.1 Members' rights

By the analysis of the statutes of Montenegrin parties, we can conclude that all parties define similar conditions for regulation of both the procedures for enrollment in the party and the rights and duties of members. Statutes of Montenegrin parties are stipulating that a member of a party can be any adult citizen of Montenegro, who accepts the program and the statute of the party. The membership is acquired through the voluntary signing of the application form in the municipal committee of the party. Statutes are stipulating that members have the right to participate in achieving program goals for the party, to participate in the creation and implementation of the politics, to elect and to be elected into party bodies and to participate equally in party activities. On the other hand, statutes define the obligations of the party members, thus members are obliged: to pursue party goals, to accept programs and statutes of the party, to advocate and actively implement party policies and all decisions of its organs, to work on increasing the party membership and achieving electoral success, to pay membership fees, to preserve the image of the party etc. SDP and SNP statutes are stipulating honorary member status. Honorary member status is awarded to a person who has earned merits for the development of the party. Honorary members can participate on the sessions of working bodies, but they don't have the right to partake in any decision-making. The decision on honorary membership is brought by the Presidency of the SDP, i.e. the Main Board of SNP.

Even though none of the parties grant the right to its members to form fractions within the party, in accordance with the statute, parties are granting full freedom of expression to its members, as well as the right to contest the decisions of the majority or the party organs. In this regard, the statute of DPS grants its members the right to freely express their attitudes and viewpoints, which are different to those of the majority, as well as the right to criticize the work of the party organs and to seek, under certain circumstances, a reconsidering of the majority's decisions. On the other hand, the SDP statute grants the right to its members to freely state their opinions and to enjoy full freedom of expression. Members of SDP, who disagree with a decision of the majority, have the right to advocate and defend their opinion within party bodies. In accordance with this, a member of SDP can't be held liable for expressed or withheld opinion, or because of its voting which is opposed to the majority. At least 1/3 of SDP members have the right to seek a revision of certain decisions by the higher body of the SDP. In case of a positive opinion of the higher body, the lower body is obliged to reconsider the decision. Similarly, a member of the SNP has the right to freely choose during the determination of decisions and attitudes of the party, to criticize, within the party, the work and actions of bodies, officials and other members of the party, to express and advocate within the party

the attitudes that are different to those of the majority and to ask for reconsideration of the majority's decisions. Statutes of PzP and the New Serbian Democracy also stipulate that their members shall not be exposed to any sanctions due to their political attitudes.

In the case of disregarding the obligations, defined in statutes, parties are foreseeing different disciplinary measures for their members. Besides self-initiated resignation from the party, membership in the DPS and the Bosniak Party ends by resignation or by exclusion. Membership in SDP ends by removing the member from the registry, while membership in the PzP and NOVA ends by exclusion or removing the member from the registry.

Namely, the exclusion from the DPS, SNP and the Bosniak Party is being effectuated in cases of membership, activity and candidacy of the member in another party. Members are sanctioned in the same way for supporting another party or independent candidate without consent of the relevant Party Committee, for actions which are contrary to the main principles of the party, for violation of the Party Statute, for disregarding the obligations of councilors or MP's, for behavior or acts which inflicted serious harm to the image of the party. The SDP is removing all members who are acting contrary to the program or provisions of the Statute from its registry, and the members whose behavior roughly affects the reputation of the SDP. Statutes of SDP and DPS stipulate that party members who fail to pay membership fees for six or more months, cannot be elected members of party bodies, and can't be elected for public functions in the legislative and executive branch of power.

Only PzP foresees the initiation of disciplinary measures for the violation of their members' rights and duties. Namely, in accordance with the statutory provisions of PzP, disciplinary procedure can be initiated against a member, whose behavior and actions are directed against the decisions of party bodies, or whose dishonorable acts and brutal violations of the statute and program, principles and objectives of the party, are damaging the reputation of the party. Disciplinary measures foreseen by PzP Statute are a written warning and exclusion from PzP.⁸⁸ In such a manner, the PzP and NOVA specify exclusion and deletion from the membership registry, as measures for ending the party membership. These two parties are excluding members who are: violating the statute and program of the party, threatening to interests and the reputation of the party, failing to implement decisions of the party and, in public, aggressively promoting political attitudes contrary to the party statute. These two parties are removing members from the registry in cases when: they give the wrong data on the application form during enrollment, they fail to implement

88 The method of implementation and measures which can be undertaken in the disciplinary procedure, are more precisely regulated by the Rules on Disciplinary Accountability, adopted by the Main Committee on the proposal of Statutory Commission.

their duties, or when they disrespect any decisions of the relevant party body.

Decisions on removing party members from the party members registry are brought, in most of the cases (in cases of the SDP, DPS, SNP), by the relevant committee (municipal or communal), i.e. the executive committee. Only in the case of the PzP, the decision on the exclusion from membership is brought by the Presidency, while proposal for the exclusion of a PzP member can be submitted by any member or any party body of PzP. In the case of the New Serbian Democracy, the procedure of exclusion or removing a member from the membership registry, is initiated by the municipal committee or the President of the Party, while the decision on exclusion is brought by the executive board.

A member has the right to complain about the decision to be removed or excluded from the membership. The member of SDP or the Bosniak party should file the complaint to Congress, which decides on the basis of the opinion of the Statutory Commission, which evaluates compliance of the previous decision with the Statute. A member of the DPS should file the complaint to the Main Board, which decides on the complaint; also on the basis of the Statutory Commission's opinion. On the other side, members of the SNP should file the complaint to the Statutory Commission, while excluded members of Nova have the right to file the complaint to the party's presidency.

The fact that members of some party body's, or party officials, can be withdrawn from that function, by the decision of that body, is particularly interesting. In such a manner, the mandate of a member of the party bodies in the DPS, SNP and NOVA, ends before due term by resignation, withdrawal from the party or by the decision of the body which elected this member (vote of no confidence). In addition, upon the ending of the mandate of members of the SNP Main Board, by resignation or vote of no confidence, the Main Board can decide to end all their functions in the party and their membership in the municipal committee. The SDP Statute states that, if the Social Democratic Party's representative (MP) acts contrary to the electoral program, or the program of the party, the main board can request the restoration of the mandate to the party.

5.4.2 Autonomy of local level

In Montenegrin parties, the power of decision-making is concentrated in the central party organs. This power is especially reflected in the authority to dismiss communal and municipal committees. The authority to dismiss a municipal committee is mainly entrusted with the main boards of parties (DPS, SDP, BS, SNP), while in some parties this power is granted to a narrower central party body, such

as the Executive Board in the New Serbian Democracy, or the Presidency in the Movement for Changes. For the SDP, it is characteristic that the decision on dissolution of the municipal committee is brought by 2/3 of the members from the Main Board, which can create procedural problems in cases when the dissolution is a consequence of the split within the party itself. In such cases, there is no possibility of the second degree procedure, and those decisions are final. In these cases, party central management forms temporary bodies, which are conducting preparations for the constitution of municipal committees.

5.4.3 Influence of lower organisational level on decision-making bodies

High levels of centralization is also reflected in the procedure for the election of the party's president. In this way, the Congress of DPS is voting on the presidential candidates, proposed by the main board of the party. Thus, the main board has the role of a filter. Even though there is the possibility of a member initiative, in order for someone to be a candidate for presidency, they should be proposed by the main board. In case 20 members of the Main Board support someone's candidature, the Main Board is obliged to propose this candidate for president. On the other hand, the president of the party has the possibility to propose a candidate to the main board. As it can be noted from this text, there is no possibility of direct election of candidates for certain positions within the biggest party, and the process of candidacy is under strong control of the central party bodies. A similar situation is encountered in the SDP as well. The main board of this party also determines the list of candidates for the party president. In other parties there is a somewhat better situation, e.g. a member of NOVA, in order to become a candidate for the party president, should be supported by 3 municipal committees.

There is a similar situation in the processes of electing members for the highest party body. Even though it is stipulated that these members are elected by municipal bodies, there is no clear criteria for their election, except in cases of the members by the function. Namely, the determination of the criteria (DPS), or proportion (structure) (PzP) is done by the main board. There is an interesting solution in the Statute of the SNP, which states that if the Main Board convokes the Congress, the decision on criteria, the number of representatives and the method of their election in the Congress is brought by the main board. However, "when the Congress is being convoked by the President of the Party, or 1/3 of the municipal committees, the criteria and method of election of the representatives, which were applied for the previous Congress, are reapplied, and the number of Congress representatives is increased twice."

5.4.4 Direct participation of members

For analysis of the direct participation of members of the political party in the decision-making process, it is necessary to take into account the representative bodies at lower party levels, with respect to their size, authorities and privileges delegated to them, as well as with respect to the frequency of their convocation. The three key indicators of this sub-dimension are the direct participation of members: in direct decision-making and elections, in selection procedures, and in initiatives towards central level. If we apply these indicators to the statutes of political parties in Montenegro, which have parliamentary status in the last three convocations of Parliament, we will get the overview of the constitution of lower party representative bodies and their possibilities for action, while also understanding that all other party bodies are created through the indirect representation model.

The DPS representative party bodies⁸⁹ are electoral conferences of the municipality, city, or the Capital. Municipal electoral conferences are created out of elected representatives of communal organizations and similar forms of organization of the party in that municipality. The criteria, number of representatives and methods for electing the representatives are determined by the municipal board. In that way, only direct activity of the DPS members implies the election of representatives for the local, i.e. municipal electoral conferences. In case of the DPS, the members of the municipal electoral commissions are electing members of municipal boards that are initiating, directing and controlling the implementation of key political activities in the municipal organization. The statute of this party provides the possibility for the qualified majority of municipal committee's members (2/3 majority of municipal committees members) to convoke a session of the Congress⁹⁰, the highest party body at the national level. In addition, Article 23 of the DPS Statute stipulates that members have the right to ask for the reconsideration of the party organs' decisions, if such an initiative is supported by 1/3 of its members. However, the members don't have the right to initiate amendments to the statute. Amendments of the Statute are done in the same procedure foreseen for its adoption. The Statute is adopted by Congress by the majority of votes from present members (under the condition that majority of the Congress members is present), while the proposal of the Statute is defined by the main board.

89 Bodies of the DPS are both local and national organs. Municipal bodies are: the municipal electoral conference, the municipal committee and the executive committee (same applies to the Capital organs), while national bodies are: the Congress, Main Board, President of the Party, Presidency of the Party, Executive Board, Statutory Commission and Supervisory Board.

90 The Congress is constituted out of the representatives of the municipal organizations and organizations of the Capital, elected in accordance with criteria determined by the Main Board, members of the Main Board which hold all the rights of the representatives, and members of the executive board.

In case of the SDP, direct participation of its members depends on the size of the local or municipal organizations of the party. Namely, in municipal organizations of the SDP⁹¹ with less than 100 members, the Convention of the municipality is composed out of all members of the SDP. In municipal organizations with more than 100 members and in the organization of the Capital, municipal conventions, i.e. the Capital city Convention is composed out of delegates elected by relevant municipal committees. In addition, the SDP Statute provides the possibility for an adequate number of members (majority of the main board members, or 1/3 of all committees members) to a convoked session of the Congress before determined a date. The same number of members, just like in the case of the DPS, don't have the possibility to initiate amendments to the Statute.⁹²

Similar to SDP, direct participation of PzP members depends on the size of the municipal organization of the party. Namely, basic organizational form of PzP is a municipal organization. Assembly, as the highest body in municipal organization, is composed out of all party members in the registry. In this way, all the members participate in the election of the municipal committee of the municipal organization. However, direct participation of membership is not characteristic for municipal organizations with large a number of members. In those municipal organizations, assembly can be formed on the principle of delegates in a procedure defined by the Regulation on Work of Organizational Forms of the Party. In the case of Movement for Changes, the Assembly of municipal organizations can be convoked by the President, Presidency or at the proposal of 1/3 of the members of municipal organizations.

The only direct activity of the SNP members is electing the representatives for local, i.e. municipal, electoral conferences.⁹³ However, the SNP Statute provides convocation of the electoral conference by 1/3 of the members of the municipal organization. The principle of democratic unity of the SNP stipulates the right of members to ask for the reconsideration of the party organs' decisions, if such an initiative is supported by 1/3 of its members. In case of the New Serbian Democ-

91 The SDP Organization of the Capital city and municipal organizations are: all members, communal organizations, and organizations of city municipalities from the territory of the Capital City, i.e. from the territory of each municipality

92 Even though the Statute foresees that all of its changes and adoption of the new Statute is done by the Congress, members of the Main Board, municipal committees and delegates of the Congress yield the right to propose changes and amendments to the Statute before the session of the Congress. Necessary amendments and supplements can be adopted by the 2/3 of Main Board members with mandatory confirmation of the Congress. Initiative for adoption of the new Statute can be raised by at least 1/3 of member of the Main Board, or ¼ members of all municipal committees.

93 Electoral conferences of lower levels (municipal electoral conferences or the conference of the Capital) are composed out of elected representatives of local organizations, and members of the municipal committees

racy, this party has communal, municipal, city and regional committees, gathering all the party members of the communal, municipal, city or regional organization, in accordance with their residence. However, not all members from the local organizations are included into its Assembly. The number of representatives of the municipal assembly is determined by the executive board, which indicates the lack of direct participation of the membership. In the case of local branches of the Bosniak party, the local assembly is composed out of all the party members in the local community, while municipal assemblies are formed on the principle of delegates.⁹⁴ Similarly, the City Assembly is composed out of the representatives of local community organizations and other forms of party organizations in the Capital city, whereas the criteria, number and method of election for the city assembly is determined by the committee of the Capital city.

5.4.5 Prerogatives of conventions vs. executive bodies

Sub-dimension “Prerogatives of conventions vs. executive bodies” is related to the division of power and jurisdictions among party bodies of the same organizational level (Čular, 2004: 39). In order to analyze intra-party democracy, this sub-dimension uses two indicators. The first indicator implies the extent to which party members of the national political and executive bodies are elected by the national representative bodies of the party, having in mind the relationship between the authorities of the representative and the executive bodies in: passing statute and political program; election of members of central political and executive bodies; selection procedures. The second indicator shows to which extent and in which manner the party representative bodies on the local level are included in the election of the local and national executive and supervisory bodies. This indicator treats the relationship of the authorities from the representative and executive bodies of the party in: election of members of local executive bodies; election of representatives for conventions at higher level; selection procedures. The above mentioned indicators are also treating the issue of the relationship between the representative vs. executive authorities in the procedures of candidate selection for the local, parliamentary and party elections.

Speaking about the relationship of the representative and executive authorities of Montenegrin parties at the national level, we shall take into consideration whether the members of the national political and executive party bodies are elected by the representative bodies on the national level, and in which manner. We will also take

⁹⁴ The Number of the representatives of the Assembly from local branches is determined by the achieved results on the last local elections, in each local branch, and the decision on this number is brought by the Municipal committee of the Party.

into consideration their powers in the processes of adopting the statute, the political programs of the party, the appointment of the members of the national political and executive party bodies, as well as their powers in the process of candidate selection. In all Montenegrin parties, the key representative body (Congress or Assembly) dispose with the authority to adopt the program and the statute of the party, as well as to adopt all other political documents for regulating the party's work. At the same time, in all Montenegrin parties, the members of the majority of political and executive bodies are elected by the national representative body and they are accountable to this body. Thus, for example in the case of the DPS, the Congress of the Party determines the policy of the Party, elects the Main Board, President and Vice-President of the Party, Statutory Commission and Supervisory Board.⁹⁵ Similar to the DPS, the SDP Congress also elects the Main Board, President of the Party, president and members of the Statutory Commission and Supervisory Board. The Congress of the SNP elects and dismisses the Main Board, President of the Party, Statutory Commission and Supervisory Board, while the Congress of the PzP elects and dismisses the Main Board, President and Deputy President of the Party, vice-president and members of the Presidency, Statutory Commission, Court of Honor and Supervisory Board. The Congress of the Bosniak Party elects members of the Main Board, President of the Party, Statutory Commission and Supervisory Board, while the Assembly of NOVA verifies mandates of elected members of the Main Board, elects and dismisses the President, Deputy President and vice-presidents of the Party, Statutory Commission and Supervisory Board.

Thus, if we analyze the powers of the representative bodies in electing the president and vice-president of a party, we can conclude that representative bodies⁹⁶ of the DPS, PzP and NOVA are electing both the president and vice-presidents. On the other side, congresses of the the SDP, SNP and Bosniak Party are electing presidents of parties, while vice-presidents are being elected by the Main Board. When it comes to the members of the Presidency of the Party, Main Boards of the DPS, SDP and Bosniak Party are electing members of their presidencies, at the proposal of their party presidents. Among Montenegrin parties only the SNP doesn't have Presidency of the party as the body, while NOVA elects members of the Presidency by their function in the party. The representative body of the PzP has the most power in this area, since it is the only party in Montenegro whose members of the Presidency are elected in the party Assembly. Montenegrin parties don't have the

95 The Main Board drafts the Program and Statute of the Party. The Main Board appoints candidates for president and vice-president of the party at the proposal of the Party Presidency. Out of all the political and executive bodies of the DPS, only the executive board is not accountable to Congress but to the Presidency of the Party, taking into consideration that the number of members of this body and criteria for their appointment is determined by the decision of the DPS Presidency.

96 In case of the New Serbian Democracy, representative body at the national level is Assembly

practice to elect an honorary president. Only in the SNP Statute it is foreseen that the member of the party, who conducted the duty of the party president, upon ending his active political career, can be declared the honorary president of the party by the Congress, on the proposal of the Main Board.

When we analyze the statutes of Montenegrin parties in relation to provision defining authorities in the process of candidate selection, it is necessary to take into consideration the authorities of representative and executive party bodies regarding the selection of party candidates, the adoption of party lists and the verification of candidates for the local, i.e. parliamentary elections. In this regard, this indicator shows the position of the executive bodies in the decision-making process, by analyzing their authorities in the procedures of selection of party candidates, the verification of parliamentary representatives' and councilors' lists and in the supervision of the determination of the cadre and party lists. In the case of the DPS, the Main Board announces the selection for party candidates, sets the criteria and procedures for the selection of party candidates and appoints: the Party candidate for the President of Montenegro, list of candidates for parliamentary and municipal elections, the Party candidates for President and vice-president of the Parliament and party candidates for the President and members of the Government. At the same time, the Main Board determines the criteria and nomination procedure for party candidates for councilors and parliamentary representatives, and candidates for all others functions conducted on behalf of the party. In addition, on the local level, the President of the Party grants consent for nominated councilors lists, determined by the municipal committee, i.e. Capital City Party Committee. In the case of the SDP, the Main Board determines the list of candidates for the President of Montenegro, members of the Main Board, Statutory Commission and Supervisory Board, list of candidates for parliamentary representatives and other functions at the state level. The Main Board also calls for intra-party elections, appoints electoral commissions and other bodies for organizing and monitoring of electoral activities, determines propositions and criteria electing delegates for the Congress and members of the Main Board, decides on electoral coalitions at the state level, gives consent to decisions on the electoral and appoints carriers of the electoral list. The SNP also possesses strong positions for executive bodies, taking into consideration the authorizations in the candidate selection process. Namely, at the proposal of the Party President the Main Board of the SNP verifies the candidate list for parliamentary representatives and a candidate list for councilors, party candidates for the President of Montenegro, Prime Minister and for the president and vice-president of the Parliament. Strong authority of the executive bodies of the SNP are reflected in the powers of the Main Board in providing intra-party support for candidacies for the president, ministers in the Government and heads of the independent state bodies from the Party list. Similarly, the executive bodies

of the PzP and the Bosniak Party have the same authorities in this area, taking in consideration that the main board selects candidates for all party bodies. In this way, the Main Board of the Bosniak Party verifies all the decisions of the municipal committees on the electoral list and the electoral list carriers, determines candidates for parliamentary representatives and other public functions and it determines the list of candidates for the Party President, presidents of the Statutory Commission and the Supervisory Board and other party functions at the state level. In the case of NOVA, the Presidency decides on the final candidate list for parliamentary representatives, and it verifies, at the proposal of the Party President, the cadre lists for public functions.

The second indicator of sub-dimension “conventions vs. executive bodies” shows to which extent and in which manner are the party representative bodies on the local level included in the election of the local and national executive and supervisory bodies. This indicator treats the relationship of the authorities of the representative and the executive bodies of the party in: election of members of local executive bodies; election of representatives for conventions at higher level; selection procedures. By analyzing the statutes of political parties in Montenegro, we can conclude that local assemblies of all parties participate to a very limited extent in electing the executive and supervisory bodies of the same level. For example, municipal electoral conferences, or municipal conventions, of the DPS, SDP, SNP, Bosniak party and NOVA, elect and control only the municipal committees, while the municipal committees elect members of the municipal executive committees. At the same time, the municipal committees of these parties are electing candidates for president of the municipalities (or the Mayor of the Capital city), (except for NOVA)⁹⁷, and candidates for councilors and other party representatives at the local administration. In case of the PzP, the authorities of the representative body at the local level are the lowest; taking into consideration that the President of the Party confirms the appointment of the members of the municipal committees.

The authorities of local representative bodies, especially in the area of appointment and control of work of the executive bodies, are limited by the existence of a large number of ex officio members. Besides the members of the municipal committee elected on the electoral conference, there are ex officio members, party officials of the local or national level (president and vice-president of the municipality, the president of the municipal assembly, the chief administrator, manager and secretary of the Secretariat, the Party councilors in the Municipal Assembly, president of the youth organization and the president of the women's organization).

The executive bodies of most of Montenegrin parties are responsible for the ap-

⁹⁷ Municipal Assembly, as the highest organ of municipal organizations of the New Serbian Democracy, elects and dismisses the the president and vice-president of the Municipal Committee.

pointment of the candidates on the local level, both for the local and intra-party elections. Municipal committees of the DPS are determining the party candidates for the president of the municipality, the president of the municipal assembly and/or other functions in the local administration. On the other hand, the Main Board defines the party candidates for parliamentary representatives and councilors. While the municipal committees of the SDP define the candidate lists for councilors, the Main Board defines the candidate lists for the parliamentary representatives and the candidate for the President of Montenegro. The municipal committees, at the same time, have all the authorities in the candidate selection process for local elections. In the case of the PzP as well, municipal boards are determining the candidate lists for councilors, while the Main Board defines the criteria of candidate selection for all party bodies. Similarly, the municipal committees of the Bosniak Party are determining the candidates for president of the municipality, the president of the municipal assembly, the candidate lists for councilors and defining the electoral program. On the other hand, even though the local representative bodies of NOVA are creating a candidate lists for councilors, proposing the representatives of the party in the local government, the executive bodies at the local level are verifying these lists. None of the representative bodies at the local level in all Montenegrin parties, have the authority in the candidate selection process for local, or intra-party elections. Additionally, most parties' representative bodies at the local level are excluded from the representatives' selection process for national conventions. Delegates for the Congress, i.e. Assembly, are elected by municipal assemblies only in the case of the SDP, Bosniak party and NOVA.

5.4.6 Prerogatives of the party president

The Power of presidents of political parties in Montenegro is very apparent. Party presidents represent the special executive body, which is being elected and dismissed by the highest representative party body (the Congress, or the Assembly) and the authorities of which are clearly defined by the statute. The party president enjoys great support from the party, especially in the parties where party officials are not elected by representative bodies. Regardless of the amount of power vested in them, almost all of the Montenegrin parties are recognizable by their presidents that symbolize the party in a way, since they usually get the most important political positions at the local or the national level.

In relation to the determined criteria (Čular, 2005: 39-48) for consideration of intra-party democracy, when it comes to the power of the party president, we can single out the so-called "presidential" parties which are providing significant powers to their presidents through statutory provisions. In those parties, upon the party

president being elected by the Congress, the president elects other executive organs of the party in order to implement the program as defined by the Congress. In this case, intra-party opposition groups have no major influence in electing executive bodies, thus no possibilities to participate in the party management either. Namely, the party president appoints the Presidency, and this appointment doesn't require verification from any other party body (in moderate forms of these parties, the appointment of Presidency members is verified by the Main Board or the Congress); they have the authority of convocation and presiding over other executive bodies at the local or national level, right to initiate disciplinary procedure or suspend the party members; they also have the power in terms of the candidate selection process for party lists for both parliamentary and local elections. A very important indicator for measuring of intra-party democracy in this domain is the power of the president to appoint the members of relevant executive bodies, and to be their *ex officio* member, similarly to the presidency and party members that are holding positions in the Parliament, or the Government. The power of the president is great to the extent that he/she significantly controls the decision/making process in central party bodies, through the appointment of party officials.

On the other hand, there are parties with statutes that are not stipulating significant powers of the president, which is substituted by informal methods of influence (Čular, 2005: 40). In these parties, the members of the executive bodies (especially the vice-presidents and the members of the presidency) are appointed by the national representative body or the main board, while they are nominated by different bodies (party president, municipal committees etc.). Thus, contrary to the previous type of party, presidents can't completely control the election of the executive body's members (especially the Main Board) and their compositions reflects interests of different groups within the party. However, there are exceptions to this model as well, where party presidents are *ex officio* members or presidents of the Main Board and of the Presidency.

If we apply the given criteria to Montenegrin political parties, we can draw the conclusion that milder versions of presidentialism exist in the DPS, SDP and SNP. It should be pointed out that the president of the SDP yields much higher powers, especially in the appointment of the members of the executive party bodies, but also in the candidate selection process. Among the Montenegrin parties, the biggest power is vested into the presidents of the SDP and SNP. Namely, besides the members of the Presidency, the SDP president also propose the vice-presidents, the Spokesman of the Party and the Secretary General. On the other hand, the SNP president nominates the candidates for vice-president of the Party, which are verified by the Main Board. The special feature of the SNP is that the party president nominates the candidates for the Executive Committee of the Main Board, which is not the case with other political parties. One of the exceptions is the DPS

president, which has no power in selecting the party vice-presidents. The Vice-presidents are nominated by the Main Board and appointed by the Congress. One of the features of the “presidential” parties is the ability of the party president to convoke and preside over other executive bodies at the local or national level, as well as to appoint members of other executive bodies and to be members or president of these bodies *ex officio*. In regards to this, presidents of all three parties (DPS, SDP, SNP) are *ex officio* members of the Main Board and Presidency (in the SNPs case, also be a member of the Executive Committee of the Main Board). They convoke sessions of these bodies and preside over these sessions. They also have important powers in the domain of convocation of sessions of all other party bodies, and the consideration of specific issues from jurisdictions of other organizational units of the party. In cases of the DPS and SNP - the powers of presidencies are practically subdued to the powers of the president.

When selecting candidates, the president of the SDP yields the greatest powers. The president defines the party lists, and proposes cadre lists, as well as the candidates for the highest state functions. The powers of DPS and SNP presidents are very limited in this regard. Namely, the president of the DPS doesn't decide on the party lists for parliamentary and local elections – the presidency of the party verifies the councilor's lists defined by municipal committees, while the parliamentary representatives list is determined by the Main Board. The Main Board, in addition, leads unified cadre policy of the Party, nominates party candidate for the President of Montenegro, as well as the candidates for President and the members of Government. On the other hand, the SDP president proposes a candidate list for parliamentary representatives and for members of Government, the candidate list for councilors, while those decisions are verified by the Main Board or municipal committees. In addition, unlike the DPS president, the president of the SDP proposes party candidates for public offices in the legislative and executive power and for other management positions which are to be filled in accordance with the SDP mandates. However, the SNP president proposes to the Main Board a list of candidates for parliamentary representatives and holds no power in the domain of selection and verification of the councilor lists. The list of candidates for councilors is being defined by the Main Board, after nominating the municipal committees. The SNP President has no power in selecting candidates for the president of municipalities, the president and vice-presidents of the Parliament of Montenegro, the candidates for president of Montenegro, the president of the Government, and no power in providing intra-party support to the candidacy for the Prime Minister, ministers, and heads of independent state administration bodies from the list of the Party.

In the second group of parties, the presidents of which don't hold a lot of power in accordance with their statutes (PzP, Bosniak Party, New Serbian Democracy), the members of executive bodies are elected by the political body at the national level

(PzP, NOVA) or the Main Board (Bosniak Party) upon being nominated of the relevant party actors (the party president or the Main Board). The party president can't control the appointment of the members of the Main or Executive Board and their composition reflects the interests of different groups within the parties (Čular, 2005: 40-41). For example, the party presidents of the PzP and Nova are nominating their vice-presidents and Presidency members, but these candidates are appointed by the Main Board. However, these three parties also have some features of "presidential parties". Namely, just like in the previous group of parties, the party president is the member and chairman of the Main Board and the party presidency, with ability to preside over their sessions. However, while in the PzP the director is subordinated to the party president and in Nova the vice-president is subordinated to their president, the presidency of the Bosniak Party executes decisions and implements policies of the Congress and the Main Board, thus they are not subordinated to the party president. In terms of candidate selection, the president has no power in these procedures (PzP, Bosniak Party), taking into consideration that the Main Board determines the criteria for candidates for all party bodies and decides on the participation of party members in Government, while the party lists determine the Presidency at the proposal of the Main Board or municipal committees respectively. In addition, the Main Board determines the personnel lists, as well as the candidate lists for other parties and state functions. The exception to this is Nova, the president of which proposes a list of candidates for parliamentary representatives and cadre lists for state bodies, while the Presidency decides on final electoral lists. Finally, the fact that the presidents of these parties have no right to initiate disciplinary procedures or the suspension of party members, speaks as the confirmation of the hypothesis that the presidents of these parties have no significant powers stipulated by the statute. Namely, the decision on exclusion from the Bosniak party is brought by municipal committees, while the method and procedure of exclusion is regulated by the act of the Main Board.

5.5 Conclusion

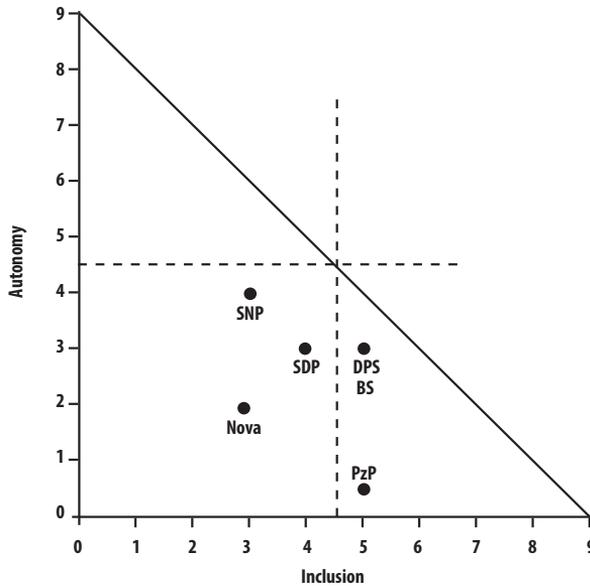
Following the presented model we have evaluated six selected parties, on the basis of their statutes. The marks are given to each party on the basis of statutory provisions, and not on the basis of internal practices in the implementation of procedures related to selected indicators.

Table 18: Dimension of inclusion and dimension of autonomy: Political parties in Montenegro

	DPS	SDP	BS	SNP	NOVA	PzP
Dimension of autonomy						
Members' rights	1	1	1	1	0	0
Autonomy of local level	1	2	1	1	0	0
Local level influence on central party	1	1	1	1	2	1
Total	3	4	3	3	2	1
Dimension of inclusion						
Direct participation of members	2	1	2	2	0	1
Conventions vs. executives	1	1	1	1	1	2
Power of the president	2	1	2	1	2	2
Total	5	3	5	4	3	5

In the graph above, one can see that all political parties are situated within lower half of the space, dominantly in the quadrant reserved for the democratic centralism type of party and party with low intra-party democracy.

Graphic 3: Dimension of inclusion and dimension of autonomy: Political parties in Montenegro



It is obvious that, in Montenegrin parties, there is a relatively low degree of inclusion and a high level of centralization, as well as a low level of autonomy. The highest level of centralization is spotted with NOVA and the PzP, while the DPS, SDP and BS are at the same position in regards to their centralization level. When it comes to the inclusion of members, the parties with the highest level of inclusion are DPS (3,5), BS (3,5), PzP (1,5), which, due to the mark of its inclusion degree is placed in the proximity of the quadrant of parties characterized by democratic centralism. However, the SNP (3,4), SDP (4,3) and Nova (2,3) are situated in the quadrant of parties of low intra-party democracy level. All the analyzed parties have a sum of values which is lower than half of the maximum value (18), which clearly displays an existing deficit of intra-party democracy.

However, as we have pointed out several times, this analysis is based on the statutes of selected parties – which are not fully reflecting the scope of intra-party relations. From this perspective, it is interesting to observe the positions of the SDP and DPS, taking into consideration that these two parties are in the ruling coalition for a long time. The position of the DPS president, even though he can be listed as a “strong president”, has less power than the president of the SDP. Even though we have concluded that the presidents of the SDP and SNP have the biggest powers, we can state that these powers are even more accentuated in the case of the SDP. However, internal party disputes in the SDP and SNP, split these parties and the resignation of management and membership are showing that too much centralization can be a problem in consolidating internal relations. On the other hand, the real power of the president of the bigger ruling party doesn't stem exclusively from the statute, but also from the fact that their president represents a charismatic leader, who is one of the key elements for voter support for this party and also disposes with huge amount of informal and formal power, taking into consideration that he covers key positions of executive power (apart from two pauses), since the introduction of multipartism in the last 25 years.

The strong influence of a mono-party system, i.e. the organization transposed from the League of Communists, is obvious. The biggest part of party leaders, i.e. the creators of the party “constitutions”, originated from this system, and they can't deviate much from the high level of the “top down” control. Among Montenegrin parties it is noticeable that formal procedures are dominantly replaced by informal decision-making in a narrow circle of persons. Procedures of candidate selection and the appointment of party members to key party positions is heavily controlled by the higher levels. None of the Montenegrin parties use direct election of party management by party members as a method. Insecurity of the party management in regards to the will of voters is quite obvious. This kind of approach is quite unusual for parties with such a wide membership, e.g. in the DPS, taking in consideration

that the candidates of this party (its president and its previous vice-president) have won all direct elections for the president of Montenegro. Thus, the improvement of procedures of the intra-party democracy could help this party to include and motivate its membership. However, from the analysis of the political party's statutes it is visible that the role of the membership in (1) candidate selection, (2) the selection of leadership and (3) setting of party policies, is minimal. In spite of the different features of party types, we can conclude that in Montenegrin parties, there are dominant features of cartel parties. As previously stated, this can't be taken for granted, taking in consideration that our party system is not fully institutionalized and we can't precisely determine who would be part of a cartel party. Generous state funding of parties (0,6 - 1%) makes them practically independent from donors and their membership. In such a situation, the membership becomes almost obsolete. However, the instability on the political scene, the long rule of a single party creates a big frustration towards the oppositional electorate which demands changes and alternatives to existing parties. Thus the "earthquakes" on the oppositional part of the political scene come as no surprise. They are partially caused by strong conflicts within all relevant parties in Montenegro, both those that suffered splits, and the ones that originated from splits. It is noticeable that in Montenegrin parties, minority fractions consider themselves "defeated" and they, almost always, seek the solution by establishing a new party. This pattern of behaviour causes damage to the process of institutionalization of the Montenegrin party system. In order for this process to be possible, it is necessary for parties to provide a mechanism that gives equal opportunities for success, i.e. for inclusion, to those members which are currently not part of the party majority. In order to make this possible, and in order to keep and motivate their membership, Montenegrin parties have to undergo the process of democratization. Above all, they should provide their members the opportunity to have a higher degree of influence in the decision making processes regarding (1) the candidate selection, (2) the selection of leaders and (3) the determination of party policies. The parties which first accept this approach will have a significant advantage in the fight for support of the electorate.

However, democratization of Montenegrin parties is a long shot. Taking into consideration the relation of power within the parties, such a change could happen only if it's initiated from above, or in the case that some of the procedures of intra-party democracy are included into the Law on Political Parties, which remained unchanged since its adoption in 2004. Legal regulation of such procedures is hardly achievable, due to an assumed strong reluctance of political parties. A more plausible option is hibernating the current situation and taking timid steps forward in those parties which would get incentives for democratization from political international counterparts.

Still, it seems more realistic that the representatives in Parliament would be inclined to support amendments to electoral law which would stipulate introduction of preferential voting, rather than the introduction of some other incentives for the development of intra-party democracy. When it comes to stronger financing of parliamentary groups, such support can't be expected. NVO CeMI has proposed, in 2009, that a part of funds distributed for the financing of regular work of political parties, should be allocated for direct financing of MP's. Unfortunately, this proposal was not accepted, hence the central party's management disposes with extremely big budgetary funds, which additionally increases centralization of political parties.

Party managements are not demonstrating the intent to democratize the decision-making procedures within the parties, while, on the other hand, institutional incentives for intra-party democratization are lacking.

Thus, we can conclude with a statement that, in a situation in which institutional incentives for intra-party democratization are lacking, i.e. when there is no legal regulation of appointment and selection procedures within parties, no independent financing of parliamentary groups or MP's from party budgets, no preferential voting within the existing PR list system, and no other forms of personalization of the electoral system, it is not possible to expect that democratic procedures within parties will be strengthened. A moderate improvement of the situation can be expected in the short term (up to 10 years), as a result of strengthening the influence of international party organizations to its Montenegrin counterparts.

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List of used abbreviations

- ANC – African National Congress
AVS - Alternate Vote System
BS – Bosniak Party (Montenegrin: *Bošnjačka stranka*)
BVS - Block Vote System
CEDEM – Centre for Democracy and Human Rights
CESID – Center for Free Elections and Democracy
DCI – Demochristianic Party
DD – Delegative democracy
DEM – German Mark
DF – Democratic Front
DIK – State Election Commission
DKAZ – Democratic Coalition Albanians Together (Montenegrin: *Demokratska koalicija Albanci zajedno*)
DPS – Democratic Party of Socialists (Montenegrin: *Demokratska partija socijalista*)
DR Germany – Democratic Republic of Germany
DUA – Democratic Union of Albanians (Montenegrin: *Demokratska unija Albanaca*)
EU – European Union
FRY – Federal Republic of Yugoslavia
HDZ – Croatian Democratic Union (Montenegrin: *Hrvatska demokratska zajednica*)
HGI – Croatian Civil Initiative (Montenegrin: *Hrvatska građanska inicijativa*)
HN – Herceg Novi
IDEA – International Institute for Democracy and Electoral Assistance
JUL – United Yugoslav Left (Montenegrin: *Jugoslovenska udružena levica*)
LDP – Liberal-Democratic Party
LSCG – Liberal Alliance (Montenegrin: *Liberalni savez Crne Gore*)
MMP - Mixed Member Proportional System
NATO – North-Atlantic Treaty Organization
NGO – non-governmental organization
NOVA – New Serbian Democracy
NS – People’s Party
ODIHR – Office for Democratic Institutions and Human Rights

- OSCE – Organization for Security and Cooperation in Europe
- PRI – Institutional Revolutionary Party (Spanish: *Partido Revolucionario Institucional*)
- PS – Parallel System
- PzP – Movement for Changes (Montenegrin: *Pokret za promjene*)
- SBC - System of Borda Count
- SCG – Serbia and Montenegro
- SD – Social Democratic Party In Sweden
- SDA – Party of Demoratic Action (Montenegrin: *Stranka demokratske akcije*)
- SDP – Social Democratic Party
- SFRY – Socialist Federative Republic of Yugoslavia
- SKCG – League of Communist of Montenegro (Montenegrin: *Savez komunista Crne Gore*)
- SKJ – League of Communists of Yugoslavia (Montenegrin: *Savez komunista Jugoslavije*)
- SLV - System of Limited Vote
- SNP – Socialist' People's Party (Montenegrin: *Socijalistička narodna partija*)
- SNS – Serbian People's Party (Montenegrin: *Srpska narodna stranka*)
- SNTV - System of Single Non-Transferrable Vote
- SPBV - System of Party Block Vote
- SPL – System of Party Lists
- SPS – Socialist Republic of Serbia (Montenegrin: *Socijalistička partija Srbije*)
- SRM - System of Relative Majority
- SRS – Serbian Radical Party (Montenegrin: *Srpska radikalna stranka*)
- SRSJ – Alliance of Reformist Forces of Yugoslavia (Montenegrin: *Savez reformskih snaga Jugoslavije*)
- SSSR – The Union of Soviet Socialist Republics
- SSTV - System of Single Transferrable Vote
- SSRN - Socialist Workers' Union (Montenegrin: *Socijalistički savez radnog naroda*)
- SSO - Socialist Youth Union (Montenegrin: *Savez socijalističke omladine*)
- TRMS - Two-Round Majority System
- UDSH – Democratic Union of Albanians
- UJDI – Association for Yugoslav Initiative (Montenegrin: *Udruženje za jugoslovensku inicijativu*)
- USA – United States of America

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Vladimir Goati was born in 1939 in Mostar, Bosnia and Herzegovina. He graduated from Faculty of Law, University of Belgrade in 1962. He obtained Master of Arts degree in 1966 at Faculty of Law and finished his PhD studies in 1973, at Faculty of Political Science, University of Belgrade.

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CIP – Каталогизација у публикацији
Национална библиотека Црне Горе, Цетиње

ISBN 978-86-85547-38-6
COBISS.CG-ID 27914512



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