



# Weekly Briefing

## **Montenegro Political briefing:**

**Change of electoral legislation - the desire of all or the necessity?**

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## **Change of electoral legislation - the desire of all or the necessity?**

In order to improve the electoral environment, and further strengthen the confidence of citizens in the electoral process a change of electoral legislation was initiated during recent weeks in Montenegro. This issue, in addition to being a source of disagreement between the ruling coalition and part of the opposition, is a key issue in the current daily political life. And not only because of the fact that in any form it is finally talked about election violations, but also because the changes in electoral legislation have also become one of the priorities in the suggestions that come from foreign addresses. Therefore, the question arises: whether the changes of the electoral legislation are really result of good political will of the ruling and part of the opposition parties in Montenegro (as they claim), or the necessity imposed by the processes of integration? In addition to work on changes in electoral legislation, there appear to be no more important issues than the slight grievances in the ruling coalition at the state level arising from the announced re-examination of the position of one of the smaller parties. In such ambient, ruling and opposition parties „create” issues for holding distance.

### **The Committee for the Reform of Electoral and Other Legislation - formal cooperation between the government and a part of the opposition**

The change of electoral legislation is a matter of crucial importance for Montenegro. This is tressed out by international organizations, but also by non-governmental organizations and political parties in Montenegro. Delegation of EU in Montenegro and the OSCE have previously pointed to the need to change electoral legislation, because in previous elections opposition had numerous complaints to the results. Hence, the Parliament of Montenegro adopted a decision on the establishment of the Committee for the Reform of Electoral and Other Legislation. The founding of this committee was initiated by the largest

political party, the Democratic Party of Socialists, in order to improve the framework for upcoming elections and increase public confidence.

The Committee will be composed of 14 members, or seven delegates from the parliamentary majority and seven opposition delegates. However, representatives of non-governmental organizations, the academic community and all those who could contribute to innovating legislation and achieving a better election environment will participate in the work of the Committee. The basic objective of the Committee is to optimize the overall ambience in which the next electoral cycles will be held, implementation of the OEBS/ODIHR recommendations on previous parliamentary and presidential elections. In the previous year, OEBS provided eighteen recommendations for the improvement of the electoral legislation to prevent re-ignoring election results by the opposition, which was the case during the previous elections, but also prevented problems during the electoral process. Also, the Committee's objective is to apply the recommendations of the European Commission, as set out in the European Commission's Progress Report and strengthening public confidence in the electoral process.

However, given the previous situation in relation to the relations between the ruling and opposition parties, establishment of the temporary parliamentary committee could be considered as the most significant step towards a new political understanding in the last few years. This decision is particularly significant as it is the platform for dialogue between parties that have substantially opposed program policies. Nevertheless, although the formation of this Committee is seen by the ruling parties as a continuation of the democratic progress of Montenegro and the contribution to the achievement of that goal, which must be primary and above all other interests - either party or individual. Also, it seems that the formation of this Committee is still a result of external pressures coming from different addresses, first of all institutions of the European Union. Establishment of the aforementioned body is not only the result of the good will and the mind of political parties who finally realized that

the state's interest is in the front of the party. It is clear, therefore, that the opinion of the European Union plays a greater role than the true wish of the Montenegrin parties.

This is confirmed by the fact that the formation of a Working Group composed only of the members of the ruling coalition came only after the head of the European Union delegation in Montenegro Aivo Orav recently warned the state that it should change the electoral legislation because there is a possibility that the next elections will be disputed. Mr. Orav said this after a wide-ranging debate emerging as contesting the results of the 2016 parliamentary elections by opposition parties because they claimed that elections could not be legitimate because they were held in the ambush of a state strike and attempted terrorism. Only after that, President of the Parliament of Montenegro, Mr. Ivan Brajovic spoke with Head of Delegation of the European Union to Montenegro on the formation and planned activities of the Committee for the Reform of Electoral and Other Legislation. The EU Delegation in Montenegro has previously pointed to the importance of establishing the Committee and amending electoral legislation, so that Mr. Orav supported the founding of the Committee, pointing out that it has an ambitious work plan which is important for the European path of Montenegro. However, not only the EU Delegation in Montenegro insisted on this issue. Also, European Commissioner Johannes Hahn welcomes the establishment of a temporary parliamentary committee on electoral reform, which encouraged all parliamentary parties to participate actively and constructively in the work of this Committee and focus on its important tasks, with the aim of bringing Montenegro closer to the European Community.

However, announcement of the largest ruling party that their focus of in the work of the Committee will be on the adoption of the 2016 and 2018 recommendations of the ODIHR further indicates the "weight of recommendations" to make legislative changes. In addition, appeal is also made to all other topics related to the progress of the electoral environment. That is why the ruling party came to meet with advices from European addresses, but

also demonstrated the democratic capacity that was often disputed by the opposition parties. On the one hand, a compromise was made with opposing parties which participate in the Committee's work, through constructive dialogue in Parliament. On the other hand, in the decision of forming the Committee, the views of those boycotting Parliament were embedded, believing that if not because of political maturity, but the rating falls, yet at some point decide to join the Committee's work. It remains to be seen whether they are right, because such messages from Brussels were a clear message to the part of the opposition parties.

In addition to the ruling coalition, the establishment of the Committee was supported by the opposition party DF, while representatives of opposition parties Democrats and the URA Civil Movement announced they would not attend the work of this temporary committee. Leader of the opposition party Democrats expressed disagreement with the decision on the establishment of the Committee for the Reform of Electoral and Other Legislation, stating that it was adopted by the dominant votes of DPS and DF. Yet, it is here that the Democrats' desire to be imposed as opposition leaders through distancing from the ruling party and one of the strong opposition party. It is therefore questionable whether the Democrats and URA Civil Movement actually announced electoral reforms are seen only as a simulation of democracy, or in the wake of wanting to gain political points in voters as well. In order to improve electoral legislation, Democrats and the URA Civilian Movement have announced the establishment of an out-of-institutional forum to deal with electoral legislation. They would work on a forum that would work out of parliament in electoral legislation.

### **Mild turbulence in the ruling coalition do not affect the stability of the government and the coalition**

Relationships in the ruling coalition seem stable. The largest ruling party, the Democratic Party of Socialists, seems to hold all in its hands. A minor

earthquake in the ruling coalition provokes an announcement by the leaders of the Liberal Party, who have announced that they will re-examine the participation in the coalition. This is an unexpected statement announced at the session of the Main Board of the Liberal Party at a solemn session held on the occasion of the 14th anniversary of the party. The re-examination was announced due to dissatisfaction with the implementation of the post-election coalition agreement. However, it is hard to expect that anything crucial will change in the governing structure, since the power of the Liberal Party is not enough to shake up power, and the very conclusions of the Main Board of that party are not so sharp. Hence, it could be expected that this party would exit from the ruling coalition.

### **Conclusion**

Recent changes in electoral legislation seem to be able to bring closer the ruling and opposition parties, at least in the part related to the formal work of the Committee. It remains to be seen what effect this joint work will have, as well as the announced parallel committee that plans to establish opposition parties that continue to boycott Parliament's work and cooperation with ruling parties. However, in order to keep the tensions between the government and the opposition strong, one and the other parties are concerned about the various issues that are being debated on a daily basis. In the absence of other topics, parties create topics, even cultural and religious issues on which the opposition and the government are successfully holding the distance.