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NEWSLETTER

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CEDEM edition:



Department for Empiric researches

POSITION REGARDING STATEHOOD ISSUE AND ECONOMIC PROBLEMS

- Public opinion survey report -

Podgorica, December 2004.



Department for Empiric researches

PRIMARY SOCIAL IDENTITIES STATE SYMBOLS POSITION REGARDING STATEHOOD ISSUE

- Public opinion survey report -

Podgorica, September 2004.



Ph. Dr Srđan Darmanović

Quest for "international standards"

(Published in daily "VIJESTI" - May 22. 2005)

All interested parties, regarding Montenegrin referendum, which is expected to be organized in spring of next year, are calling upon so called international standards. Unionist (pro-Serbian) opposition, is largely sticking, so far, to the propaganda claim that referendum "won't happen at all", but if the referendum is to be organized they request organization upon "the highest" international standards, meaning different versions of qualified majority necessary for valid decision in referendum. This position is shared by parts of Serbian Government (mostly by Koštunica's DSS), when they find themselves in position to speak about Montenegrin referendum. Pro-independents Government and parliamentary majority are announcing that referendum will indeed be organized upon "the highest international standards", even somewhat more severe compared to usual international practice. Brussels administration is also insisting on "international standards", but

for now, it is difficult to see what Solana and his advisers will mean by this, when the time comes.

What are the "international standards", regarding approaching referendum? Do they exist at all? If they do exist, where to look for their sources? If they don't exist, what should be understood as 'international standards'?

For this occasion we will put aside fake issue- who has the right to vote in referendum, because non of the relevant international expert would oppose the claim that only Montenegrin citizens, those who live here, has that right. Certain number of Serbian citizens, who pretend to have voting rights based on their Montenegrin origins, can't have this right because you can't have voting right in two states simultaneously, and this fact is not disputable for anybody except political movement with unionist background, but they won't be deciding about that.

Thus, the issue of "international standards", besides

general conditions necessary to ensure free and fair voting, will concentrate primarily on the issue of necessary majority for reaching a decision. We are talking primarily about the turnout, and then about the number of votes necessary for reaching a decision. Actual Montenegrin Referendum Law says: a) obligation that more than 50% of citizens must vote in order to have valid referendum and b) obligation that more than 50% of those who voted, supports certain decision in referendum, in this case decision "for" independence of the state.

How this regulation stands in light of so called international standards? First of all, it should be said that there are no general international standards as far as referendums are concerned. No resolution or recommendation by UN, or some EU body, Council of Europe, or OSCE, or some other instruments of international law speaks in specifics about referendums. There is only relevant international practice in developed democracies or newly democratized countries, practice from which one can draw some minimal standards. We are talking here about referendum practice that deals with issues of up most importance for some countries: a) independence of certain territory; b) accession to EU and ratification of European Constitution and other agreements within the EU, and c) Constitutional changes in certain sovereign countries.

Constitutional system and referendum practice of majority of countries doesn't recognize any demands regarding any kind of qualified majority in any phase of voting process. As far as EU countries are concerned: Austria, Denmark, Finland, France, Ireland, Hungary, Germany, Spain and Great Britain (in case of Northern Ireland) do not demand any special majority regarding voting turnout. This approach is also shared by Australia, Canada (in case of Quebec), and Swiss. In other words, no matter how important is the issue upon which people are deciding, the referendum will be valid regardless of the voters' turnout.

In addition, the following EU members: Austria,

Table no. 1

Without any request regarding percentage of voters' turnout	Request for turnout of 50% + 1
Austria	Italy
Denmark	Poland
Finland	Portugal
France	Slovakia
Ireland	Slovenia
Hungary	Sweden
Germany	
G. Britain / Northern Ireland	
Spain	
Swiss	
Australia	
Canada / Quebec	

Finland, France, Ireland, Italy, Great Britain (in case of Northern Ireland), Poland, Portugal, Slovakia, Slovenia, Spain and Sweden do not demand any kind of qualified majority for reaching a referendum decision, but common (simple) majority - that more than 50% of those who voted in referendum, vote for one option. The same solutions apply in Canada (in case of Quebec) and Swiss.

Some kind of qualified majority, as far as voting turnout is concerned, i.e. demand equal to one in Montenegrin Referendum Law- that validity of referendum must be confirmed by more than 50% of eligible voters, can be found in smaller number of EU countries: Italy, Poland, Portugal, Slovakia, Slovenia and Sweden. Furthermore, some sort of qualified majority we find in Germany and Hungary, where besides the usual standard of more than 50% of those that voted, this number must also be minimum 25% of total electoral body of the country, while in case of Australia we have additional request that simple majority of voters in majority of federal units, votes for certain referendum decision. Somewhat more strict demand we find in Denmark and Great Britain (in case of Scotland), where besides usual demand on above half voters, it is also necessary that this majority should represent 40% of total electoral body. In Scotland, this kind of demand has already (in 1979) postponed the devolution, and in Denmark, so far, it hasn't be tested.

Demands, one can here on our political scene, that for such important decision, as the referendum one in

Montenegro will surely be, we need substantial qualified majority (two thirds, three quarters, and similar) d not exist anywhere in comparative practice of relevant countries.

From the cited examples we may conclude that in comparative international practice (with exception of Scotland and Denmark) regarding necessary majority for reaching a decision, there are no "standards" which would be above actual Montenegrin Referendum Law. Any demand with some other standards wouldn't have base in European legislation and comparative practice, no matter how important or complicated is the issue being resolved in referendum. Feverish efforts of current political class in such important country as France, to convince the voters to vote for Draft European Constitution, with any level of referendum turnout, and any majority, clearly illustrates on non-existence of "standards" regarding this issue.

Of course, EU officials, if they find it in their interest regarding resolution of some other problems in our region, might try to introduce some kind of precedent in the case of Montenegro, but than Montenegrin Government and its parliamentary majority would have sufficient arguments to refuse such demand. Although we know that relations between big and small within international relations are usually not based on the exchange of arguments, it is hard to believe that EU members would accept easily and with-

out debate, that without base in international law, European agreements and laws, and dominant practice, precedents are being introduced on European soil, on which no other European country would agree to.

However, despite arguments and practice of the very European countries, we shouldn't rule out the possibility that Montenegro might be put under considerable pressure by the EU in order to introduce unusual and nowhere existing level of qualified majority for deciding referendum. Even in that case, it is hard to see any other option and maneuver space for Montenegrin Government and its parliamentary majority but to show determination and organize the referendum exclusively with provisions of actual Montenegrin Referendum Law and according to experiences existing in comparative international practice. Indecisiveness would be sufficient signal to Brussels administration that pressure is producing results and that Montenegro, instead of referendum in April or May, would be organizing "federal" elections in October 2006. However, if the transparent, free, and fair referendum is organized in appropriate time, based on Belgrade Agreement, and Constitutional Charter, that is in spring of 2006, its results will be recognized by everybody - somebody sooner and somebody later.

Table no. 2

Simple majority - 50% + 1 of those who voted	Simple majority (50% + 1) of those who voted + some kind of additional request
Austria	Hungary (25% of total electoral body)
Finland	Germany (25% of total electoral body)
France	Denmark (40% of total electoral body)
Ireland	Scotland (40% of total electoral body)
Italy	Australia (majority of voters in majority of federal units)
Poland	
Portugal	
Slovakia	
G. Britain /Northern Ireland	
Slovenia	
Spain	
Sweden	
Swiss	
Canada / Quebec	

CEDEM activities:

Seminar:

"Family Law and European Convention on Human Rights"

Igalo, February 4-5, 2005

Seminar for Montenegrin judges, attorneys and advocates regarding **"European Convention on Human Rights"** (ECHR), were organized and held by the Council of Europe, AIRE (Advice on Individual Rights) Center from London, Judicial Training Center and the CEDEM.

Different aspects of mentioned rights regarding ECHR and domestic laws and practice were discussed at the seminar.

This project has been supported by: British Ministry of Foreign Affairs, Westminster Foundation for Democracy, Council of Europe, European Agency for Reconstruction, Foundations Konrad Adenauer and Open Society Institute.



Round table:

"Antidiscriminatory legislature"



Becici, March, 4-5, 2005

The topic of this round table has been the Model of Law against discrimination prepared by CEDEM's Department for legislative projects. Participants were NGO's specialized in giving protection to victims of discrimination. The model of law has been esteemed as very good, as the first necessary step towards creating a legal frame to fight against discrimination.

Swedish Helsinki Committee for Human Rights supported the project

Round table:

"European Convention on Human Rights and reform of criminal legislature in Montenegro"

Herceg Novi, April 21-22, 2005

Seminar for Montenegrin judges, attorneys and advocates regarding **"European Convention on Human Rights"** (ECHR), were organized and held by the Council of Europe, AIRE (Advice on Individual Rights) Center from London, Judicial Training Center and the CEDEM.

The main topic has been the need of reforms of criminal legislation in Montenegro regarding ECHR.

This project has been supported by: British Ministry of Foreign Affairs, Westminster Foundation for Democracy, Council of Europe, European Agency



for Reconstruction, Foundations Konrad Adenauer and Open Society Institute.

*In frame of cooperation with Ministry for European integration, CEDEM's program assistant Duška Radovic took part at seminar **"Montenegro on its way to European integration and role of NGO"**, held in Kotor, on February 25-27, 2005. It's also arranged that this aspect of cooperation regarding European integration continue in future.*

*The book **"Elections and election legislation in Montenegro 1990-2004"** is a final result of project **"Elections and electoral system in Montenegro 1990-2004"**, conducted by CEMI research team and its associates. One of authors is the Head of CEDEM's Department for Empiric studies, dr Veselin Pavicevic who wrote the first part of book-Analysis of normative structure and effects of system. Reviewer of the book is Ph.D. Srdjan Darmanovic, director of CEDEM. This project is supported by Norwegian Peoples Aid and Montenegrin Parliament through the program of NGOs help.*



CEDEM

Empirical Research Department

Opinion pool results: "Political public opinion in Montenegro" was presented on press conference on May 24, 2005 in PR Center. Research was done in May

9-15, 2005. CEDEM's standard two-phase stratified sample was applied. Dr Srdan Darmanovic, Head of the CEDEM and dr Veselin Pavicevic, head of the Empirical Research Department took part at the press conference. Foundation Open Society Institute supported the project.

As part of this project, CEDEM will soon publish an annual consisted of four public opinion researches done in April, June, October 2004 and in January 2005.



Comment: Completed Opinion pool results can be found on CEDEM web-site: www.cedem.cg.yu

Political public opinion in Montenegro - January 2005

The research was conducted on a stratified, two-phase quota sample. The project was realised in 9 Montenegrin municipalities at the level of 1010 subjects. Field research and primary data processing has been made from May 9-15, 2005. Project "Political public opinion in Montenegro" is supported by foundation Open Society Institute, office in Montenegro.

<i>Necessity for scheduling the referendum</i>	
%	May '05
YES	55.3
NO	25.0
Doesn't know, doesn't have opinion on that	19.7

<i>Organizing the referendum in spring of 2006?</i>	
%	May '05
YES	35.6
NO	32.7
Doesn't know, doesn't have opinion on that	31.7

<i>Position on movements in Montenegro</i>	
%	May '05
Movement for independent European Montenegro	35.7
Movement for European State Union S&M	34.0
Doesn't support activities of these movements	23.7
Can't decide	6.6

<i>Confidence in Institutions</i>			
%	oct '04	jan '05	maj '05
Serbian Orthodox Church	3.44	3.28	3.45
S&M Army	2.76	2.56	2.74
Montenegrin President	2.55	2.56	2.63
Montenegrin Government	2.50	2.42	2.53
Montenegrin Police	2.41	2.45	2.52
Montenegrin Orthodox Church	2.39	2.24	2.33
Montenegrin Judiciary	2.37	2.36	2.46
Montenegrin Parliament	2.31	2.38	2.48
President of S&M	2.29	2.23	2.39
Parliament of S&M	2.14	2.01	2.25
Council of Ministres of S&M	2.11	1.97	2.22
Political parties in Montenegro	-	-	2.07

Referendum vote

%	jun'04	okt'04	jan'05	maj'05
For Independence	39.2	42.5	44.5	40.5
Against Independence	39.1	36.7	40.5	36.0
No attitude	21.7	21.8	15.0	13.4
Wouldn't vote	-	-	-	10.1

Are you satisfied with results of Djukanovic's Government so far?

%	jun'04	okt'04	jan'05	maj'05
Very dissatisfied	35.8	35.9	35.0	36.2
Mostly dissatisfied	19.1	17.7	19.2	19.0
Neither satisfied nor dissatisfied	25.1	25.3	25.2	22.4
Mostly satisfied	14.1	15.1	14.2	15.7
Very satisfied	4.2	6.0	6.4	6.7

Should Montenegro, in your opinion, whether independent or in the state union with Serbia, be in the future:

1. Member of the European Union %

	Apr 2004	Jun 2004	Avg 2004	Jan 2005	May 2005
1. Yes	83.4	81.2	82.4	78.9	80.1
2. No	5.4	4.6	5.5	6.1	5.6
3. No attitude	11.2	14.2	21.1	15.0	14.3

2. Member of the NATO Alliance %

	Apr 2004	Jun 2004	Avg 2004	Jan 2005	May 2005
1. Yes	35.6	35.2	39.3	34.9	35.7
2. No	41.3	36.3	35.6	37.9	35.0
3. No attitude	23.1	28.5	24.1	27.2	29.3

3. Collaboration with Hague Tribunal %

	Jun 2004	Avg 2004	Jan 2005	May 2005
1. Yes	42.3	44.5	44.8	44.9
2. No	40.0	41.7	38.3	39.3
3. No attitude	17.7	13.8	16.9	15.8

Evaluate the following politicians with marks from 1 to 5: Rang of Politicians and Public persons/

	Apr 2004	Jun 2004	Avg 2004	Jan 2005	Maj 2005
1. Milo Đukanović	2.64	2.61	2.66	2.63	2.67
2. Filip Vujanović	2.57	2.63	2.58	2.54	2.54
3. Svetozar Marović	2.52	2.65	2.49	2.35	2.43
4. Slobodan Milošević	2.27	2.26	2.20	2.28	2.33
5. Vojislav Koštica	2.25	2.18	2.12	2.09	2.12
6. Ranko Krivokapić	2.09	2.19	2.29	2.27	2.21
7. Miodrag Živković	2.17	2.45	1.95	1.83	1.87
8. Predrag Bulatović	1.81	1.95	1.74	1.84	1.84
9. Božidar Bojović	1.78	1.97	1.86	1.88	1.90
10. Dragan Šoć	1.88	2.14	2.03	2.01	2.07
11. Vojislav Šešelj	2.07	2.18	2.12	2.11	2.14
12. Zoran Žižić	2.12	2.06	1.98	2.09	2.01
13. Nebojša Medojević	2.96	3.00	3.03	2.86	2.95
14. Andrija Mandić	1.77	1.99	1.91	2.04	2.11
15. Amfilohije Radović	2.59	2.87	2.67	2.78	2.61
16. Boris Tadić	2.17	2.27	2.45	2.24	2.39
17. Krsto Pavićević	-	-	-	-	1.81

Individual party preferences

	Apr 2004	Jun 2004	Okt 2004	Jan 2005	Maj 2005
1. DPS	23.8	23.3	26.1	25.5	25.5
2. SNP	9.5	10.3	8.1	7.9	7.7
3. LSCG	5.6	6.5	2.0	0.9	-
4. SNS	1.6	2.4	2.4	3.7	7.3
5. SDP	3.3	4.0	4.2	5.3	4.1
6. SRS /V. Šešelj/	3.6	4.4	3.8	3.7	2.8
7. NS	1.8	2.2	2.6	2.3	2.5
8. NSS	1.7	1.0	0.9	1.2	0.8
9. DUA	1.3	2.0	1.6	1.8	1.3
10. DSCG	0.6	0.2	0.3	0.3	0.5
11. GP	0.2	0.7	0.5	0.6	0.9
12. LPCG	-	-	-	0.8	1.5
13. GZP	10.7	10.1	10.1	7.8	11.3
14. DSS	1.6	1.6	0.9	1.0	1.6
15. Some other party	2.4	2.0	2.0	2.0	2.5
16. Indecisive	12.1	9.9	11.2	11.0	8.9
17. Abstinent	20.4	19.3	23.3	24.2	20.9

Idea of creating Union of Independent States Serbia and Montenegro

%	okt '04	jan '05	maj '05
Yes	37.1	36.6	31.4
No	40.7	42.1	42.2
Don't know, can't assess	22.2	21.3	26.4

Who should be Montenegrin allies in foreign politics?

	Non	Little	Very	Comple-	No	No
			much	tely	opinion	response
1. EU	13.7	18.6	28.9	27.7	11.1	
2. SAD	35.5	23.7	18.9	10.6	11.3	
3. RUSIJA	29.3	25.5	19.9	11.6	13.7	

18.4% of interviewees think that Montenegro shouldn't rely on nobody especially in area of foreign politics

International conferences CEDEM's representatives took part:

Srdan Darmanovic

February 28th -March 4th, 2005 Paris, France

Besides the program of university cooperation, visited Center for research of French policy (CEVIPOF), Center for International relations (CERI) and Department for East Europe of French Ministry of foreign affairs.

Srdan Darmanovic

March 18-19, 2005, Tirana, Albania

Gave a lecture in Albanian Atlantic Association on topic "State issue of Montenegro and regional security".

Srdan Darmanovic

April 15-25, 2005, Washington DC, USA

The main introductory presentations at panels in Center for strategic and international studies (CSIS) on topic "Montenegro in search for its final status" and in Wudrow Wilson Center (WWC) on topic "Relations between Serbia and Montenegro and implications on regional security". Talked to representatives of State Department, National Endowment for Democracy (NED) and Public International Law and Policy Group (PILPG). Quest on TV program Voice of America (VOA).

Vladan Simonovic

April 14-17, 2005, Thessaloniki, Greece

As member of CEDEM took part at conference "Legislatures and Citizens - Parliaments and Civil Society in the Western Balkans". It's a joint initiative of the EW-PPP and the repre-



sentatives of the Parliaments and civil societies in Albania, Bosnia and Herzegovina, Macedonia, Serbia, Montenegro and Kosovo. At conference also took part experts from EU countries, representatives of inter-governmental agencies and members of the Steering Committee of the East-West Parliamentary Practice Project. The Dutch Ministry of Foreign Affairs financed this programme.

Aleksa Ivanovic

February 4-5, Igalo, 2005

Chosen to be a member of Steering Committee of Balkan Human Rights Network at regional conference in Igalo.

We were visited by...

Hoyt Brian Jee - USA Consul in Montenegro

Uri Dromi- director of the Israel Democracy Institute

Yukiko Kobayashi- Japanese Ministry of Foreign Affairs, fourth division, Intelligence and Analysis Service

Natalija Djurickovic- National Endowment for Democracy (NED), Washington DC

Luck Liebant- Ambassador of Belgium in S&M

Joszf Pandur- Ambassador of Hungary in S&M

Jan Haukass - Head of European Union Monitoring Mission, Regional Office Podgorica

Alan J. Carlson, Robert Lookabill, Clay Kash - United States Consulate in Montenegro

Ivan Liszcai - Counsellor, Deputy Head of Mission, Embassy of the Republic of Hungary

Bernhard Lamers - Konrad Adenauer Stiftung

Childerik Schaapveld - OSCE, NGO Adviser