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*Department for Empirical Research*

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Project:

**MONTE NEGRO 2006  
DEMOCRACY INDEX**

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## ABOUT THE PROJECT

After 15 years of social transformation in Montenegro, just as in other countries that underwent the same process, a number of important social and political issues have been raised, which relate directly or indirectly on the evaluation of effects of implemented reforms. Speaking of the very nature of these social changes, first we have to stress one important fact: 'changes are irreversible'. The fact remains that both in the Montenegrin as well as in other societies in transition, there are social groups and their political promoters who demand the return to the old ways. However, even among the supporters of this idea there is a conviction that it is quite impossible to turn the wheel backward and that thanks to the reform process the key social and political mechanisms, which eventually could start the reversible process, have been dismantled. This, by all means, does not mean that the transformation process is completed, or that it was successful in all social segments. Furthermore, when determining the reach and depth of changes that occurred within the social structure, one should be very careful. If we take phenomenological layers as evaluation criteria we can easily end up with wrong conclusions, or in other words, by superficial review of changes, without analysis of all the layers, we may overestimate their depth. In that sense, political scientists, sociologists, economists, and other social analysts rightfully point out to fact that post-socialist society is convergent in its nature and that in many elements it is burdened by past which is permanently acting as barrier to reform processes.

Today the question is whether we can talk about the transition process of post-socialist societies anymore. There are some opinions, even good arguments, saying that process of social transition is finished. This definitely does not mean that modern democratic society based on the private property and market economy of the kind that exists in countries of western civilization circle, is being formed, but that the basic social relations have been created in the newly formed societies, that basic social groups have taken their places within the social structure, and finally, that post-socialist societies are not characterized by the greater level of dynamics compared to societies that did not underwent the transition process. However, even under assumption that this theses is correct, the task of further reforming of the society still remains, and we primarily think on implementation of democracy at all levels within the society.

Looking at the transition from comparative point of view, we may conclude, without major problems, that different post-socialists countries have been moving in different directions, and that the outcomes of this process differed. Practice has shown that there is no magical word, which could, using standardized mechanisms and methods, turn the authoritarian real-socialist society into democratic model. All post-socialist societies have their specifics, which primarily reflects in their pre-socialist history, cultural differences, and differences in potentials and capacities. All these differences caused that, as a result of transition process, we have new social model that moved away from authoritarian society of communist type, but which both by its nature and structure differs from societies that have tradition of market economy and parliamentary democracy. Because of significant differences that existed in the past between these societies, the application of the same measures in different conditions gave different results. The consequence is that there are differences between post-socialist societies that cannot be disregarded.

This shouldn't pose a problem. Very often all the countries of west Balkan circle, which served as a model for transitional societies, are viewed from identity point of view, i.e. it is customary to take all these societies as identical in their social essence, and that is certainly not the case. It is not necessary to be equipped with scientific apparatus to be able to identify great number of differences between, for example Great Britain, Germany, Greece, and USA. Each of these societies have number of not just cultural, but also social-structural, and political specifics.

It seems that this fact, *per se*, is quite enough to accept the fact that each of post-socialist societies, in their final transitional outcome, will be specific and unique.

However, if there is a word that connects all the different transitional societies, that is definitely the word 'democracy'. Nobody objects that the ultimate goal of transition is moving from authoritarian toward democratic model of the society. Still, imprisoned within proper political tradition, in political even intellectual circles people often forget that democratic society means much more than simple political transformation and implementation of political pluralism principle. Democracy is both social and political system at the same time, a foundation upon all social relations and institutions are built. Democracy is, by its nature, very vulnerable because the absence of support in one of the integral parts of social totality, significantly limits the possibilities for implementation of democratic principles in other areas of social life. Therefore, democracy is the system, totality whose existence and efficiency depends on harmonious functioning and complementariness of its component parts.

If democracy is the goal that post-socialist societies aspire to achieve, than it is necessary to monitor the direction and depth of social and political changes, or in other words, the progress in the implementation of democratic society must be measured in some way. If we conduct these measurements periodically and using unique methodology, it is possible to influence the direction of social changes, and consequently to mobilize society's action potentials and make necessary corrections. This is the idea upon which our work is based. We will present you the results of one-year efforts that reflect in the establishment of parameters and measuring the development of democracy in Montenegrin society. Thus, we formed Democracy Index, unique socio-political, and statistical amalgam, which in unified manner, through language of numbers speaks about the level of achieved democracy in Montenegrin society.

The idea to measure democracy is certainly not new and in that respect, our attempt is not original. There are 5 parameters in the USA, based on which this index is being formed, with basic goal to set the rating of all USA states. However, this index relates only to aspect of political participation, meaning that just one criteria with five aspects is being used. In the surrounding countries, there have been similar attempts. Croatia has formed 'open society index', which in its essence is in fact a kind of democracy index. Croatian experience was useful to us when creating our index, although there are significant differences. Israel is also one of the countries where attempts have been made to use the index and measure the democracy within society, and we took into account even these experiences when designing our model. Finally, as widely known, Freedom House has a number of different indexes used for measuring the 'situations' in certain social areas, so we have used these procedures and experiences when selection our indicators. However, all in all our model has number of specific features, and we also believe advantages, with respect to other models we mentioned (as well as with respect to ones we didn't mention). Time will tell whether our assessments and our satisfaction are realistic. In any case, looking from theoretically- methodologically, and empirically point of view, this represents grandiose attempt to measure the state of democracy in Montenegrin society in a summary way.

In the creation of the Index, we have stopped at halfway. The idea was to measure the state of democracy on 'two separate fronts'. One front is the perception, i.e. positions of the public opinion and the second is setting objective indicators that can be summarized through statistical procedure. What is essential, what connects both of these measurement dimensions is conceptual framework serving as methodological platform. Therefore, in both cases the key problem was establishment of unique criteria that can serve as bases for aforementioned measurements. We have made great efforts in this direction and we believe that the totality we have shaped is valid and with proper operational capacity. When we say that the job is done only halfway, that means that we have conducted surveys regarding citizens' perception of 'state' of democracy in Montenegro. Results of that survey are presented on this occasion. What await us, according to identical conceptual model and prepared operational platform, in the time

to come is to conduct survey of objective situation, i.e. to collect data based on indicators, which are of quantitative type and which do not relate to perception but they are indicated in the realistic processes and situations. This is the work we will be facing in the next year, and we are quite convinced that, with respect to this, survey will be done and presented to public in this manner.

We are especially grateful for the support provided by National Endowment for Democracy (NED) from Washington D.C. to Index of Democracy project, because their help was vital for the implementation of the project. In that regard, we express gratitude to all others who helped us successfully implement the project. In addition, CEDEM as one of the most distinguished NGOs in Montenegro bares the responsibility for complex and essentially important work contained within this project. In that regard, we are thanking everybody who helped us implement the project. First of all, we want to thank people we polled because 4080 citizens took part in the survey procedure (in four segmented surveys). We also owe gratitude to organizations that supported us in this idea and commitment, and in particular Foundation for Open Society Institute (FOSI) and Konrad Adenauer Stiftung. Support coming from these organizations, although not in financial terms, was very important as confirmation of our efforts and it also created possibility for future cooperation on continuous monitoring of democratization process of Montenegrin society.

Finally, as project coordinator, I have to thank my friends and comrades Srđa Darmanović who as CEDEM's front-man was constantly monitoring and evaluating the work of all of us engaged in the project and who significantly contributed to project implementation through his advices, expert qualities and support. I also wish to express my gratitude to my dear friend and colleague Veselin Pavićević, because without his methodological and logistic support this project wouldn't be implemented. Huge contribution to project implementation was given by our young colleague from CEDEM Marija Živković, who was engaged all these years in the project and her help was necessary for the implementation of the whole idea. Finally, I wish to thank all individuals who helped us in any way in the process of theoretical conceptualization and implementation of the very Index. I am personally deeply convinced that we have done very important work that will certainly favor democratic processes in Montenegrin society. I am also convinced that we are facing equally difficult and responsible work in implementation of second part of the project, the surveys we are going to conduct based on objective indicators.

Project coordinator,

Miloš Bešić

## TO WHOM THE DEMOCRACY INDEX IS INTENDED?

Montenegrin society, from the point of successful implementation of social transformation is burdened with one big problem. That is the problem of deeply divided society and the nature of that division is of fundamental character. Political actors and social forces standing behind them are at opposite sides regarding statehood issue of Montenegro. Epilogue of this division in its political form will be known after the referendum, which will be held at the end of may 2006. Still, regardless of its outcome, the fact remains that both sides are pretty equal in power and that referendum result will be decided in photo-finish. However, political conflict we are talking about is not the only conflict within Montenegrin society. The political conflict represents manifestation of deep social divisions starting from differences in national identification, value orientations, i.e. views on the world by supporters of both socio-political blocks. In other words, political resolution at referendum definitely won't resolve the existing conflict within Montenegrin social tissue. The issue imposing itself from the aspect of social reforms and democratization of the society and in the light of this division is the issue of 'social consensus', and without consensus, it is almost impossible to efficiently implement essential reforms in the society. Any attempt of reforms, in this sense, one of the sides is contesting and illegitimizing with proper supporters and this results in serious obstacles in any individual reform attempt.

There are three basic factors defining social conditions of democratic reforms process in Montenegrin society. First, these are objective internal capacities, created primarily on the awareness that democratic reforms are necessary and that without them it is not possible to provide perspective for overall social development. Social forces, their political holders and institutions carrying out the reforms are demonstrating different level of flexibility and capability for efficient democratization. Progress is obvious in some segments of the society, while in other social fields because of lack of capacities and because of objective obstacles democratization process is advancing at much slower pace. Second, these are external factors, which are obviously very important from the point of democratization and overall social reforms. In the globalization era, one small society such as Montenegrin is definitely not immune to foreign influences. Furthermore, it has been demonstrated that the lower the political power of the society, the greater influence of the surrounding environment. As far as Montenegro is concerned, the influence of international community, and in particular European Union institutions, are of special importance. Great number of international organizations and foundations, their services and branch offices in Montenegro, were of crucial importance for establishment of key mechanisms upon which the democratization process in Montenegro has started in the first place. At the later stage of this process, it turned out that the place and the role of international organizations often proved to be unavoidable in solving certain problems, which are naturally appearing in an democratically immature environment. However, the influence of the international factor has its other side as well. Very often Montenegrin institutions or political authorities are faced with demands, which are not in line with existing capacities for social change. This is particularly present in economic area of the society, an area particularly sensitive because economic crises and pauperization of the society are integral part of transition process. Thus, because of neo-liberal introduction of economic measures we have social tensions because these measures, besides positive economic effects usually have negative social ones.

Finally, as third, unresolved statehood issue and functioning within poorly defined state union with Serbia, definitely limits the range of overall social reforms in Montenegro. When state framework, which determines overall socio-political relations lacks legitimacy on the side of

majority within political community, reform potentials are being reduced because their holders are usually members of political community leaning toward the independence of Montenegro. Overall economic, social, and political life of Montenegro is marked by latent tensions, which exist even between two constituent republics of the state union. Because of these tensions the reform of certain social areas, which are in jurisdiction of nonfunctional institutions of the state union is impossible. Furthermore, certain segments of social activity are under parallel jurisdictions of institutions of the state union and institutions of the constituent republics, so in practice we have antagonisms that affect overall social and economic climate as well as possibility for more efficient social reforms.

One of the key problems for efficient social reforms in Montenegro is the lack of strategy. All reform steps are not the result of in advance defined strategy with clear goals. On the contrary, within the Government, the ministries separately and without common strategy initiate changes within their domains, under the pressure of their own visions on and under the pressure from public and international organizations. The same applies for NGO sector and other organizations and institutions affecting reform processes. Within this constellation of relations, the democratization and overall reform of the society are definitely moving in the progressive direction. However, exactly the lack of strategy, vision, and final outcome of these efforts is one of the key limiting factors for accomplishing the ultimate range of social reforms.

Montenegrin society, in reform sense is actually in a kind of ecstasy. Complete state apparatus, society institutions, and NGOs networks are mobilized and intensively working on reforms and democratization of the society. Of course, all these institutions qualify and quantify their own work and results in their own way. This kind of evaluation represent base for their future activities that are undertaken aiming to more successfully implement planned reforms. Of course, in great number of cases we have redundancy, i.e. often on the same reform projects and works we have 'collisions' of different institutions, which in an 'organized' and compulsive anarchy of changes are looking for their place and role, and also gratitude for the work done. Outcomes in these cases differ. Sometimes we have effect of synergies, but often we have antagonisms, which are result of different approaches and different reform goals that are to be conducted in certain social area.

The state of democracy as well as state within and between institutions and organizations that are the holders of reforms is one of the key reasons why we started with Democracy Index project. Measuring democracy in all (in our opinion key) segments of the society will show overall achievements of reforms done so far, in very comprehensive and comparative way. Thanks to the Index, all institutions will have an insight in the level of accomplished democracy in two key dimensions. First, within each domain (economy, politics, media, etc), the Index is offering analytical insight by showing in which aspects the results are better and in which they are lagging behind. Second, it is possible to make comparisons between areas, using unique methodology we can compare the level of accomplished democracy between let say economy, society, and politics, or for example between accomplished level of democracy in area of minority rights and women rights. Therefore, the Index will represent analytical and operative platform for all institutions and organizations in direction of improving the reforms in domains given organizations are engaged in. Thanks to carefully quantified information that are very clear from analytical point of view, these institutions and organizations will be able, without any doubt, to direct their future activities in certain directions and to make the right balance between all the aspects that are important for achieving the final goal.

In addition, the Index will be very useful even for those organizations that have integrative role, and the Government is in that sense definitely one of the most important ones. If the democracy is the system, precise measuring of state of every body within that system will be of priceless value for integrative institutions, because very often due to huge number of tasks they don't have the time to evaluate their own work and periodically correct their activities. Therefore, the Index also have the corrective function because the comparative data will act as

critic of certain social sectors compared to others, more successful ones. However, the criticism is definitely positive one, because the goal of Index is not to minimize overall efforts and obvious achievements from previous period, but to determine to what extent the conducted reforms are successful.

Democracy Index is intended to entire network of international organizations, which are included, in any way, in the overall social life of Montenegro. We are convinced that for these organizations, which are providing expert, financial, any other kind of help to Montenegrin institutions, will be very useful to have a quality, analytical and quantitative insight in all the aspects of Montenegrin society and accomplished results from the point of democratic criteria. The Index will be definitely of help to them even during development of action strategies and selection of areas that are in need of priority interventions.

Finally, the Index will influence the overall Montenegrin public. The public will have insight into the results of surveys and it will be informed with all accomplishments, limitations, and threats characterizing democratic processes in Montenegro. In this way, we can influence the public awareness about the importance of reforms as well as strengthening the action potential of the society.

Therefore, there are several groups both direct and indirect beneficiaries of Democracy Index. By influencing the organizations, institutions, and Montenegrin public, we expect from Index to mark a turning point, not in the development of democracy per se, but in the comprehension of necessity to raise the awareness on importance of democratization and social action in all segments of the society. Situation in Montenegrin society is difficult, and by this, we primarily think on economic situation. Because of all the hardship, people often tend to forget the road on which Montenegrin society, just as any other post-socialist society, embarked upon at the beginning of 1990s and the final goal we want to achieve. Economic crisis is also responsible for uncritical relation regarding all the accomplishments of democratization process. Finally, in time, becoming the reality, the democracy just as any other social and political system is showing weaknesses and shortages, because democracy in these parts is not just a concept anymore- an idea in the peoples' heads, but the reality surrounding us. As such, democracy is showing its weaknesses and vulnerability, especially in situation of overall pauperization of the society. Exactly within this kind of relations constellation the idea of democracy needs new strength and spread the optimism to the entire society. We are committed to endure on this path and we believe that Montenegrin society will soon become modern democratic society able to resist all challenges and weaknesses. In that regard, our contribution does not begin or end with Democracy Index but nonetheless, the Index is one of the most powerful weapons that might contribute to achieving this goal.

## CONCEPTUAL FRAMEWORK AND METHODOLOGICAL PLATFORM

A lot of that can be said on the subject of democracy, from antic to contemporary political theory, the number of democracy definitions is fascinating. Of course, depending on concrete experiences and culture of different societies, and different historical contexts the very face of democracy can be quite different. Our goal is not to be engaged in these issues. Our task is more of methodological than theoretical character. In that sense, we are inclined see democracy as a **process** rather than a state. In other words, we believe that democracy is not a social state that can be achieved through universal and methodologically unified procedure. It is more probable that democracy, in its final form, is never achieved state; the democracy is social and political system in perpetual process. Regardless of different theoretical approaches, democracy is essentially based on the idea of **equality** and we think it is not necessary to prove that it is impossible to achieve absolute equality. The very idea of equality in contemporary approaches is primarily interpreted as equality of opportunities and not as equality-outcome. However, practice is showing that even the equality of opportunities, which is not difficult to be defined in formal form, is being severely limited at the very beginning due to social relations, which are primarily reflected in power relations that exist in every society. Furthermore, *isonomy* as aspiration and the world of what is possible and *isomerism* as the need and aspiration of majority of public, are very often resulting in changing the desire for democracy with desire for authoritarianism, and this can be easily seen on the example of post-socialist societies.

Speaking of the very conceptual framework, we have tried on one hand that make it in harmony with understanding of democracy in its **essential**-substantial sense as well as with the idea of democracy in procedural **sense**. Conceptual framework, upon which the Index is based, is prepared for operational process and later on measurements, and epistemological experiences in social sciences are showing that differences in theoretical approaches are often disappearing once we get to the field of real social processes and relations. This is confirmed by our experience when forming the Index; different theoretical approaches we were taking into account have demonstrated similarities in their operational environment and the differences among them were not so hard to overcome, because in the empirical aspect these differences proved to be false. In this concrete situation democracy is both the process and the very essence, that is the equality that needs to be achieved. Process does not exist per se, but is directed at the essence, and equality idea in any society can be achieved only through certain procedures and social mechanisms. This is not eclecticism but necessity of integrative approach defined by the very nature of operational process and empiric quantification, and we are convinced that we have clearly proven this theses when defining the Democracy Index.

Without pretensions to be creators of new definitions under the term democracy we mean the form of social and political organization of the society which provides the equality for all the citizens, regardless of their financial or social status, their ethnic origin or political and religious believes, and which is accomplished through efficient institutions, respect of democratic procedures, participation of citizens in political and overall social life, and existence of control mechanisms and changeable political power. This definition is not neither original nor the best possible one, but for our operational purposes it is quite sufficient as starting referent point.

In methodological sense, the key thing is definitely the choice of indicators as they are the bearers – the empirical particles that in their cumulative form provide necessary information based on which the Index is created. Indicators are indicating the state of democracy with respect to aspects representing operational aspect of the notion of democracy within socio-political environment. In order to identify the indicators, first we have to determine the **areas** and

than the **dimensions** as generic categories gathering the very indicators. Finally, it is necessary to review each dimension from the point of hypothetical **aspects**.

Speaking of areas, here we certainly mean social fields that can be viewed individually, and which later on can serve as base for comparison and production of summary Index. Based on experience- analyses in measuring democracy throughout the world and in surrounding countries as well as on big number of individual interviews conducted with experts we have selected the following social areas to be measured (and later to be indexed).

- DEMOCRACY OF POLITICAL PROCESSES
- RULE OF LAW
- ECONOMIC FREEDOMS AND ECONOMIC PARTICIPATION
- EDUCATION
- MEDIA
- NATIONAL AND RELIGIOUS MINORITIES
- POSITION OF WOMEN
- POSITION OF DISABLED PERSONS

Thus, we are speaking here about eight areas and the selection of these areas is not arbitrary but based on the essential characteristics of the society based on democratic criteria, as well as on specific needs of Montenegrin society. Therefore, during the process of measurement, we shall pay special attention to each of these areas and in the final outcome, we shall have, according to unique methodological procedure, democracy measure for each of them.

However, to be able to quantify each area it is necessary to determine all aspects based on which it is possible to view each of these areas through different dimensions. Aspects are, therefore, necessary analytical mean serving to determine the dimensions that each individual area comprises of. Aspects used as criteria for determining the dimensions are:

- EQUALITY
- PARTICIPATION AND PROTECTION
- TRANSPARENCY
- CONTROL
- ACCOUNTABILITY
- REPRESENTATION
- EFFICIENCY AND PROFESSIONALISM
- AUTONOMY

Therefore, for each of the areas representing the monitoring units for measuring the democracy of the society, we shall determine the degree in which, in that particular area, **equality** of citizens is provided, their **participation and protection**, the level of **transparency** (public access) of that area, as well as the degree of **control** of given area by the citizens, than we shall also measure the level of **accountability** as well as the degree to which the **representation** of citizens is provided, and also to what extent the given area is **efficient and professional** in its work and finally we shall measure the level of **autonomy** for certain areas.

Furthermore, in other that methodological procedure can be operative in form of empiric indicator, it was necessary to review every area, thanks to aforementioned and indicated aspects, in multidimensional way. The fact is that dimensions for each area have to be different, and this because of the nature of the areas. In that regard, consequent reviewing of each area from the point of described aspects, as well as unified quantification method, enable us to reach compatible information that later on, can be reviewed in complementary way thanks to empiric indicators.

Presented procedure may seem complex but eventually we will demonstrate that it is quite simple in its essence, and in our judgment necessary so that the very idea of measurement could be implemented in valid and methodologically unified way. Therefore, hereinafter we shall be dealing with each individual area, we shall present all dimensions given area comprises of, and finally the indicators which are measurement particles and which have been identified thanks to the analytical power of several aspects we spoke of earlier.

However, before that a couple important methodological remarks. Guiding idea behind the creation of Index was that on two separate fronts we should conduct just the measurement of the current state. First, that is the state of democracy based on subjective perception of citizens, and second, identification of objective indicators based on the same theoretical and operational criteria. On this occasion, our mandate covers only one of these two parts, and that is creation of Index and measurements based on the perception of citizens. This approach has one methodological advantage as well as one methodological defect. The advantage is that democracy at its final stage must obtain legitimacy from citizens because the citizens are the ultimate target of all democratic reforms. Defect is that in given political constellation, and by saying so we primarily think on sharp political divisions and lack of political consensus, the judgments of one part of public opinion do not correspond to real situation in the field. This is because critically orientated and politically inspired part of the public often, instead of evaluating real achievements, tends to establish, at the level of perception, direct connection between state of democracy and actual power. Therefore, criticism of actual power, which is formed *ad hoc* at the mental level, reflects each individual assessment given with respect to the state of democracy. Secondly, the fact remains that between perception and realistic state on the field, there are certain deviations, and we will try to elaborate this issue in each individual case. However, we think that all of us must agree that measurement of this type is valid only in this moment. By this we mean the current situation in institutions of Montenegrin society, which due to lack of systematic collection of information about themselves, are not capable to give us materials that would be possible to transform into Index language. This task is very important and we shall work on it in the time to come.

Indexation process was conducted in two phases. First, we have collected empiric data through four surveys (two areas per survey) on representative samples of 1020 polled persons. Thanks to experience CEDEm has in public opinion surveys, there is no doubt that sample and data obtained in the field are in line with strict empiric demands and standard errors characteristic of any sample. The sample is multi-level and random type, we also used stratification principle to divide the population in three regions, and we also got representative sample for each of these three regions, what enables us to have deeper analytical insight in the state of democracy for each region individually. Of course, the proportion of each region is in proportion regarding distribution at the level of entire population. Second, during creation of Index and based on pilot surveys, we have used fifth-grade ordinal scales of Likert type and in indexing these scales were transformed into point system from 20 to 100 points. The key thing is that for each individual survey, as well as for each individual area we have used the identical methodological procedure, what enabled us to make the comparison of obtained data. All in all, as a result of described procedures we got Democracy Index for which we present the detailed data on the following pages.

## 1. DEMOCRACY OF POLITICAL PROCESSES

The first segment of the society, which is direct object of our measurements, is the area of politics and this certainly includes even the government as one of the key categories. As in other post-socialist countries, the area of politics is one of the first that started with transformation process. Rigid, one-party and authoritarian system that represented the core of real-socialism was practically overnight replaced with multiparty system, what created preconditions for functioning of multiparty pluralism. Due to lack of experience and practice, this form of political organizing demonstrated number of defects during first couple of elections, primarily from point of basic function, meaning representation of citizens and their particular interests. Speaking of Montenegro, compared to other post-socialist societies we can identify one specific feature; while in other young post-communist democracies in the first several elections (extraordinary elections as a rule) there were seldom changes of power, in Montenegro one party skillfully managed to hold on to power. There are many reasons for this but we will mention just few. One of them, is certainly reflected in the fact that actual governing political class, has managed to neutralize conservative forces in the final phase of Communist party rule within this party, and to impose new and at the time revolutionary tempo with accompanying modernizing ideas. We also have to bare in mind that one demographic variable has significantly determined future directions. Political elite that has taken the command over Montenegrin Communist Party at the end of 1980s was very young at the time (late 20s or early 30s), or in other words, the same elite is even today in power and still belongs to category of younger political class. Second, there is no doubt that ruling party in Montenegro has managed very well to stay in power by supporting nationalistic idea at the beginning of 1990s, just to change ideological matrix in the second half of 1990s and thus became bearer of civic and statehood option. At the same time, the ruling party in Montenegro has managed to include, in timely manner, other parties of different political orientations in the very structure of power, and thus it managed to preserve their own 'freshness'. Finally, timely and efficient identification with the idea of European integrations, in ideological sense, has provided perspective to ruling structures.

These are just some of the reasons and we can surely mention a number of others, among which some were functional from the aspect of holding onto power, but negative from aspect of democratization and social development. One negative side of the fact that one party is so long in power is 'clientism'. Linking themselves with the government great number of individuals, under dubious circumstances and in nontransparent process of primary accumulation of capital, in the circumstances when socialist society was disappearing, got very rich, and despite all the efforts the Government is doing in last couple of years to break this invisible coalition between the power and capital, it looks as if these links are very stable and strong. 'Clientism' definitely represents serious obstacle for success and efficiency of democratic reforms because it significantly influences both social polarization within society and on political illegitimacy of the government. Furthermore, problem of long-lasting power is also in the fact that possibilities for personal changes are limited, and 'worn out', and tired staff is hardly coming with new ideas and the lack of initiative is obvious. Finally, when you have one structure in power for long time, and that is the case with Montenegro, one of the basic democratic principles is questioned, and that is changeability of power.

On the other hand, the offer at the Montenegrin political market is not abundant. In other words, one of the key advantages of Montenegrin government is the lack of quality alternative. Ruling party in Montenegro almost does not have a democratic alternative, as the strongest opposition parties are still linked to nationalistic (Serbian) idea bearing with it both in terms of personalities and ideology direct links with Slobodan Milošević and their politics. Political

opposition in Montenegro, which is burdened with such background definitely does not attract many democratically orientated supporters and consequently does not have bright future.

Distinct division of Montenegrin society on supporters of independent Montenegro and those in favor of union with Serbia is, as we already said, one of the key problems burdening political and overall social relations. This division is sharp, and year in which we have done measurements related to Democracy Index is also very important because the resolution of this problem is expected at the referendum. This data is especially important from measurements point of view, because in the structure of obtained data we may see clear differences between those in favor of union with Serbia and those in favor of independent Montenegro. Therefore, sharp division of political community and lack of political consensus are definitely limiting the range of efficient democratic reforms.

Speaking of political structure of society, based on applied analytical apparatus, which is reflected in aspects we spoke earlier, we have identified four key dimensions in this area, and these are:

- Control and legality of government
- Transparency (public access) of government
- Accountability and changeability of government
- Professionalism in work of government bodies

Therefore, each dimension was the subject of special measurement through network of indicators. In the next part we will give presentation of each area as well as indicators taken as measurement units for given areas.

## 1.1. Control and legality of government

Democracy of government in one society exist only if control mechanisms are provided and if government acts in accordance with the law. In this regard, we wanted to examine the level of legality of government and level of control of government by the citizens. In table 1, you can see measurements of all indicators that were included in the measurement of this dimension

*Table 1 – Control and legality of government – presentation of all indicators<sup>1</sup>*

Indicators	N	A.S.	SD	Skewness
Efficiency of citizens' control over the government	941	2.18	1.147	.847
Efficiency of citizens' control over the local (municipal) government	942	2.26	1.160	.752
Control of public and government over security services	893	2.32	1.269	.618
Legality in the work of government bodies	900	2.46	1.301	.499
Absence of corruption and crime within government	910	1.95	1.068	1.189
Absence of corruption and crime within local (municipal) government	898	2.04	1.053	.994

<sup>1</sup> Coefficients range from 1 - 5

Therefore, the range of scores for all indicators measuring the areas of legality and control of government are from 1.95 to 2.46. The best score is at indicators measuring legality of work of the government (2.46), meaning that this is the best result regarding this dimension. In addition, it is obvious that secret services and security services do not have the power and influence that existed in time of socialism, because this indicator is the second in range in this area (2.32). Speaking about the control of government, we may see that citizens are more efficiently controlling local (2.26) than national government (2.18). Finally, corruption and crimeFinally, corruption and crime are assessed as the biggest problems with respect to the authority (1.95). This finding absolutely corresponds with all earlier surveys, which as a subject of their research had the area of social problems in Montenegro (CEDEM's reports from 2000 to 2004.)

## 1.2. Transparency of the authority

Within this dimension, we tried to get answer on question: to what degree the authority is transparent in its work. This dimension is especially important, because it reflects the essential difference between democratic and authoritarian socialist society where transparency in the work of authority was neither a norm nor a model. On the other hand, transparency of authority in one specific cultural environment, such as Montenegro, has special importance. With relatively small population (670 000), informal communication channels have much bigger significance compared to areas with larger and more urban population. In other words, in Montenegro we have mechanisms of alternative transparency, which in specific political constellations are often based on rumors and wrong information of all kinds. Anyway, there is no doubt that significant progress has been achieved compare to socialist period.

The problem of transparency in the work of authorities in transitional societies is particularly acute because, due to social transformation, we have the process of redistribution of entire economic wealth that was accumulated in real-socialism period. Thus, through privatization we have the process of allocation of economic resources and this in consequence leads to new stratification structure of the society. As far as Montenegro is concerned, the practice has shown that majority of problems dwells in domain of privatization process transparency. Majority of Montenegrin companies were privatized applying legally prescribed tender procedures, and that procedure is per definition and regulations transparent one. However, the implementation process of these tenders has shown that transparency of privatization process can never reach that point, which would satisfy the public and all those skeptical regarding fairness of this process. This is certainly no new thing, as the comparative experience from Serbia also showed almost identical tendency. By means of tender sale, ultimately the authority is deciding on the most favorable offer in each individual privatization, and authority and competence do not guarantee standard criteria in these procedures, or in other words, there are always sufficient arguments for choosing certain business partner and they always seem valid.

Besides tender sale of companies, privatization process in Montenegro was partially conducted through mass voucher privatization, meaning that certain number of shares was distributed to all Montenegrin citizens and to established funds. Once again, this process, which had undeniable intention to equalize all citizens, was marked with problem regarding legitimacy of funds that were established to accumulate the shares through investments of citizens. There is no doubt that certain interest groups had 'free hand' in founding of these funds and thus gained advantage in accumulating the capital (shares) in possession of citizens.

Economic dimension is significant but still just one side of the problem. The practice has shown that socio-psychological inheritance of real-socialism represents significant mediating variable from the point of transparency of the authority. In other words, in previous period neither

the transparency of the authority was established nor the citizens expressed any desire to have an insight into the work of the authority. This inheritance is integral part of the overall social context within social transformation process, and the authority, on all levels, is not demonstrating special desire to be transparent, and equally, nor do citizens demonstrate particular need to see what the authority is doing.

From the time point of view, the situation has significantly improved since the mid 1990s, primarily thanks to development of strong NGO sector. This sector has special significance for democratization of the Montenegrin society from two main reasons. First, this sector is capable of accumulating the energy of young and educated citizens and use it for criticism and control of the authority, and secondly, NGO sector owes its existence and resistance to linkage with complementary organizations in Europe and the world, and thanks to this link the NGOs activists got necessary logistics and expertise, which is in function of controlling and strengthening democratic processes within society.

Speaking of the survey, in table 2 we presented all indicators that were taken into account for the survey. The data are showing that the best results were achieved in surveying the objectiveness of media coverage in respect to the work of the Government and the Parliament (2.81). Accessibility of authorized bodies' information follows. It is obvious that in this regard we have significant improvement compared to previous period. A far as transparency of the authority is concerned, local governments are scoring somewhat better results (2.51) compared to national government (2.49). At the bottom of the scale, regarding transparency of the authority, we have the citizens with respect to their possible insight into decision making processes and adoption of important political decisions (2.39), and accessibility of information of government services and bodies (2.37). All in all, the range among indicators goes from 2.37 to 2.81, what is generally on somewhat higher level compared to previous dimension.

*Table 2 – Transparency of the authority – presentation of all indicators*

Indicators	N	A.S.	SD	Skewness
Transparency of national government	936	2.49	1.222	.491
Transparency of local governments	938	2.51	1.191	.423
Objectiveness of media in covering the work of the Government and the Parliament	940	2.81	1.222	.028
Possibility of citizens to have insight into decision making process regarding important political decisions	952	2.39	1.193	.465
Accessibility of information of government bodies and services to the press	817	2.60	1.157	.295
Accessibility of information of government bodies and services to citizens	902	2.37	1.113	.494

### **1.3. Accountability and changeability of the government**

The issue of changeability of authority in case of Montenegro is definitely a relevant issue because, unlikely of all the others post-socialist societies in Montenegro we didn't have the change of ruling party from the time of first elections to the present day. Of course, we have to bear in mind that changeability of authority is the principle of democratic society, but as the bare principle, it does not mean that authority must be *de facto* changed on some elections, but that democratic mechanisms must provide for 'changeability' of authority. Therefore, in regard to this,

we should differentiate between possibility (changeability) that should be provided by the political system and the fact (actual change of power) which as a consequence is not implicit.

Accountability of the authority is, on one hand, very important, because democratic society must provide mechanisms guaranteeing that government will behave responsibly regarding citizens, as these citizens are the source of authority's legitimacy. In this regard, again we have the fact that in case of post-socialist societies the authority in real-socialism set its responsibility with regard to higher goals and not with regard to citizens and their concrete interests. Therefore, on socio-psychological field the authority in Montenegro often still sets 'higher' interests as priority ones, and consequently the citizens start viewing the 'higher' interests as a norm, thus neglecting proper civic needs. Thus, the process of democratization of society does not mean simple establishment of democratic mechanisms, but also, and the case of Montenegro definitely proves that, certain emancipation and change in the socio-psychological fabric of the society.

Speaking of survey results, this dimension, bearing in mind it has two sub-dimensions (accountability and changeability), has relatively big number of indicators (table 3). Results are showing that within this dimension the biggest scores are regarding the legitimacy of the authority (2.91). Immediately behind it, we have changeability of local authorities in elections in line with democratic procedures (2.89), what is quite understandable bearing in mind that, unlike the national government, on local level we had several changes of power in the last 16 years.

*Table 3 – Accountability and changeability of authority – presentation of all indicators*

Indicators	N	A.S.	SD	Skewness
National government at the service of citizens	958	2.35	1.216	.572
Local government at the service of citizens	943	2.46	1.181	.479
Accountability and scrupulosity of state administration in providing services to citizens	931	2.44	1.187	.436
Accountability and scrupulosity of local administrations in providing services to citizens	923	2.53	1.173	.327
Accountability and scrupulosity of MPs	937	2.26	1.141	.581
Accountability and scrupulosity of ministries and ministers	921	2.43	1.183	.389
Changeability of government authorities in elections in line with democratic procedures	919	2.71	1.370	.163
Changeability of local authorities in elections in line with democratic procedures	913	2.89	1.328	-.003
Legitimacy of authority	895	2.91	1.420	.019
Accountability of authority and protection of citizens' interests	941	2.30	1.271	.648

However, it is interesting that right behind this indicator we have changeability of government authority in elections and in line with democratic procedures (2.71), what is, in our opinion, very significant data in light of fact ruling structure in Montenegro hasn't been changed since the break of real-socialism. Furthermore, local government is more efficient in providing services to citizens (2.53) compared to national government (2.44). Likewise, local authorities in Montenegro are seen to be more in service of citizens (2.35) compared to government authority (2.35). Accountability and scrupulosity of ministers and ministries are rated better (2.43) than accountability and scrupulosity of MPs (2.26), and by the way, this is the lowest score in this

dimension. Finally, the value of indicators relating to accountability of authority regarding protection of citizens' interests is definitely small- just 2.30.

#### 1.4. Professionalism in the work of government bodies

Contemporary society represents a kind of organized technocracy. Expertise, professionalism, and competence are integral part of efficient democratic rule. In line with this, one of dimensions of our survey was assessment of professionalism and expertise in the work of government bodies at all levels. In addition, integral part of this dimension is the relation of majority toward minority with regard to expert and competent arguments.

Of course, even in this regard the society in transition represents serious discontinuity with real-socialism- a society in which ideology always had priority over expertise and professionalism, what was one of the key reasons for economic collapse of socialism. Therefore, successful democratization of society means establishment of different criteria for involving expert knowledge and competences into overall social life, regardless of ideological and political differences between parties and other actors.

*Table 4. Professionalism in the work of government bodies- presentation of all indicators*

Indicators	N	A.S.	SD	Skew ness
Professional and expert qualifications in government services and ministries	898	2.74	1.280	.124
Professional and expert qualifications of local authority employees	903	2.65	1.206	.172
Professional and expert qualifications of employees in Parliament and its bodies	886	2.69	1.191	.083
Respect of minority on behalf of majority at all levels of the government	905	2.44	1.255	.489

Survey results regarding this dimension are showing that range is 'better' compared to other aforementioned dimensions we analyzed, and goes from 2.44 to 2.74 (table 4). The best score in this regard was given to employees in government services and ministries, whose professionalism and expertise comparatively got the best scores (2.74), and it is certainly much better compared to the same aspect in evaluating the work of local government employees (2.65). Between these two values, according to scores, we have assessment of expertise and competence of employees working in the Parliament and its bodies (2.69). Finally, the lowest score was given to aspect regarding respect of minority on behalf of majority at all levels of the government (2.44), meaning that we have urgent need for more quality communication between the majority and minority in Montenegro.

#### 1.5. Summary indicators in area of democracy of political processes

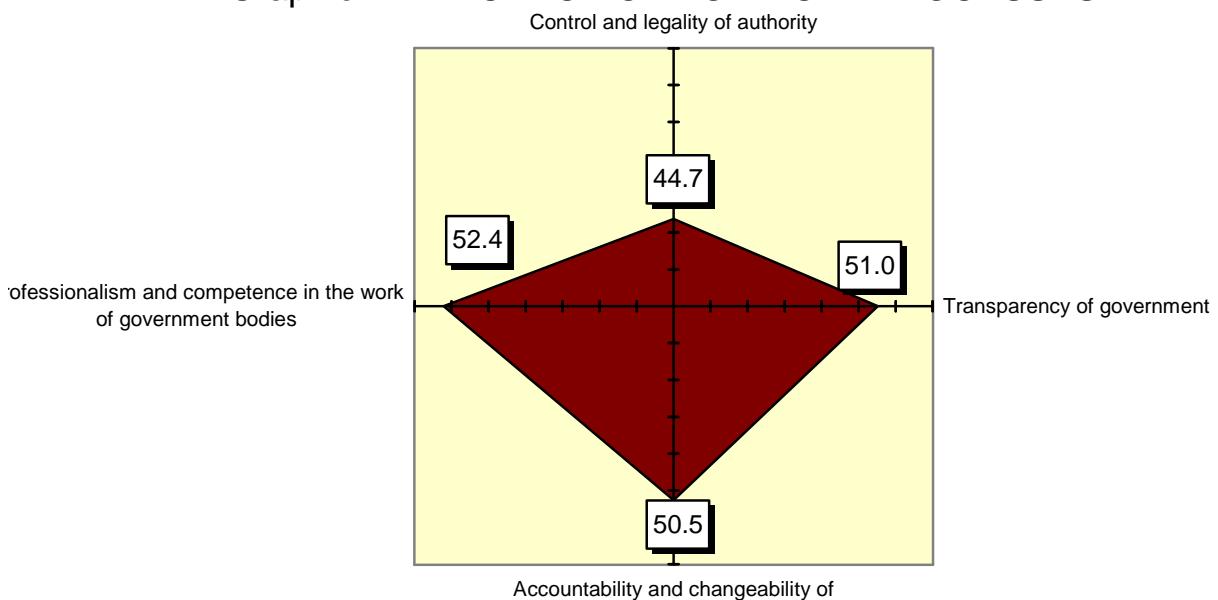
Summarization of results in all areas and their comparison is one of the main goals we are trying to accomplish with this survey. In table 5, as well as in graphic display 1, we gave

comparative data for all four areas that were the subject of the survey<sup>2</sup>. The data on each dimension represents summarization of indicators that were taken as subject of the survey for given dimension.

Table 5 Politics and power - summary per dimensions

Dimensions	N	K	SD	Skewness
Control and legality of authority	1001	44.7	19.86720	.816
Transparency of government	1006	51.0	20.20850	.346
Accountability and changeability of government	1008	50.5	20.44158	.391
Professionalism and competence in the work of government bodies	973	52.4	22.24105	.194

Graphic 1 DEMCRACY OF POLITICAL PROCESSES



Results are showing that the best results, from democratization of political processes point of view, were accomplished in domain of professionalism and competences in the work of the government (52.4), than transparency in the work of the government (51.0) and accountability and changeability of the government (50.5), and the difference between these last two dimensions is minimal. Finally, from the democratization of political processes point of view, the biggest problem in Montenegro is the dimension of control and legality of the government (44.7), and the score for this dimension is significantly lagging behind compared to others. This data is certainly bearing very important political implications and in our judgment is very important from pragmatic point of view. In other words, **first steps that need to be taken in direction of improving the area of democracy of political processes are to provide greater control and legality of the government**. From the analytical point of view, or more precisely, from point of view of aspects that were taken into account during survey of this dimension, **the**

<sup>2</sup> Coefficient was optimized and ranges from 20 to 100

**biggest problem is presence of crime and corruption within the government.** Compared to neighboring countries, although we do not have precise comparative indicators, one cannot say that concerning this aspect Montenegro is specific, i.e. the problems of crime and corruption are certainly one of the key problems of all the transitional societies. Finally, when speaking about the area of democracy of political processes, it is important to bear in mind that the range of coefficients per dimensions is ranging from 44.7 to 52.4 what is definitely low compared to maximal possible coefficient of 100.

## 2. THE RULE OF LAW

The area of rule of law has special place within the Index. Reasons are seemingly paradoxical but essentially valid and because it is hard to imagine any form of organized political rule that does not rest on positive law and non-selectiveness in the implementation of laws. Real-socialism society was exception even in this regard. Except the fact that entire positive legal order of socialist society was founded on ideological matrix, in everyday life in real-socialism the principle of equality before the law and the rule of law were often denunciated<sup>3</sup>.

Process of democratization of society asks for the reform of entire judicial system, and thus sets necessary foundations for the functioning of the society. In Montenegro there have been certain improvements regarding this area, especially through adoption of great deal of laws that comply with EU legislation. However, the practice is showing that adoption of new laws is the easier part of the work, and that systematic and unselective implementation of these laws is something that is burdening efficient reform of the society in this regard.

The second set of problems is linked with problems of judicial autonomy, as the link between the power structures and judiciary in real-socialism was very strong and it is very difficult to cut off this link in short period of time. Finally, problems linked to successiveness of judicial system reform are largely result of human resources problems, which do exist and also of realistic limits both in professional and expert capabilities of employees, at all levels, working in the judiciary.

As in the previous case, we divided even this area on several dimensions and within each of them, we defined number of indicators that represented final survey particles.

Dimensions in this area are:

- Equality before the law
- Accessibility of legal protection
- Autonomy of the judiciary
- Efficiency and professionalism of the judiciary
- Control and transparency of the work of judiciary

### 2.1. Equality before the law

Equality, as one of the key principles upon which the rule of law is based, is often the subject of both political and expert debates in Montenegro. There is considerable number of citizens who think that this principle is endangered and as arguments for that they say that judiciary and judges do not enjoy the autonomy, and that powerful individuals from the authority and the political oligarchy are directly influencing the entire judicial system. On the other hand, bearing in mind that Montenegrin society is multinational one, the issue of equality of minorities and majority nation before the law must be addressed, and at the same time, this was one of our control variables, because status of minorities was special subject within our survey.

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<sup>3</sup> There was a famous aphorism by Josip Broz Tito: « Judges shouldn't stick to the law as the drunk to the fence »

Table 6 Equality before the law – presentation of all indicators

Indicators	N	A.S.	SD	Skewness
Legality of law making process in the interest of all the citizens, regardless their financial and social status, and regardless of their national, ethnic, religious, and political origins and believes	941	2.81	1.299	.045
Equality in the law implementation process for all the citizens regardless of their ethnic, national, or religious origins	956	2.68	1.331	.193
Equality in the law implementation process regardless of individual financial status	939	2.30	1.224	.668
Equality in the law implementation process regardless of political, ideological, or party affiliation of citizens	950	2.30	1.251	.663
Equality before the law of individuals on power	964	2.23	1.266	.762

Survey results are showing that range of all indicators is between 2.23 to 2.81. The biggest coefficient is measured regarding legality of law making process in the interest of all citizens, regardless of their financial or social status and regardless of their national, ethnic, religious, and political origins and believes (2.81), what makes this result the best result within process of democratization of Montenegrin society. Equality in the law implementation process, regardless of religious and national differences is the indicator next in line according to score (2.68), and these two indicators significantly deviate, in respect to score, compared to remaining three. Equality in the implementation of laws regardless financial status, ideological or party affiliation has the same, relatively low score (2.30). At the end, the lowest score we have measured is regarding equality of individuals on power before the law (2.23). Therefore, it is obvious that regarding equality before the law, we still have 'untouchable' individuals, i.e. that based on our survey we may say that certain individuals in power are capable of obtaining 'more favorable' status before the law, compared to other citizens.

## 2.2. Accessibility of legal protection

One of the very important issues regarding this survey is the area of accessibility of legal protection to all the citizens. On this occasion we have surveyed accessibility of legal protection regarding differences in financial status, national and religious affiliation, and differences from political affiliation point of view. These are necessary criteria, because of the specific features of transition process in Montenegro and because of existing cultural specifics. Results are showing that the highest level of legal protection is achieved with respect to national and religious minorities (2.66). Difference between this data, on one hand, and accessibility of legal protection we have measured in case of differences in financial status (2.39) and ideological and political affiliation (2.36) on the other hand, is quite significant.

*Table 7 Accessibility of legal protection – presentation of all indicators*

Indicators	N	A.S.	SD	Skewness
Legal protection is provided equally to all the citizens regardless of their financial status	965	2.39	1.243	.578
Legal protection is provided equally to all the citizens regardless of their national or religious affiliation	939	2.66	1.311	.201
Legal protection is provided equally to all the citizens regardless of their political or party affiliation	958	2.36	1.237	.538

In other words, survey results are showing that rich citizens as well as members of certain political parties have advantage regarding accessibility of legal protection and this finding is quite in line with the fact that inheritance of real-socialism is such that gives advantage to the ruling political structures, as well as with the fact that transition has resulted in social polarization of the society in which the rich citizens have the advantage in judicial processes.

### **2.3. Autonomy of the judiciary**

As said before, with respect to inheritance of real-socialism the autonomy of the judiciary is one of the key tasks that must be implemented during democratization process. In the society that preceded this one, the judiciary represented just one of components of overall ideological supremacy and was directly in the service of ruling 'class of collective owners' interests. After the process of political transformation of the society, even the judiciary was deregulated in legal sense and consequently the principles setting its autonomy were adopted. However, as in many other cases, inertia and lack of capacities are posing serious limitations for full implementation of judicial autonomy principle in Montenegro.

When surveying this dimension, we have set up an entire network of indicators and the range according to indicators is from 2.16 to 3.30, meaning that within this area there are significant differences between the aspects relating to autonomy of the judiciary. The highest degree of judicial autonomy is accomplished with respect to influence of religious organizations and churches (3.30) and this is the highest score we have in this dimension. The next score, which can be qualified as 'high', is the level of judicial autonomy with respect to institutions and organizations of State Union of Serbia and Montenegro (3.12). Furthermore, it can be said that judiciary in Montenegro is independent from influence of NGO sector (3.04), which is very strong in Montenegro, according to all the parameters. Speaking about the influence of EU, one cannot say that judiciary in Montenegro is absolutely independent (2.92), and this applies especially regarding the influence of the Parliament (2.52). The latter one data is quite understandable bearing in mind the fact that judges' mandates are being verified in the Parliament. Based on obtained data, the autonomy of the judiciary, is endangered mostly by political factors and influence of the rich and powerful individuals and groups, but the influence of individuals is the strongest (2.16), while the differences between two political factors are minimal; the influence of political parties is 2.22 and the influence of the Government and government services 2.23.

Table 8 Autonomy of the judiciary – presentation of all indicators

Indicators	N	A.S.	SD	Skewness
Independence of judiciary from the influence of political parties	917	2.22	1.177	.682
Independence of judiciary from the influence of Government and government services	914	2.23	1.198	.695
Independence of judiciary from the influence of Parliament	875	2.52	1.229	.296
Independence of judiciary from the influence of powerful and rich individuals and groups	917	2.16	1.173	.795
Independence of judiciary from the influence of NGOs	814	3.04	1.272	-.235
Independence of judiciary from the influence of religious organizations and churches	830	3.30	1.281	-.469
Independence of judiciary from the influence of EU organizations	781	2.92	1.215	-.138
Independence of judiciary from the influence of institutions and organizations of State Union of Serbia and Montenegro	828	3.12	1.274	-.290

Therefore, social polarization of the society and status of ‘winners’ in the process of social transformation, and the inheritance of real-socialism reflecting in existence of political control over the judiciary, are two key factors burdening the autonomy of judiciary.

## 2.4. Efficiency and professionalism of the judiciary

Judiciary in Montenegro is not efficient and this data can be simply generated according to average time needed to solve the disputes. Efficiency of the judiciary is in direct link with expertise and competences of the very judges on one hand, and efficiency of the whole apparatus on the other. These are the key elements that were the subject of our survey in this dimension. Data are interesting and they clearly depict the problem of efficiency with judiciary. The best score is given to the expertise and professionalism of the judges (2.85), and regarding the protection of citizens, the data are showing that successfulness in this aspect is halfway (2.48). In other words, problem of judicial efficiency is, least to say, the result of lack of expertise on the side of judges. Efficiency of courts is a real problem and this indicator got very low scores (2.18). Therefore, just to clarify, the judges to posses expert knowledge but the judiciary is inefficient, or in other words the problem of judicial inefficiency is not in the professional skills of the judges but somewhere else. Based on our results the answer on this question can be found in the survey of the last indicator- absence of corruption and activity taken in the interest of powerful individuals and groups, where we have measured the lowest score (2.06). This finding is in line with our previous finding that corruption and crime are seriously burdening the democratization process of Montenegrin society. In this dimension the influence of rich and powerful individuals, and corruption within judiciary are posing key limitations to the efficiency of the judiciary. In other words, in order to increase the efficiency of the judiciary, the orientation primarily should be in direction of fight against the corruption and influence of powerful individuals and groups.

*Table 9 Efficiency and professionalism of the judiciary – presentation of all indicators*

Indicators	N	A.S.	SD	Skewness
Efficiency of the judiciary in solving disputes	937	2.18	1.129	.663
Professionalism and expert qualifications of judges for rapid law implementation	903	2.85	1.270	-.015
Efficiency and professionalism of the judiciary for successful protection of citizens' rights	944	2.48	1.151	.352
Absence of corruption and activities in the interest of powerful individuals and groups	898	2.06	1.128	.888

## 2.5. Control and transparency of the judiciary

Autonomy of the judiciary in democratic societies certainly does not mean absence of any control over the work of judicial bodies. In that regard the citizens, media, and authorized bodies must have the possibility of insight into the work of judicial bodies as well as possibility to control their work. Exactly this dimension was the subject of our survey. Therefore, our intention was to, using a lot of indicators, measure the degree and presence of mechanisms for control of courts, i.e. to measure the degree to which the work of judicial bodies is transparent.

*Table 10 Control and transparency of the judiciary – presentation of all indicators*

Indicators	N	A.S.	SD	Skewness
Efficiency of government control over the judiciary in order to protect legality and the law	844	2.65	1.291	.299
Transparency of courts and possibility of monitoring by media	857	2.48	1.185	.329
Public accessibility to information that are relevant for the protection of citizens' rights	868	2.42	1.161	.412
Accessibility of control and influence of citizens over the judiciary through organizations and institutions, in line with the law	884	2.33	1.160	.534
Existence of mechanisms for parliamentary control over the work of judicial bodies	784	2.80	1.237	.044
Monitoring of judicial bodies by NGO sector	758	2.88	1.230	-.074

Survey results are showing that the greatest steps forward are made in area of monitoring of courts by the NGOs (2.88), and this is in line with general assessment that NGO sector is very important for overall democratization processes of Montenegrin society. Parliament, also, according to our data has efficient control mechanisms over judiciary (2.80), but this data does not surprise us due to the fact that Parliament is the body appointing the judges in the first place. In addition, the state has developed control mechanisms over the judiciary (2.65), but this data corresponds with the fact that the Government and government employees are immoderately 'interfering' in the work of judiciary, something what is bad regarding the issue of autonomy of the judiciary may be positive from the aspect of control of the judicial bodies. Speaking of media control over the courts, the situation is quite good (2.48),

what is definitely encouraging indicator. Unfortunately, democracy of the judiciary in dimension of transparency is the least when it comes to civic control of the judicial bodies (2.33), and this is an aspect, which we identify as high priority from the point of future activities for improvement of judicial transparency.

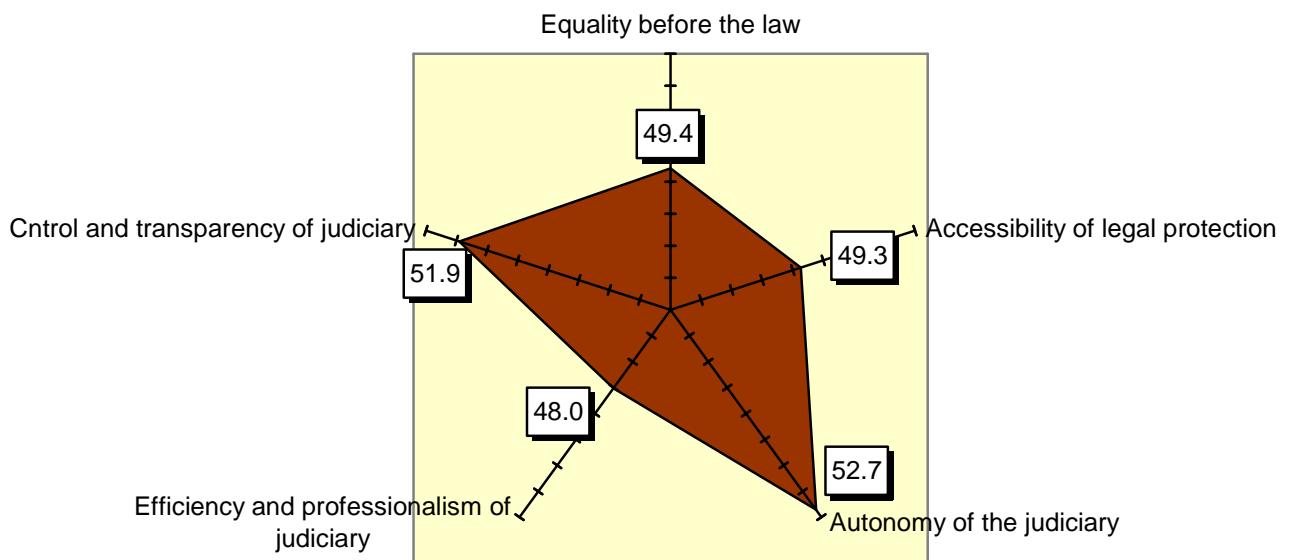
## 2.6. Summary indicators of rule of law domain

First, in table 11, we present survey results for all dimensions making the area of rule of law.

Table 11 Rule of law in summary per dimensions

Dimensions	N	K	SD	Skew ness
Equality before the law	1006	49.4	22.37721	.425
Accessibility of legal protection	991	49.3	23.42790	.423
Autonomy of the judiciary	986	52.7	20.34281	.148
Efficiency and professionalism of the judiciary	990	48.0	20.39144	.468
Control and transparency of judiciary	980	51.9	20.38833	.204

Graphic 2 Rule of law



If we summarize survey data in this area per dimensions we may see, that range is from 49.4 to 52.7, meaning that differences between dimensions are not significant or big. Based on these data we may say that democratization process in area of rule of law achieved its best results regarding autonomy of the judiciary (52.7) and this very encouraging, bearing in mind the significance this issue has on overall social processes. Furthermore, results are satisfactory even regarding control and transparency of the judiciary (51.9). Equality before the law (49.4) and accessibility of legal protection (49.3) are areas where we have weaker results compared to

previous two. However, level of democracy in this area is mostly endangered by weak efficiency of judicial system (48.0) and this data is primarily the result of corruption and influence of powerful individuals and groups. **Therefore, in order to foster democratization process in this area it is necessary to take steps, which would increase the efficiency of judicial system and it is also of crucial importance to set the mechanisms that would pose an obstacle to corruption within judiciary, as well as to the influence of 'untouchables' on the court proceedings.** This task is not an easy one, bearing in mind that influence of the 'powerful' individuals and corruption are one of the main problems existing at all levels of the society. What needs to be done is the systematic and efficient fight against these obstacles to democratization process, and it must be conducted at all levels of institutional setup within society.

### **3. ECONOMIC FREEDOMS AND ECONOMIC PARTICIPATION**

Economic transformation of post-socialist society is definitely the most painful point in the overall social transformation. Although not particularly rich, the socialist society, in the economic sense, was very protective of all social groups. Lead by egalitarian ideology we had *de facto* neutralization of social risks. Ex socialist Yugoslavia in the economic sense differed very much from the stereotype image of planned economy, which was paradigm for other countries of eastern block. Although there was no private property, the economy of Yugoslav society was market orientated by its character and definitely opened toward western countries. This is one of the key reasons for far better economic status of people in ex socialist Yugoslavia compared to other countries of eastern block.

Anyway, the process of transition demands transformation of economic system, which primarily reflected in unleashing of entrepreneurial initiative on principles of liberalism. Prerequisite for this was, of course, transformation in the property structure of the society. Practice has shown that regardless of different privatization models, which were applied in all post-socialist societies, formation of new classes and stratification deconstruction is necessary consequence. In the transition process, we have 'winners' and, we can also identify the 'losers'.

Specific of Montenegro in this regard is that Montenegrin society is traditionally of collective type, and the need for solidarity is immanent. On the other hand, intellectual and political elite have been forcing neo-liberal concept of economic development, resulting in lack of legitimacy, expressed by majority of citizens, regarding privatization process. Furthermore, politics has played important role in privatization processes and often the birth of new economic elite was in direct connection with power structures within political circles.

Problem of relations between democracy, which is based on idea of equality, and free market that by its nature produces social differences is known in the political and economic theory. However, this problem is especially emphasized in the transformation of real-socialism societies, and this because the society that is being replaced was to great extent legitimate exactly from the aspect of erasing the economic differences between individuals and social groups.

From the Index point of view, we have identified three dimensions, and conducted survey according to unique procedure, just as in previous areas. Dimensions within this area are :

- Economic equality of individuals in the market
- Economic equality and autonomy of companies
- Protection mechanisms for economic subjects and individuals

In other words, we have chosen the dimensions that *per se*, shouldn't be disputable from democracy point of view, i.e. regardless of the nature and effects of economic transformation process of the society within transition period, the level of democracy of 'society in making' depends of (non)existence of economic equality of individuals, economic (in)equality of autonomy of companies, as well as of (non)existence of protection mechanisms of economic subjects and individuals.

#### **3.1. Economic equality of individuals in the market**

Here we are not speaking about the equality as the ultimate outcome, but rather about equality regarding opportunities for all individuals-participants of the market game. We wanted to examine whether and which differences influence better or worse position individuals might have

in the market, and as criteria we took the social origin, nationality and religion, financial status, political orientation, and party affiliation, and possibility of all citizens to participate in the economic life of the society. Basic idea is certainly that (un)accomplished equality in all the aspects represents summary indicator of society democracy level in this dimension.

*Table 12 Economic equality of individuals in the market—presentation per indicators*

Indicators	N	K	SD	Skewness
Equal treatment in the market regardless of citizens' social origin	904	2.81	1.306	.188
Equal treatment in the market regardless of national or religious affiliation	940	2.93	1.299	.072
Equal treatment in the market regardless of financial status of the individual	958	2.38	1.212	.745
Equal treatment in the market regardless of political orientation or party affiliation of citizens	964	2.33	1.216	.700
Equality of individual regarding participation in economic life of society under equal terms	935	2.67	1.280	.265

Results are showing that the highest score was achieved regarding equal opportunities of all citizens, regardless national or religious differences (2.93). Than we have social origin, which also does not pose problem from economic equality of citizens point of view (2.81), and we have to state that in this regard the real-socialism has left a positive inheritance. Solid results are achieved in the aspect of implementation of citizens' rights to participate in the economic life of society under equal terms (2.67). The remaining two indicators have significantly lower value, and these are equal treatment regardless of financial status of the individual (2.38), and equal treatment regardless party or political affiliation (2.33). In other words, socio-economic differences, which are result of transition processes and the influence of politics on economy, are two key limiting factors for democratization process of society, from this dimension point of view.

### **3.2. Economic equality and autonomy of companies**

In this dimension, we needed to achieve high degree of discontinuity regarding real-socialism period. Before the start of the transition process, all the companies were state owned and the state directly determined their economic policies. Democratic society, through unleashing of the market and privatization process relies on autonomy of companies and their dependence of the free market. The objective of our survey was to identify to what degree the companies are autonomous in the Montenegrin society.

Table 13 Economic equality and autonomy of companies – presentation per indicators

Indicators	N	K	SD	Skewness
Equality of the company in the market regardless of form of property	918	2.68	1.213	.274
Absence of discrimination and favoring of some companies by the government	889	2.28	1.143	.710
Absence of influence both of individual and of party interests on the company	917	2.26	1.142	.801
Equality in the enforcement of law for all companies	906	2.40	1.223	.663
Autonomy of companies in the decision-making process	864	2.45	1.157	.509
Absence of ideology and pressures by the government in public companies	896	2.39	1.165	.538
Absence of economic monopolies that enjoy protection of the government and privileged groups	901	2.20	1.102	.778
Autonomy of inspection agencies and their non-selectiveness in the enforcement of laws and regulations	895	2.43	1.164	.502
Transparency of the Government regarding influences on the economic life of the society	899	2.67	1.227	.278

Range of measured indicators is from 2.20 to 2.68, meaning that Montenegrin economy has the problem regarding autonomy of companies and economic equality of market subjects. The best results are scored in equalizing all forms of property (2.68). Than we have transparency of Government regarding activities influencing economic life of the society (2.67). All other values are far below these two indicators. Therefore, we cannot be satisfied with the level of autonomy in aforementioned aspects. Next what follows is the autonomy of companies in economic decision making process (2.45), and the score for indicator regarding autonomy of inspection agencies is very close (2.43). The thing is very bad regarding influence of the government by favoring certain companies (2.28), as well as influence of individual and party interests on companies (2.26). Still, definitely the biggest problem in this dimension is the influence of the government and privileged groups on formation of monopolies in economic life (2.20), thus we may say that in this aspect there is a need for interventions in order to achieve better results regarding democratization of economic life of the society.

### 3.3. Protection mechanisms of economic subjects and individuals

This dimension is especially important because protection mechanisms of economic subjects and individuals almost didn't existed in real-socialist period. This is the key reason for defining this area from the point of view of new standards and principles, which are set for the first time. There are two key aspects, within this dimension we have to take into account. First- development of efficient institutional infrastructure, and second- establishment of practice of efficient protection mechanisms that will enable free market game. These are the reasons for relatively large number of indicators in this dimension.

Survey results per indicators are showing that this is a heterogeneous dimension and that obtained results differ depending on indicators, and this can be seen in relatively wide range of scores (2.14 – 2.97). In some aspects we had very good results while others are significantly lagging behind. The highest score we see regarding existence of organizations through which

companies and individuals can affect overall economic policy of the state (2.97). Than we have very high score regarding NGO sector, which is protecting participants in economic life from all sorts of pressures coming from the state, parties, powerful individuals, and groups (2.94), and we stress once again the importance of NGO sector in Montenegro for the democratization of the society. Solid results are achieved in transition period regarding existence of institutions securing the freedom of the market (2.83), and we also have good results regarding protection of property by the state and its bodies (2.80), although the efficiency of this form of protection received much lower scores (2.69). Active role of media in implementing the principle of equality and protection of economic rights and freedoms of the individual, company, and organization, was rated 2.70, while legal protection of consumers' rights got lower scores (2.59). Speaking about judiciary, almost the same and relatively low score we got for judicial efficiency in protection of individuals and companies from all forms of violence and disregard of their economic rights and freedoms (2.43), as well as for judicial efficiency in solving contractual disputes (2.40). The greatest problem in this dimension is inefficient fight against the gray market (2.18), as well as inefficiency of government agencies in fight against the corruption (2.14). Therefore, even in this dimension it turns out that corruption is one of the most serious problems burdening further progress of Montenegrin society democratization.

*Table 14 Protection mechanisms of economic subjects and individuals— presentation per indicators*

Indicators	N	K	SD	Skewness
Existence of institutions securing freedom of the market	824	2.83	1.168	.098
Existence of NGOs, which protect participants in the economic life, from all sorts of pressure coming from the state, parties, powerful individuals and groups	824	2.94	1.215	-.072
Efficiency in fight against the gray economy	952	2.18	1.088	.807
Consumers' rights are protected by law	915	2.59	1.183	.275
Existence of organizations through which the companies and individuals can influence overall economic policy of the state	813	2.97	1.183	-.025
Active role of media in implementation of equality principle and protection of economic rights and freedoms of individuals, companies, and organizations	935	2.70	1.124	.163
Judicial efficiency in protection of individuals and companies from all kinds of violence and disregards of their economic rights and freedoms	915	2.43	1.135	.422
Judicial efficiency in resolving contractual disputes	871	2.40	1.105	.465
Protection of property rights by the state and its bodies	908	2.80	1.168	.071
Efficiency of the state regarding protection of property rights	916	2.69	1.165	.164
Efficiency of state agencies in fight against the corruption	941	2.14	1.154	.874

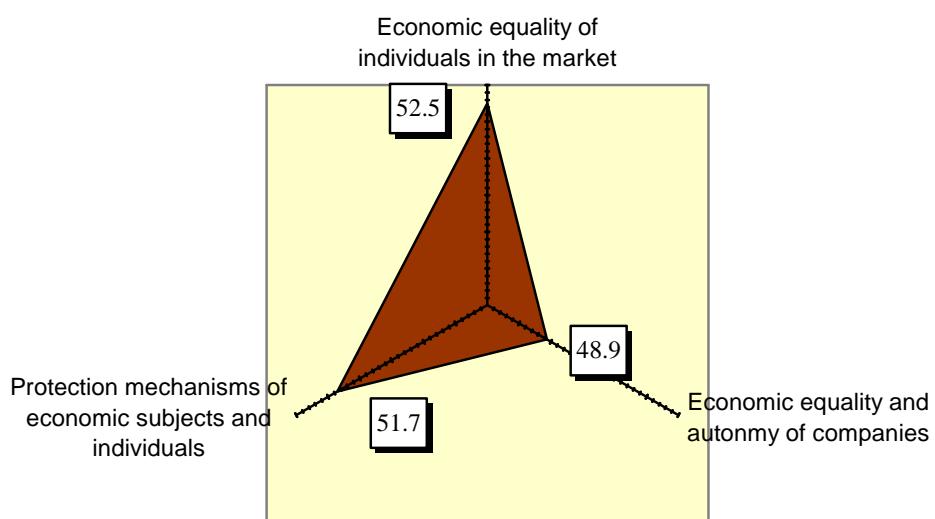
### 3.4. Summary indicator of economic freedoms area and area of economic participation

If we analyze the entire economic area, in Montenegrin society the best results are achieved in the dimension of economic equalities of individuals in the market (52.5), than in dimension encompassing protection mechanisms of economic subjects and individuals (51.7). Generally speaking, we may say that results for these two dimensions are quite satisfactory. On the other hand, speaking of economic area, the biggest problem is economic equality and autonomy of companies (48.9). Therefore, **in the period to come, for the sake of progress in democratization of the society it is necessary to promote principles and develop mechanisms, which will improve economic equality and autonomy of companies.** Of course this is a complex task that does not depend solely from institutional infrastructure and eventual rules of the game, but also relates to the functioning of the companies and their search for mechanisms that will provide their autonomy. There are a lot of comparative examples for this, and assessment of their efficiency in Montenegrin case must be analyzed from the aspects of appropriateness and possible implementation.

Table 15 Economic freedoms and economic participation – summary per dimensions

Indicators	N	K	SD	Skewness
Economic equality of individuals in the market	1005	52.5	21.05833	.461
Economic equality and autonomy of companies	1011	48.8	19.10939	.620
Protection mechanisms of economic subjects and individuals	1015	51.7	17.28967	.314

Graphic 3. ECONOMIC FREEDOMS AND ECONOMIC PARTICIPATION



## 4. EDUCATION

There is no doubt that in the period of real socialism significant progress has been achieved in the field of education. Primary education was introduced in this period as an obligation for all, regardless of economic, social or any other differences. Furthermore, the whole of the society encouraged the improvement of education process both in terms of value and functionality. Education at all levels was free in socialism and thus it represented one of the most powerful social levers affecting the reduction of social differences.

In the contemporary democratic society, education occupies also a very important place. Primarily, as a technologically developed society, modern democracy cannot be imagined functionally without a developed education system. Furthermore, the idea of democracy in its educational transcription can be summarized in the idea of "meritocracy" or in other words, if the education is one of the key mechanisms for achieving social status, then the equality of opportunity in the education process generates *inter alia* social equality. Practice, however, showed that this is not easy to accomplish at all, namely, providing equal opportunities for all individuals in the education process cannot still neutralize basic differences existing at social and stratification level.

In any event, the field of education was necessary to analyze the society from the point of view of democratism. For this area, we have defined and measured the following dimensions:

- Openness and participation in education
- Autonomy and efficiency of education
- Legality and control of the education system
- Pluralism in education
- Impact and effectiveness of public discussion with regard to education
- Transparency and availability of information in education

Each of dimensions has been measured according to the identical and already described methodological procedure, and we have tried to take into account all of more significant dimensions. Results of evaluation according to dimensions and summarized data are mentioned below.

### 4.1. Openness and Participation in Education

Through this dimension, our aim was to examine the extent to which the education is open to all social groups. Given that the social status is a function of the educational process to a great extent, with respect to the democratism of the society, this is a very important dimension.

Table 16 Openness and Participation in Education – overview according to indicators

Indicators	N	K	SD	Skewness
Availability of education for all citizens regardless of the place of residence / place of permanent residence	988	3.72	1.176	-.827
Openness of education for the children having unfavourable social status i.e. originating from poor families	967	3.37	1.237	-.406
Equal conditions for schooling for all schoolchildren regardless of their national or religious affiliation	979	3.46	1.250	-.482
Openness of education for suggestions and opinions of citizens	908	3.00	1.193	.030

As for the findings, first of all we may say that the values obtained for all indicators are relatively high (in the range from 3.00 to 3.72). In other words, on the face of it, we may say that results in the field of education are much better than in fields analyzed until now. Based on comparison, the highest value is found in case of availability of education to all citizens regardless of their place of residence / place of permanent residence (3.72). Indeed, we may conclude that in Montenegro there is no discrimination on the grounds of place of residence of a pupil. Moreover, the results are more than satisfactory as regards equal conditions of schooling for all schoolchildren regardless of their national or religious affiliation (3.46), accordingly it is another indirect evidence of the thesis that there is no discrimination of minority peoples in Montenegro. Furthermore, openness of education for children having unfavourable social status, that is originating from poor families is rated quite well (3.37), and the lowest value is found in the area of openness of education for suggestions and opinions of citizens (3.00), which indicates to a fact that, to improve democratic quality in this dimension, it is necessary to establish closer communication between educational institutions and citizens i.e. it is necessary to establish mechanisms through which the citizens could influence the education process by their suggestions and opinions.

#### 4.2. Autonomy and Efficiency of Education

Autonomy of educational system is one of the important elements as regards the democratic quality of the education process. Education in the real socialism was not autonomous, or more specifically, it served directly in the function of ideological reproduction of the society and that was one of the key shortcomings of educational system in that period.

Table 17 Autonomy and Efficiency of Education - overview according to indicators

Indicators	N	K	SD	Skewness
Existence of the autonomy of the University	725	3.10	1.235	-.197
Development of autonomy of personality, freedom and creativity of pupils within educational system	935	3.56	1.154	-.682
Absence of pressures by political structures and other centres of power to the educational system	909	2.81	1.316	.209
Absence of ideological contents in curricula	545	2.94	1.226	.008
Efficiency of educational system as regards the realization of key educational goals	867	3.16	1.112	-.172

The highest value in this field is related to the indicator of development of autonomy of personality, freedom and creativity of pupils within educational system (3.56), and we can be more than satisfied with it. Furthermore, in Montenegrin society, the educational system is considered to be functional as regards the realization of key educational goals (3.16), and definitely a significant progress has been achieved as regards the autonomy of the University (3.10). On the other hand, the lowest value is found as regards the absence of ideological contents in curricula (2.94), and even lower as regards the influence of political structures and other centres of power (2.81). Therefore, in this dimension, as well as in a number of previous cases, we have most problems with the influence of politics and specific centres of power. Therefore, neutralizing impact of the politics on the University autonomy and on the autonomy of other areas of social life, and eliminating the impact of influential individuals and centres of power remains a priority task in the further process of democratization of Montenegrin society.

### 4.3. Legality and Control of the Educational System

System of contemporary education is certainly subject to a great number of control mechanisms. Also, the educational system is regulated by specific legal regulation and its efficiency depends on implementation of such regulation. For the evaluation of this dimension, we have chosen five indicators ranging from 2.71 – 3.02, implying that this area was evaluated not as high as the previous two.

*Table 18 Legality and Control of Educational System – overview according to indicators*

Indicators	N	K	SD	Skewness
Efficiency of the law in suppression of corruption in the educational system	849	2.71	1.155	.334
Efficiency of the law in amending poor and low-quality legislation	810	2.88	1.076	.026
Existence of developed criteria at the national level for the evaluation of quality of education	806	3.02	1.119	-.120
Compliance with the legislation by the public services in the assessment of quality of educational institutions	831	2.94	1.119	.008
Possibility of evaluation of work of teachers and institutions by the students	789	2.76	1.162	.191

The best rating is found as regards the existence of developed criteria at the national level for the evaluation of quality of education (3.02), and the following is the compliance with legislation by the public services in the process of assessment of quality of educational institutions (2.94). The subsequent is the evaluation of the efficiency in amending poor and low-quality legislation (2.88), and then the possibility of students evaluating teachers and institutions (2.76). The lowest rating was obtained when evaluating the efficiency of the law in suppressing corruption in the education system, where the corruption, as well as in other areas, poses the greatest problem as regards the strengthening and democratization of overall social processes. Therefore, when we talk about the corruption, we may say that this is a social-pathological phenomenon which has a universal character and which is present in the entire social life, which means that without efficient fight against corruption at all levels, we may not expect a more substantial progress in overall social reforms.

#### 4.4. Pluralism in Education

Democratic education has according to its definition the aim to take into consideration the differences existing in the culture of a society. Also, the principle of pluralism in education entails also the existence of choice of the very “subjects” of educational process, so as to make the ‘educator – educant’ relationship a two-way relationship. All these are important elements which should ultimately develop a tolerant person, ready to respond to the challenges of all diversities existing in a society.

*Table 19 Pluralism in Education – overview according to indicators*

Indicators	N	K	SD	Skewness
Development of tolerance in the pupils in relation to all forms of diversity in the education system	907	3.35	1.122	-.457
Respect for gender, physical, cultural, ethnical and religious diversities of society in curricula	883	3.41	1.108	-.538
Existence and application of a great number of teaching methods in educational process	908	3.13	1.157	-.163
The possibility of pupils and students to choose educational contents	875	3.06	1.150	-.216

Results which we got in this dimension are more than satisfying. Development of tolerance in the pupils regarding all forms of diversity in the education system is evaluated with the average rating of 3.35, whereas the evaluation of the respect for gender, physical, cultural, ethnical and religious diversities in curricula is even higher (3.41). The existence and the application of a great number of teaching methods in the educational process was rated significantly lower, but still pretty high (3.13), while the lowest rating is found in the possibility of pupils to choose curricula (3.06). All in all, the ratings we got by evaluating this dimension were more than satisfactory and they range from 3.06 to 3.41, which means that this is one of the dimensions that can ‘wait’ when compared to others which have a priority as regards necessary improvements.

#### 4.5. Impact and Efficiency of Public Discussion with Regard to Education

As an institute, public discussion is a novelty which appeared at the beginning of the period of transition. It appeared that this mechanism is very valuable for the process of overall social reforms and that through a public discussion one obtains a full range of very important information which is more than useful for successful transformation of certain social areas. In the said constellation, we have defined the network of indicators aimed at evaluating both the impact and the efficiency of public discussion as regards the educational system.

*Table 20 Impact and Efficiency of Public Discussion with Regard to Education – overview according to indicators*

Indicators	N	K	SD	Skewness
Possibility of initiating concrete changes in the education system by the teachers/professors	814	2.98	1.120	-.130
Taking into consideration the opinions of NGO experts, eminent individuals and other stakeholders in the process of enforcement of legislation and laws on education	739	3.03	1.128	-.193
The existence of the dialogue between competent public institutions and social organizations dealing with the issue of education	726	3.12	1.099	-.217
Participation of national minorities' organizations in the drafting of curricula intended for national minorities	722	3.29	1.113	-.401
Possibility of initiating concrete changes in higher education by the students, focused on the improvement of quality of higher education	783	2.99	1.093	-.025

Span of ratings according to indicators for this dimension ranges from 2.98 to 3.29, and we may be moderately satisfied with the results achieved. Comparably, the best result is found when speaking about the participation of national minorities' organizations in drafting curricula which are intended for them (3.29). The existence of dialogue between competent public institutions and social organizations dealing with the issue of education has also been highly rated (3.12). Impact of NGO sector in this respect has also been significant (3.03), whereas the possibility of initiating concrete changes in higher education by the students has been rated slightly lower (2.99) and, lastly, the possibility of initiating concrete changes in the education system by the teachers/professors (2.98). Generally, as regards the public discussion and the impact it has on the education system, we can be satisfied with the results achieved.

#### **4.6. Transparency and Availability of Information in Education**

Issue of publicity and availability of information in the educational system is an issue of democratic quality of this area of social life. In this way, a two-way communication is established between the public and the education system, which is certainly important for further process of education system democratization. When evaluating this dimension, we have defined a whole set of indicators which are structurally related to it.

*Table 21 Transparency and Availability of Information in Education – overview according to indicators*

Indicators	N	K	SD	Skewness
Existence of public and transparent control of operation of educational institutions	797	2.89	1.165	.057
Certification and verification of textbooks	803	3.05	1.205	-.134
Availability of relevant information on curricula to the public (citizens and media)	851	3.03	1.127	-.067
Availability of relevant information regarding the results of work of schoolchildren to the public (citizens and media)	823	3.09	1.114	-.173
Systematic informing of the public of all issues related to the problems of education by the state and its authorities (ministries)	847	2.90	1.148	.095

Results show that the span of ratings in this dimension is relatively narrow and it ranges from 2.89 – 3.09, meaning that there are no major differences between indicators. Citizens and the public have access to the results of work of schoolchildren (3.09), and, moreover, more than a good rating is found regarding the certification and verification of textbooks (3.05). Furthermore, we may be satisfied with the availability of information related to curricula (3.03). On the other hand, a somewhat lower rating was assigned to the existence of public and transparent control of operation of educational institutions (2.89), as well as the systematic informing of the public of all issues related to the problems of education by the state and its authorities (2.90). Consequently, the room for interventions should be found in these two aspects so as to improve the results in domain of democratism of education.

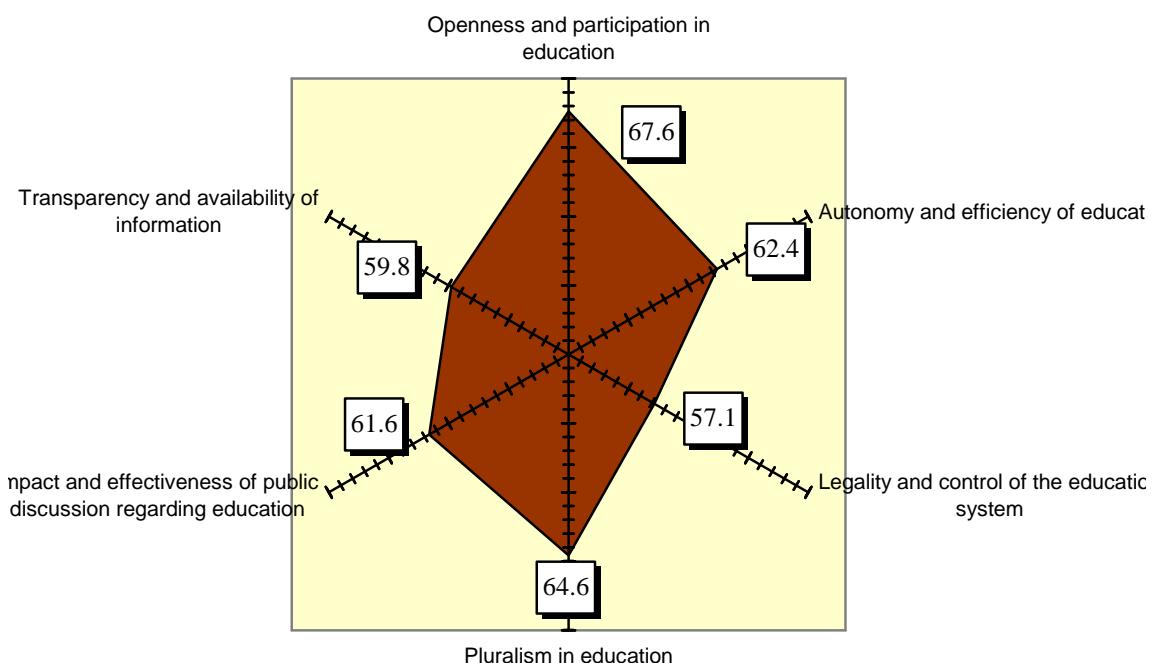
#### **4.7. Summarized Indicators for the Field of Education**

When analyzing the area of education by means of ratings we defined for each dimension, we can be satisfied generally with the results achieved. However, it is indicatory that the ratings have a rather wide range, namely, from 57.1 to 67.6. Reform of education process in Montenegro gave the best results in the area of openness and participation in education. Furthermore, we can certainly be satisfied with the results of pluralism in the education (64.6), autonomy and efficiency of education (62.4) and impact and effectiveness of public discussion as regards the education process (61.6). Finally, results are moderate as regards the transparency and availability of information (59.8) and legality and control of the education system (57.1). Furthermore, generally speaking, **there are no major problems in view of democratization of the education process in Montenegrin society, and possible interventions in this area should be aimed at the improvement of legality and control of the education system as well as at raising the level of transparency and availability of information.**

Table 22 Democracy in the Education Process – overview according to dimensions

Indicators	N	K	SD	Skewness
Openness and participation in education	1014	67.6	20.77559	-.406
Autonomy and efficiency of education	997	62.4	20.17564	-.142
Legality and control of the education system	970	57.1	18.60597	.142
Pluralism in education	984	64.6	18.71938	-.318
Impact and effectiveness of public discussion regarding education	953	61.6	18.83654	-.132
Transparency and availability of information	973	59.8	19.86907	.085

#### Chart 4 DEMOCRATISM IN THE FIELD OF EDUCATION



## 5. MEDIA

Today the media scene in Montenegro is totally different than the one that characterized the period before transition. In the period of real socialism, media represented one of the important mechanisms of ideological reproduction of the society, and, if the truth be told, they performed that task in the whole of the former SFRY more than successfully. Such situation in media in the said period was more of a declaratory character, and informing which served in the function of maintaining socialist society and its "truths" can not be characterized as a censorship, but rather as a system founded on a unique matrix.

By entering the process of social transformation, the situation at the media scene changed each day. Firstly, private media appeared besides state-controlled and dominant media, and private media were not the long arm of the state and its policy by definition. This was applicable both to electronic and to print media. Furthermore, state media changed their position and role. After the disappearance of the Communist Party from the political scene and formation of a great number of new parties, media which were still controlled by the structures in power had to show a certain degree of flexibility and accordingly to reflect the changes that have occurred. The truth is that at that time and even today state-controlled media favour the political parties in power, but the effort to strike a balance between the views of structures in power and opposing opinions is equally obvious. Finally, not until recently was the state television station as a most powerful electronic media in Montenegro transformed into public service and this will no doubt be a step forward in the further democratization of Montenegrin media scene.

On the other hand, establishment of private media additionally democratized social relations and relaxed overall political communication. Although, individual and group interests of certain structures intervened in the process of establishment of new media, this process was multidirectional, so that today private media, led by different stakeholders, favour opposing political options, which is certainly very good as regards the democratization of the society.

When dealing with this area, we defined the following dimensions which represented the separate subjects of evaluation:

- Media autonomy and independence
- Media professionalism
- Absence of monopolies and media equality
- Media openness

In methodological terms, the procedure, identical to the one in preceding cases, has been applied, and cumulatively based on all of the dimensions it was possible to synthesize single rating for the whole area.

### 5.1. Media Autonomy and Independence

When evaluating the autonomy of media in Montenegro, we have primarily focused ourselves on the examination of impact of key factors which may threaten the media independence. In the same way, we have tried to evaluate separately the degree of autonomy both for the print and for electronic media. However, before moving on to the interpretation of the results, it seems important to point out that it is difficult to assess the perfect situation in this area, because even in the most democratic societies, certain structures of power are *de facto* able to influence media. In other words, it would not be reasonable to expect full independence

of media in Montenegro, not so much due to its socialist legacy, but more so due to the fact that in each society stakeholders find their way to influence media.

*Table 23 Media Autonomy and Independence – overview according to indicators*

Indicators	N	K	SD	Skewness
Absence of pressures on the media by the authorities and government institutions	868	2.54	1.286	.489
Absence of pressures on the media by parties and political organizations	872	2.57	1.227	.461
Absence of pressures on the media by rich individuals and groups	826	2.68	1.229	.294
Absence of pressures on the media by religious and national communities	817	3.07	1.198	-.080
Absence of pressures on the media by organizations and institutions from Serbia	806	3.22	1.237	-.225
Autonomy of print media	887	2.56	1.144	.518
Autonomy of radio stations	879	2.74	1.180	.277
Autonomy of TV stations	884	2.54	1.197	.490

As regards the pressures on the media, our records show that the organizations and institutions from Serbia mainly do not exert pressure on media (3.22), and similar is applicable to religious and national communities (3.07). However, the media are indeed influenced by rich individuals and groups (2.68), and they are under even greater influence of parties and political organizations (2.57) as well as authorities and government institutions (2.54). With respect to the assessment of autonomy, although differences are not particularly noticeable, the highest degree of autonomy is measured in radio stations (2.74), followed by print media (2.46) and lastly in TV stations (2.54).

Overall, results regarding the democratization of media may be evaluated in different ways depending on the criteria chosen. If, as a criterion, one takes the situation in the period of real socialism, media scene is improved in every possible respect. If, however, the issues of media autonomy and independence are treated as 'strict' variables, one may say that the results are moderate and that there is enough room for further improvements in this area.

## 5.2. Media Professionalism

When measuring this dimension, standard criteria have been observed, such as professionalism, objectivity and timeliness. Furthermore, we have done a comparative evaluation for print and electronic media. The results of evaluation show that results achieved in this dimension are moderate. If comparing the professionalism of the media, we may say that radio stations are the most professional (2.99), followed by TV stations (2.90) and lastly the print media (2.78). Such records are completely reasonable, given that unlike the electronic media, the print media in Montenegro support some of the political options more or less openly. As for the criteria, timeliness was rated the highest (3.16), followed by professionalism (2.91) and lastly objectivity (2.81).

*Table 24 Media Professionalism – overview according to indicators*

Indicators	N	K	SD	Skewness
Professional informing of the public	915	2.91	1.240	.078
Objective informing of the public	933	2.81	1.225	.170
Timely informing of the public	926	3.16	1.181	-.232
Professionalism of print media	910	2.78	1.138	.156
Professionalism of radio stations	908	2.99	1.144	-.082
Professionalism of TV stations	920	2.90	1.173	.071

In general, judging by the range (2.78 – 3.16), media scene in Montenegro as regards the professionalism is undoubtedly on the rise, and if we compare this situation with the period preceding the social transformation, we may be satisfied with the results achieved. At the same time, it is quite evident that in this dimension as well there is enough room for improvements and that in this respect efforts should be focused on the aspect of objective informing, in print media primarily.

### **5.3. Absence of Monopolies and Media Equality**

Each type of monopoly in the society is contrary to the principles of democratism. In this sense, media scene in democratic society should be characterized by the equality of all media, and the absence of favouring some media to the detriment of other media. Results of evaluation of this aspect show that the situation in this respect is not satisfactory. Values obtained show that TV stations are not equal (2.55) and the similar can be noticed as regards the print media (2.57). Comparably, the highest level of equality was found in radio stations (2.62), where not even this value is at an enviable level. As regards the media monopolies, our results show that we cannot say that some media have a monopoly when compared to other media (3.13). Therefore, media monopolies have been eliminated in Montenegro, but the situation is still far from the equality of all media, and this finding is consistent to all assessments and records to date concerning the media scene.

*Table 25 Absence of Monopolies and Media Equality – overview according to indicators*

Indicators	N	K	SD	Skewness
Equality of print media	875	2.57	1.226	.419
Equality of radio stations	861	2.62	1.202	.335
Equality of TV stations	864	2.55	1.214	.439
Absence of monopolies of certain media in relation to other media	919	3.13	1.206	-.207

## 5.4. Media Openness

Issue of media openness is particularly important for the democratic quality of this field. In politically plural and nationally heterogeneous society, media must be able to reflect diverse views and opinions in conformity with the principles of democracy, and to integrate all diversities immanently into a single political and social space. This requirement is not only political and it must be consistent to the requirements of achieving general social consensus which is important for the functioning of social system.

*Table 26 Media Openness – overview according to indicators*

Indicators	N	K	SD	Skewness
Media openness for different political opinions and diverse ideologies	813	2.59	1.243	.387
Media openness for different religious and national groups living in Montenegro	915	3.16	1.182	-.267
Media openness for opinions of citizens, civic organizations and eminent individuals	909	2.94	1.218	-.040
Openness and freedom to criticize authorities and other institutions and individuals	923	2.63	1.266	.338

For this dimension we have identified four key indicators related to different aspects of media openness. Results obtained show that the best results have been achieved with respect to the media openness for different religious and national groups living in Montenegro (3.16), which supports the thesis that media respond to the challenges of cultural heterogeneity of Montenegrin society. All other aspects of media openness significantly lag behind this one. Even so, value obtained for the media openness in relation to the opinions of citizens, civic organizations and eminent individuals is still fairly high (2.94), whereas the result is substantially worse as regards the openness to criticize authorities and other institutions and individuals (2.63) and the lowest value is found in the domain of media openness for different political opinions and diverse ideologies (2.59). Consequently, when speaking about the media openness in Montenegro, it is quite evident that a lot of things need to be done so as to improve democratic quality in this respect, and the greatest efforts need to be exerted in enhancing the media openness with respect to political and ideological diversities.

## 5.5. Summarized Indicators for the Field of Media

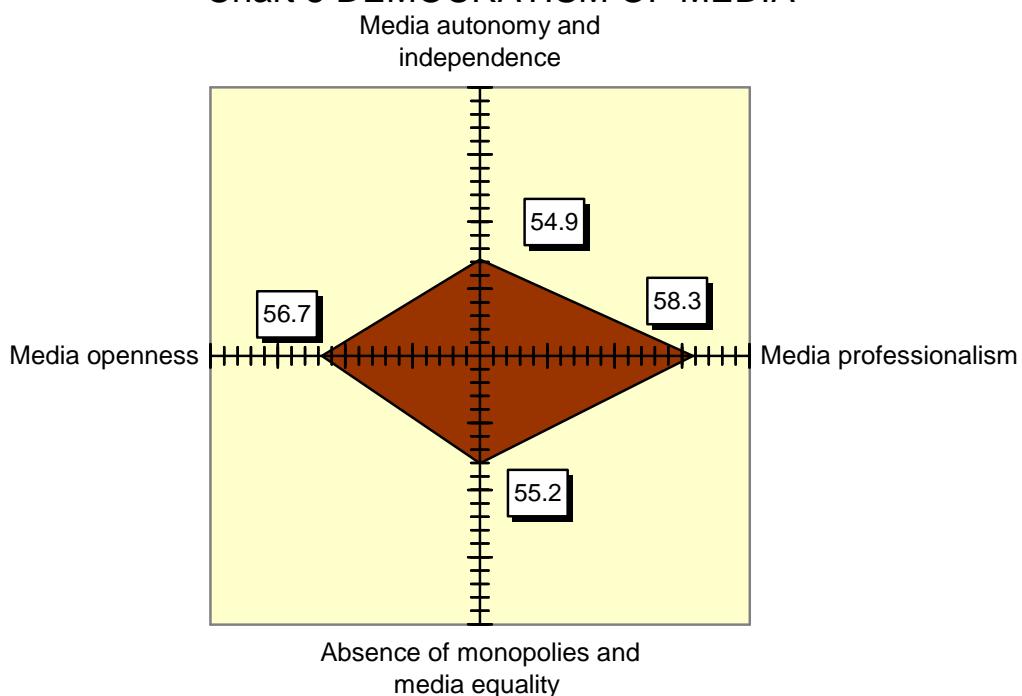
Summarized indicators of democratic quality of media for all dimensions may essentially be qualified as satisfactory and, taking everything into consideration, media do not deserve the priority as to the necessity of changes. Comparably, the best result was achieved in the field of media professionalism (58.3) and secondly regarding the media openness (56.7). The following, but not lagging behind substantially, is the absence of monopolies and the equality of media (55.2). The lowest index value is found in the assessment of media autonomy and independence (54.9). As regards these comparisons, it should be taken into consideration that the range is relatively narrow (54.9 – 58.3), which supports the fact that all values in this field are rather uniform and relatively satisfactory. Therefore, as regards the improvements which could be undertaken in this field, **attention should certainly be paid to the issues of media**

**autonomy and independence, and, primarily, to eliminating the influence by the political parties and structures in power.** To tell the truth, it would be naïve to believe that in any democratic system, structures in power are not able to influence media in their own interest, so that in this respect it cannot be stated that Montenegrin society is specific.

*Table 22 Democracy of media – summary according to dimensions*

Dimensions	N	K	SD	Skewness
Media autonomy and independence	953	54.9	18.18426	.417
Media professionalism	961	58.3	20.49563	.065
Absence of monopolies and media equality	959	55.2	21.31704	.271
Media openness	962	56.7	20.36899	.188

### Chart 5 DEMOCRATISM OF MEDIA



## 6. NATIONAL AND RELIGIOUS MINORITIES

Montenegro is a multinational and a multicultural society. According to the official data of the Republican Statistics Office, more than 1/5 of the total population represents national minorities that are unevenly dispersed in geographical sense. The issue of nationality is particularly interesting in Montenegro, not only because of the status of national and religious minorities but also form the point of view of the status of the majority people. Namely, after the conflict with the political power in Serbia, the majority nation in Montenegro started to be a political category and 75% of the majority nation members have been divided in 43% of those asserting they are Montenegrins and 23% of those asserting they are Serbs. Such a situation is a reflection of political events with regards to the issue of national identity, which is not good since this division is exactly what makes the fundaments of overall tensions that exist in Montenegrin society. The division of the majority people according to political criterions is nevertheless important also from the point of view of the treatment of national minorities, taking into consideration that the practices have shown that political carriers of the two conflicting parties have different relations towards the minorities.

The issue of the status of national minorities and the level of their inclusion into the political process is also the issue of overall democratic quality of the society. When it comes to the level of democratic quality that has been reached in this field, it was measured by the following dimensions:

- Official and legal protection of minorities
- Minority discrimination
- Existence of protective measures for minorities
- Behavior of the majority toward minority and the accurate informing the public

The measurement according to dimensions was carried out upon standardized methodological procedure and in as same way as the one employed for other fields, whereby the comparison of the various data was enabled.

The choice of the very dimensions is grounded in theory and practice, whereas their summarization may lead to the unique and synthetic indicator of democratic quality that has been reached within this field.

### 6.1. Official and legal protection of minorities

This is about positive legal aspect, whereas we wanted to test the equality of national and religious minorities before law, comparing to the majority people, by using this dimension. While assessing this aspect, it is necessary to take into consideration the positive and legal regulations during the socialism time, which included significant elements of equality for all national and religious minorities. The results obtained based on the indicators that put this dimension into function are more than satisfactory ones, and they range from 3.47 to 3.72. Therefore, the values are high, which generally tells us that, according to the positive law, the rights of national and religious minorities are equal to the ones of the majority people to a great extent.

Table 28 Official and legal protection for national minorities – indicators

Indicators	N	K	SD	Skewness
Legal protection for national minorities	920	3.72	1.102	-.812
Legal protection for religious congregations	917	3.61	1.122	-.738
Freedom of asserting religious affiliation	943	3.70	1.085	-.901
Freedom of asserting political and cultural affiliation for national minorities	914	3.61	1.117	-.762
Existence of determined measures of the power that serve for the national minority rights protection	811	3.47	1.101	-.577

In comparative sense, the best result has been achieved within the area of legal protection for national minorities (3.72), and then within the domain of asserting religious affiliations (3.70). The same and even bigger value we can measure when it comes to the indicators of legal protection for religious congregations and the freedom of asserting political and cultural affiliations among national minorities (3.61). The lowest, but also the high, value is recorded when it comes to the existence of determined measures of the power that serve for national minority rights protection (3.47). Therefore, the results relating to the official and legal protection for national minorities are more than satisfactory – so, from this point of view, it cannot be said that Montenegrin society lacks democratic quality.

## 6.2. Discrimination against minorities

The issue of official and legal protection for national minorities and the issues of diverse forms of discrimination against them are mutually interfered. Namely, discrimination is even bigger notion than the positive and legal system is, and it may be manifested in various forms, whereas there are more possibilities 'behind' legal regulations to exert discrimination. With the aim to measure various forms of discrimination, we established a network of indicators that deal with them.

Table 29 Discrimination against national minorities – indicators

Indicators	N	K	SD	Skewness
Equal employment and career development opportunity for both national minorities and the majority people	901	3.54	1.192	-.643
Transparent representation and promotion of national minorities in state administration services	871	3.46	1.166	-.543
Impartiality of judicial power in the proceedings national and religious minority members are parties to	792	3.17	1.177	-.254
Confidence that the power will not exert discrimination on national minority members in court proceedings	784	3.30	1.159	-.360
Absence of discrimination against national and religious minorities in state administration authorities and by civil servants	843	3.42	1.142	-.502
The state's care for economic and social advancement of the regions where national and religious minorities live	820	3.25	1.188	-.340

Based on the results obtained by measurements, we can make a general conclusion that there is no discrimination against national minorities in Montenegro. The value of all discrimination related indicators is between 3.17 and 3.54, which is quite high. In comparative sense - the lowest level of discrimination is the one that exist in employment and promotion opportunities for national minorities (3.54). Similarly, representation and the promotion opportunity in state administration services is valued highly (3.46). This finding is quite in line with the data that reflect that state administration authorities and civil servants do not exert discrimination on minorities in Montenegro (3.42). The confidence in judicial power is fairly high (3.30), and the state power has also been given high grade (3.25) for its care for even development of regions where minorities live. Finally, the lowest, however still high, grade (3.17) has been given to the judicial power for impartiality in the proceedings national and religious minorities are parties to. Therefore, the given results are more than satisfactory ones, so it can freely be said that discrimination against national minorities in Montenegrin society is a marginal problem.

### 6.3. Existence of protective mechanisms for minorities

A democratic society is, above all, characterized by developed institutions and mechanisms that guarantee democracy in each particular area of social life. When it comes to the status of national and religious minorities, our task was to establish the level to which the society had developed the mechanisms that guarantee equality.

*Table 29 Existence of protective mechanisms – indicators*

Indicators	N	K	SD	Skewness
Development level of the state institutions that protect national and religious minority rights	800	3.48	1.042	-.601
Development level of the civil society institutions protecting national and religious minority rights	784	3.40	1.040	-.563
Existence of responsiveness of the public to the cases of minority rights violations	825	3.35	1.085	-.448
Readiness and capacity of the power to protect national and religious minority rights in each region of the country	862	3.36	1.100	-.427
Effectiveness of the state administration in case of national minority rights violation	838	3.23	1.113	-.265

We can be satisfied by results reached in this area. The values of all indicators are high, and they range between 3.23 and 3.48. The highest value is recorded when it comes to the development level of the state institutions protecting national and religious minority rights (3.48), and a bit lower one when it comes to the development level of civil society institutions protecting national and religious minority rights (3.40). The readiness and the capacity of the power to protect national and religious minority rights in all regions of the state is also highly valued (3.36), whereas the same could be said for the responses of the public when it comes to national minority rights violation (3.35). The lowest, however still high, grade is measured when it comes to the effectiveness of the state administration in cases of national minority rights (3.32). Therefore, it can generally be said that Montenegrin society has built effective protective mechanisms for national minority rights so far and that there is not a word on democratic quality deficit in this area of the social reality.

## 6.4. The relations of majority people to minorities, and the accurate informing the public

The major problem in multinational environments is the relations of majority people to national minorities. These relations are firstly reflected through the relation between the state and media, given that exactly these institutions represent dominant attitudes of the majority people. These are also motives that fostered us to evaluate this dimension in the democratic quality of social relations within the area of the status of national minorities.

*Table 30: The relations of majority people to minorities, and the accuracy in informing the public – indicators*

Indicators	N	K	SD	Skewness
Absence of hatred speech against national and religious minorities in media	905	3.32	1.130	-.358
Assisting the power in making contacts and in fostering cooperation between national minorities and the parent country	771	3.38	1.086	-.418
The state engagement in and support to the activities contributing to better treatment of national and religious minorities	807	3.39	1.036	-.540
Engagement of national and religious minorities in the activities that protect their rights	803	3.65	.977	-.883

For this purpose, we defined only four basic indicators, whereas measured values range from 3.32 to 3.65. The highest value has been given to the engagement of national and religious minorities in the activities of the organizations dealing with the protection of minority rights (3.65), and this value is significantly higher than all other indicators in the given dimension. However, also the value of remaining three indicators, i.e., the state's engagement in and support to the activities ensuring better treatment of national and religious minorities (3.39); assisting the power in making contacts and in fostering cooperation between national minorities and the parent country (3.38); and, finally, the absence of hatred speech against national and religious minorities in media(3.32). Anyway, our data illustrate that the relation of the majority people to minority ones is in line with democratic standards and that there indeed is the accurate informing the public with respect to the issue.

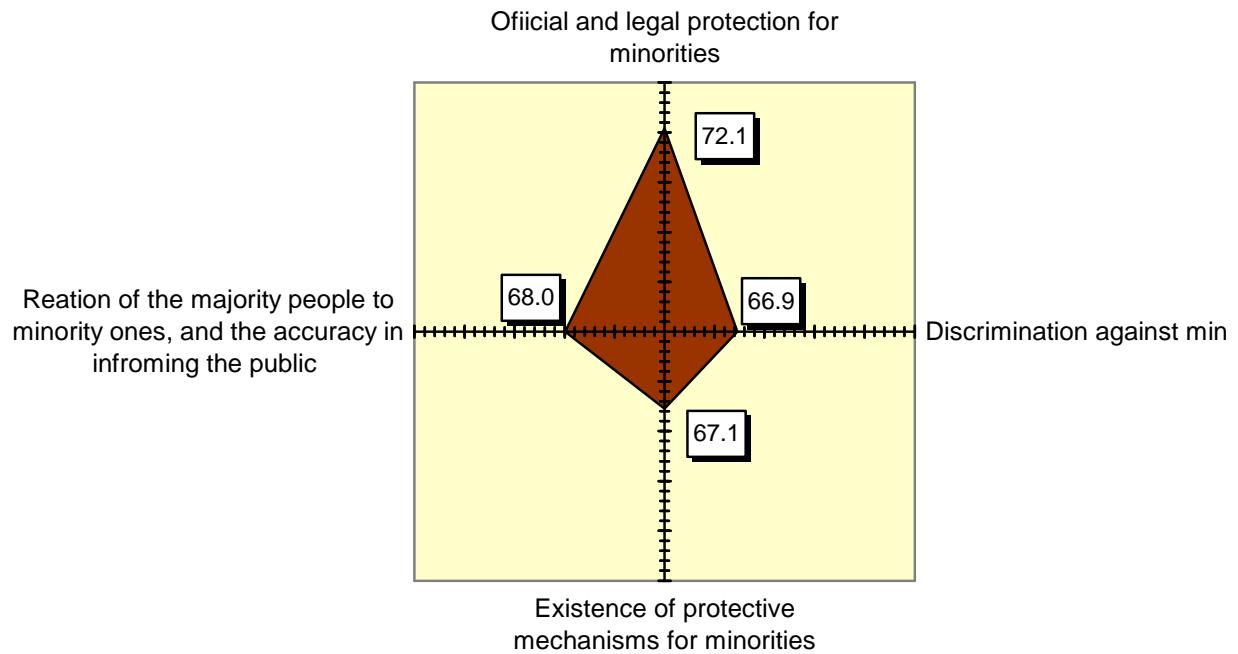
## 6.5. Summary indicators illustrating the status of national and religious minorities

Summary indicators for all dimensions with respect to the status of national and religious minorities are more than outstanding. The results of our measurement reflect the fact that **Montenegrin society does not have noticeable problems when it comes to the treatment of national and religious minorities**. All values per dimension in this area are far above the ones we recorded in other areas, and they range from 67,0 to 72,1. The highest value exists in official and legal protection for minorities, after which other dimensions appear to be of similar and also high values.

Table 31 Democratic quality within national and religious minorities – summary and per dimension

Dimensions	N	K	SD	Skewness
Official and legal protection for minorities	962	72.1	18.51949	-.615
Discrimination against minorities	951	66.9	19.29900	-.440
Existence of protective mechanisms for minorities	945	67.1	18.37277	-.460
Relation of the majority people to the minority ones and the accuracy in informing the public	949	68.0	18.72583	-.465

### Graph. 6. NATIONAL AND RELIGIOUS MINORITIES



## 7. WOMEN STATUS

A component part of the Democracy Index is also the evaluation of the women status in Montenegrin society. This aspect was particularly difficult and, from the point of view of the methodology we defined, it represented a specific problem. Gender gap and gender inequality that certainly exist in Montenegro get their different meanings in their subjective transactions, and it is completely obvious that the possibility to have fair evaluation under these circumstances is limited. Genders, as sex-predisposed mental makeup, are the basic entity division that is social and cultural in its nature, whereas it is 'naturally' rooted in biological differences. Consequently, the possibility of the perception of gender gap is rather limited by mechanisms of valuation and conceptualization that are composed based on gender. Therefore, it is completely reasonable to set the requirements in gender theory for the process of gender equalization before any evaluation of women status is done, and thereby create necessary but not sufficient preconditions for fair evaluations.

Anyway, it was not possible to exempt the issue of gender equality from the Index, and also we were not in position to apply alternative methodological approaches to this issue. In other words - being aware of all limitations on our method when it comes to the gender issue - we did the measurements in this area through those intended for other ones and in a complementary manner. The knowledge of gender equality we had before the said measurements was more than indicative one. The data we gathered in earlier researches by measuring social and economic index and the comparative data by UNDP (GDI and GEI) have shown that Montenegro is characterized by serious gender imbalance that is a result of traditional heritage and authoritarian culture. Therefore, the data that we offer in this paper relate to one measurement dimension only, which is the perception of gender inequality, and the given values should be considered as such.

*Table 31 Women status – indicators*

Indicators	N	K	SD	Skewness
Equal participation of women in all aspects of social life	928	3.08	1.213	-.127
Equal participation of women in the power	927	2.92	1.210	.033
Nonexistence of discrimination against women in promotion and employment	910	3.11	1.186	-.175
Nonexistence of discrimination against women in companies, institutions and organizations	880	3.12	1.175	-.177
Nonexistence of discrimination against women in their families	898	2.64	1.204	.324
Activities of the organizations and institutions that protect the rights of women	879	3.70	1.022	-1.032
Nonexistence of hatred speech against women, in media	904	3.79	1.025	-1.103

Therefore, having all methodological limitations we have mentioned herein, the results of measurements within this area are in any way better than they are in reality. Nevertheless, they are not satisfactory. The highest value is given to the media relations toward women and to the

nonexistence of hatred speech – misogyny (3.79). Also high grade was given to those organizations and institutions that protect the rights of women (3.70). Based on comparative data, there is no doubt those organizations are of high influence and importance for establishing the gender balance in Montenegrin society. The conviction exists that discrimination against women in institutions, organizations and companies is not noticeable (3.12) and that there is no discrimination in their promotion and employment (3.11). Furthermore, the equal participation of women in all aspects of social life was evaluated as more than satisfactory (3.08). A bit lower value was recorded in the domain of the participation of women in the power (2.92), and the lowest was recorded for discrimination against women in their families (2.64).

Therefore and according to our judgment - our earlier knowledge is, in comparative sense, in line with the values given by the indicators, regardless of the fact that the values are higher than the reality deserves. In other words, it is almost certain that **the status of women is mainly endangered in their families, so the issue of the status of women in their families should be a priority of future activities aimed at establishing overall gender balance**. The second priority here is for sure the **equal participation of women in the authorities of the power, since the current proportions in this sense are far away from equality, whereas the introduction of quotas is most likely to be the best solution therefore**. Finally, the improvement of the status of women in Montenegrin society should be observed from the point of view of transforming all the society mechanisms that systematically reproduce inequality – here we primarily point to those mechanisms that are particularly strong and empirically hard to reach. At this point the tradition should be taken into consideration before all, since it is the custodian of inequality and overall symbolic communication based on *masculine* cultural models.

## 8. RELATION TO DISABLED PERSONS

The issue of the treatment of disabled persons is not only the issue of democratic quality but also the one of humaneness in the broadest sense. The practices have shown that the problem in this respect is reflected in the fact that disabled persons are "invisible" ones for the public, whereas the possibility to make fair perception of this problem is limited. This fact is particularly important for traditional and essentially closed cultures – such as the Montenegrin ones. In such a setting, it is not rare that the problems that disabled persons suffer from are treated as inappropriate. All before said contributes to the thesis on the "invisibility" of disabled persons and to the limited perception of the comprehensive character of such problems at broader social scale.

In essence, a democratic society should do any effort to make easier physical defects of disabled persons. The practices in developed democracies have shown that any state indeed is in situation to create a series of mechanisms that can beneficially influence and entail improvements in the status of disabled persons. In this sense it should be kept in mind that a society of real socialism made numerous efforts to overcome barriers and obstacles that led to discrimination against those persons. However, in any way, there is always more than plenty to be done in order to improve and facilitate this situation.

*Table 32 Relation to disabled persons – indicators*

Indicators	N	K	SD	Skewness
Existence of legal protection for disabled persons	822	3.39	1.115	-.575
Existence of determined activities of the power to protect disabled persons	778	3.15	1.118	-.367
Nonexistence of discrimination against disabled persons	808	3.03	1.142	-.074
Existence of services and institutions that protect the rights of disabled persons	799	3.38	1.025	-.635
Education offers required knowledge to disabled persons and to children with special needs	852	3.48	1.023	-.692
Adjustment of school facilities to disabled children and children with special needs	848	2.78	1.161	.168
Existence and adequate treatment of disabled persons in media	817	2.59	1.129	.355

Base on the results from our survey, it is general conclusion that educational system in Montenegro offers necessary knowledge to disabled persons (3.48), that there is legal protection for them (3.39) and that there are services and institutions that protect disabled persons (3.38). A bit lower results have appeared when it comes to the determined activities of the power to protect disabled persons (3.15) and when it comes to nonexistence of discrimination against them (3.03). Finally, the lowest values have been measured when it comes to adjustment of the school facilities to disabled children (2.78) and when it comes to the media treatment of disabled persons (2.59). Therefore, based on our knowledge, it can be said that it is **required to take measures in order to adjust the school facilities to the children with special needs and that media should have take more active role in promoting the equality in treatment of disabled persons**, all for the purpose of improving the situation in this area. It seems that these recommendations are neither expensive excessively nor they are particularly demanding, so there are no reasons that could prevent further steps for the improvement of the status of disabled persons.

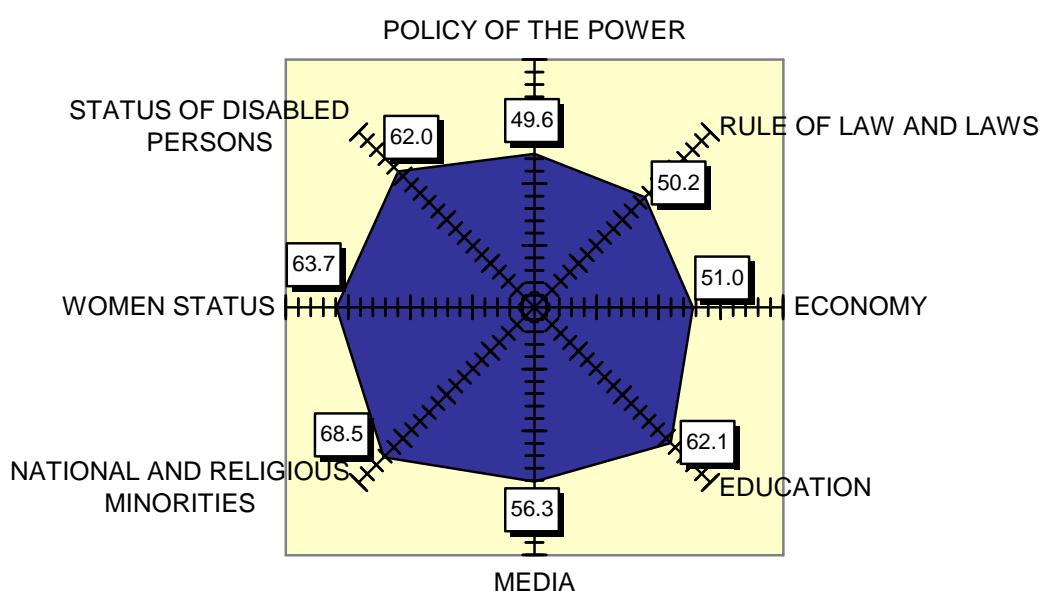
## DEMOCRACY INDEX – SUMMARY REVIEW

As a young democratic society that bears the burden of earlier socialism and the obvious essentials of pre-contemporary traditionalism, Montenegro has made huge efforts and indeed has made significant steps forward in overall democratization of its social relations. In that sense, the evaluation of success for various areas of social life reflects the determination to identify key problems and obstacles hindering further advances of democratic reforms. The review of overall results reached in all areas of social life has been given in Table 33 and in Graph No.7

Table 33: DEMOCRACY INDEX

AREAS	N	K	SD	Skew ness
POLICY AND THE POWER	1009	49.6	18.79712	.448
RULE OF LAW AND LAWS	1008	50.2	19.19056	.456
ECONOMIC FREEDOMS AND ECONOMIC PARTICIPATION	1015	51.0	17.36644	.510
DEMOCRACY IN EDUCATION	1015	62.1	16.54734	-.096
DEMOCRATIC QUALITY IN MEDIA	968	56.3	17.70974	.351
STATUS OF NATIONAL AND RELIGIOUS MINORITIES	969	68.5	16.72803	-.420
WOMEN STATUS	953	63.7	17.99563	-.091
STATUS OF DISABLED PERSONS	941	62.0	17.73708	-.140

Graph. 7 INDEX



Based on all results obtained from this research, we can say that there are areas of social life in which the results are satisfactory. Here, we primarily point to the status of national and religious minorities (68.5). Accordingly, when it comes to minority peoples, it can freely be stated that Montenegrin society has made an obvious step forward and that it has managed to provide democratic multicultural milieu that guarantees stability for the political system. This data is even more valuable in the light of the fact that all other former Yugoslav Republics suffered from war conflicts grounded in national affiliations of the warring sides. No doubt that all applied methods for inclusion of and respect for minority peoples have led to political and social consensus that has been recognized by both the majority and the minority people, whereas the overall results in this respect are more than satisfactory if we take into consideration the circumstances and the influence of the setting.

Women status is also highly evaluated (63.7); however, this data has its limitations. Here, we firstly think of the fact that there is huge imbalance between perception of and the reality in this area and that the reasons therefore are grounded in the very nature of gender supremacy. The cultural models and misbalanced criterions in evaluating have also led to higher values than the ones that reality deserves in this respect. Anyhow, the problem of gender relations based on perception is not notable, whereas this is one of the areas to which special attention should be paid in the time that is ahead of us and in which we will search for the fair indicators.

Based on comparative data, democratic quality in education is also at satisfactory level (62.1). Here, the positive heritage from earlier socialism played indeed key role, so the further improvements based in well determined presumptions were reasonable to expect. Anyway, these data tell us there are no particular reasons for any concern when it comes to educational system. Finally, when it comes to positive results, one area more deserves positive grade (62.0). However, the positive grade should be accepted cautiously, taking into account that the tradition of Montenegrin society 'hides' to a great extent the life of disabled persons. Nevertheless, when it comes to the perception, the data obtained are completely satisfactory.

When it comes to media, the results are incomplete (56.3). Based on careful consideration of media setting according to dimensions, we can conclude that it is **required to make improvements in this area with respect to providing a higher level of independence and impartiality of media, primarily for the purpose of making media free from political parties and the power's influences**. There is more than enough space to make proposed corrections, which can be made through enforcement of related legislation and through activities of civil society.

Upon the analysis of economic sector, we can express our dissatisfaction when it comes to the results reached (51.0). The results obtained from all measurement dimensions are not in line with democratic standards, and the major problem is **the absence of economic equality and autonomy of companies, which has been caused by the existence of economic monopoly that enjoys the protection by the state and by the privileged groups; the influence exerted by individual and party interests on companies and by the influence of the state, for the purpose of discrimination against certain companies and favoring other ones**. Therefore, serious steps should be taken here that would provide the autonomy and the economic equality of companies, and all for the purpose of overall democratization of Montenegrin society.

**The rule of law and laws** in Montenegro is not at satisfactory level (50.2). With respect to this, the major obstacle is the **nonprofessional and ineffective judicial system**, whereas the results of our surveys indicate that the **existence of corruption and activities for the benefit of highly-placed persons and groups** is the major problem that causes inefficacy of and deficit in professionalism. This problem is particularly notable and difficult to solve, so it should be paid special attention. It seems that, in this respect, it is impossible to search for an *ad hoc* solutions and that only a systematic approach, which should include monitoring and engagement of the whole society, could launch positive processes for solving this problem.

Finally, according to our findings, the **weakest advancement in the democratization process of our society has been reached within the area of political processes democratization** (49.6). In other words, the key problem for further development of democracy in Montenegrin society is the reform of political system. In addition, based on our data, **the major problem is in the nonexistence of control and legality in the power functioning**. From analytic point of view, the problem of control and legality in the power functioning is located in **the existence of corruption and criminal in certain structures of the power, as well as in the nonexistence of an effective civil control**. The problems are, therefore, notable, but not significantly different from the ones in other societies in transition. Thus, the priority with respect to democratization of Montenegrin society must be directed toward political area and toward taking measures to foster control and legality of the power functioning.

Anyway, the democracy in Montenegro is on the right road, but still burdened by numerous problems that characterize other post-socialist societies. Fast transformation of one-party into multiparty system, privatization and market reforms that have necessarily produced social inequality, and negative heritage of authoritarian past represent the major obstacles that can not be avoided and overcome easily, but the whole society should fight against them in each single area. The successful democratization of Montenegrin society implies the mobilization of all social institutions and the organizations of civil society, as well as the mobilization of all citizens. In addition, the analytical and critical intention of the research such as this one we present now contributes in any way to the better insight in and to more accurate identification of weaknesses that need fast and effective remedy. Finally, one of the major problems is also the absence of social and political consensus that would alleviate passions within divided political scene and that would lead to continuing advancement of overall democratization of Montenegrin society, bearing at the same time the spirit of good cooperation and identification of common interests and goals. The time required for this is a limited resource, since the coming generations have less understanding for 'higher" historical interests and more notable need to live in a democratic society.

## ANNEX

### BASIC CHARACTERISTICS OF THE ELECTORAL SYSTEM

#### 1. Electoral right

Electoral right in Montenegro is based on following principles: universal franchise, freedom, equality, direct elections and secret balloting. Electoral right encompasses following basic citizen's rights: (a) to vote- active voting right; (b) to be elected – passive voting right; (c) to stand as candidate and to be proposed for candidate; (d) to be timely, truthfully and utterly informed about programs and activities of participants in the election, i.e. about submitters of election lists and candidates, etc.

According to earlier constitutional and legal solutions, in all acts regulating this matter (Constitution and the Law), persons with 18 years of age have active voting right in Montenegro. With this general condition the citizen acquires active voting right if he/she fulfils the following conditions:

(a) Has residence in Montenegro. According to Law from 1990, the length of residential condition is determined to be at least 3 months before the parliamentary or presidential elections, or elections for Montenegrin presidency membership. It is interesting that electoral laws in other republics of former Yugoslavia, didn't have similar solution at that time.

The Law on election of MPs from 1992, has extended the residential condition to period of at least six months. This norm was in fact the only reason for passing the Law on Changes and Amendments of Law on election of MPs ("Official gazette of Montenegro no. 55/92, from December 4<sup>th</sup> 1992). Although there is article 11 page 1 of the basic Law, in which it is stated that residential period must be at least six months, in the same act in article 127, page 2 the legislator has defined a norm according to which: "The right to elect MPs in extraordinary elections belongs to citizen of Socialist Federative Republic of Yugoslavia (SFRJ) who has 18 years of age, who has capacity to practice and who has residence in the electoral unit at least one year before this Law went into effect." Although reasons for this solutions were justified with desire to reduce the restrictive condition from previous solution that disturbed the 'general spirit' of the Law, part of political community, especially opposition, so called Montenegrin block, has put the efforts to point to consequences in change of electoral body structure that might occur due to strong migration movements cause by wars in surrounding countries. Residence is linked to area of electoral unit.

On the eve of local elections in municipalities of Podgorica and Herceg Novi, held in June 2000, we had new changes and amendments of the Law in part regarding residential condition, so its duration was extended to 24 months residence in Montenegro before the elections, and 12 months residence in municipality for municipal elections;

(b) That valid court decision does not prevent him/her from public declarations. This solution existed only in the electoral Law from 1990 (article 109, paragraph 2), while later legislation does not have it anymore, and

(c) That valid court decision does not strip him/her of his/ hers capacity to practice.

Legislator (1990), and than even constitution framer (1992) define the same age limit for having the active and passive right to vote- 18 years of age.

Beside general and special conditions that applied, or still apply for getting the active right to vote and which relate to getting the passive voting registration, in case of electoral laws

from 1992 and 1996, compared to appropriate law from 1990, there is an exception, or better said condition which is amending this part of voting right. We are speaking about introduction of Yugoslav citizenship category, as the new condition. At the same time, regarding the election of Montenegrin president, the duration of residence in Montenegro was defined differently compared to parliamentary election; instead of six months that timeframe is at least one year before the elections (article 2 of Law on Election of President of Montenegro, "Official Gazette of Montenegro no. 49/92, from October 14<sup>th</sup> 1992). There were different comments made when this norm was adopted, and there were also demands from the opposition, this time from so called Serbian block. After the objections that this legal act should not contain any exclusivity regarding more narrow domicile, especially regarding the citizens of Federal Republic of Yugoslavia (SRJ) who are originating from Montenegro (concretely, writer M. Bećković was being mentioned), the legislator adopted this compromise norm (different residential conditions for elections of MPs and presidential elections) and practically secure itself from eventual 'uncontrolled' enlargement of candidates list for Montenegrin president.

Development process of Montenegrin electoral system reflects through norms regulating candidature procedure, i.e. proposing and defining electoral lists. In the first parliamentary elections 1990, the citizen as individual was highlighted by the candidature procedure and behind him were political organizations and 'other forms of organizing and assembling'. This should be interpreted as inertia coming from years long practice of political presentation, and that was not characteristic just for Montenegro.

New electoral laws, according to the spirit of the system they inaugurate, are now highlighting political parties when proposing electoral lists and candidature for president (which are registered in Montenegro), individually or together (coalitions), i.e. groups of citizens. Innovations of electoral system from 1996, category 'group of citizens' is assigned under provisions relating to parties. However, although previous solution regarding the number and size of electoral units was abandoned (instead of one-14), what should be in favor of independent candidates, their 'faith' haven't changed a bit, and independent candidates are becoming aware of that so there are fewer and fewer independent candidates on each new elections because they do not dare to compete with candidates behind which one have better or worse party machinery. Thus, for example out of total 790 confirmed candidates for parliamentary elections of 1996, there were just two independent candidates (list of group of citizens "Seventh force"), in the electoral unit no. 2 Andrijevica - Berane. They got in total 16 votes. During candidature procedure in the electoral unit no. 3 Bijelo Polje, list of group of citizens (Bulatović) was refused by the Electoral Commission.

Montenegrin electoral legislature is very liberal regarding setting the conditions for submitting electoral candidatures. This of course, by itself, does not have to represent a contribution to democracy of electoral process.

## **2. Electoral form – methodology of distribution of mandates**

Since the introduction of multiparty system, the idea of proportional representation has dominated in Montenegro, as value base for projection, norm, and operational of electoral system for representative bodies- parliaments. However, during the development of proclaimed type of electoral system, in period 1990-2004, different principles were applied and different combinations of certain elements, especially, as we are going to see, when defining total number and size of electoral units; and regarding implemented effects of the system different results were achieved. Prohibitive clause (electoral threshold) is the only common element existing in all variants of electoral laws, and this element is in the function of proclaimed principle of proportional distribution of mandates.

Distribution of mandates in the Montenegrin electoral system is done through application of modified d'Ont method. Under modification, we mean system of closed lists, because so called 'pure' d'Ont's method is in theory linked to the system of unrelated electoral list. Decision that distribution of mandates is done exclusively according to method of proportional representation in the electoral Law from 1990, has made Montenegro specific in that regard compared to other republics of ex SFRJ. The first multiparty elections in Serbia, Croatia, and Macedonia were conducted according to majority method, i.e. with combination of majority and proportional methods in Bosnia and Herzegovina and Slovenia. D'Ont's formula for distribution of MPs' seats, was, beside Montenegro, also applied in Bosnia and Herzegovina for election of MPs for Council of Citizens, and Slovenia for election of MPs in Social-Political Council. Nevertheless, in both these cases the formula was not used for distribution of all mandates but, after the application of electoral quotient, applied for distribution of remaining mandates based on the remaining votes.

In order to limit and prevent 'ultimate fragmentation of electoral body and unlimited insurgency of parliamentary parties' electoral system in Montenegro has adopted prohibitive clause. Defining the level from which effects of prohibitive clause are effective within distribution of mandates, influences not only the effects of representation but also the classification of applied type of proportional electoral model. Therefore, it is obvious that during development and implementation of electoral system, so far, in Montenegro we had different goals and effects regarding the implementation of this clause.

In the first parliamentary elections, December 1990, prohibitive clause was defined so that: "Political organization, i.e. political organizations that are submitting joint list of candidates, and which on parliamentary elections hasn't won 4% of votes of the total municipal or national electoral body, will not be taken into account for distribution of mandates". (article 81 paragraph 1 Law on Election and Recall of MPs, "Official Gazette of Montenegro", 36/90). Therefore, although a number of electoral units were defined both for municipal and national parliamentary elections, the level and calculation of prohibitive clause has tried, primarily, to express the general character of representation, i.e. the unity of municipality and Republic of Montenegro as socio-political community. Prescribed condition was met by only four electoral lists, out of which the list of Montenegrin Communists had won 56.2% of votes and got 83 (66.4%) out of 125 mandates in the Parliament; coalition called 'Alliance of Yugoslav Reform Forces for Montenegro' with 13.6% of votes - 17 (13.65) mandates; list of People's Party with 12.8% votes - 13 (10.4%) mandates, and list of Democratic Coalition with 10.1% of votes - 12 (9.6%) mandates.

In the next national parliamentary elections in 1992, the problem of effectuating prohibitive clause from the representation point of view was eliminated because the municipality in local elections) and Republic were defined as one, unique electoral unit. The level of the clause remained the same as in previous law- 4% of votes, but it wasn't calculated at the level of the Republic (Montenegro) anymore, but with respect to 'total number of voters that voted in that electoral unit'. In these elections the prohibitive clause threshold was 'passed' by: the list of ex Montenegrin Communists now called Democratic Party of Socialists (DPS), which with 43.8% of won votes got 46 (54.1%) out of 85 seats in the Parliament; list of People's Party (NS) with 13.1% of votes - 14 (16.5%) mandates; list of Liberal Union of Montenegro (LSCG) with 12.4% of votes - 13 (15.3%) mandates; list of Serbian Radical Party (SRS) with 7.8% votes - 8 (9.4%) mandates, and list of Social-democrat Reform Party (SDPR) with 4.5% votes - 4 (4.7%) mandates.

Identical norm was applied in the elections of 1996. Still, we have to bear in mind that the new electoral law, although marked as Changes and Amendments of the basic act from 1992, through effects of prohibitive clause essentially affected the structure of central Montenegrin representative body. Thus the list of DPS with 51.2% of votes at the level of Montenegro got 45 (63.4%) out of 71 seats in the Parliament; list of coalition called 'People's Accord' (NS and

LSCG) with 25.6% of votes - 19 (26.8%) mandates; list of SDA with 3.5% of votes - 3 (4.2%) mandates; list of DSCG with 1.8% of votes - 2 (2.8%) mandates and list of Democratic Union of Albanians (DUA) with 1.3% of votes - 2 (2.8%) mandates. At the same time, two electoral lists, which have won more than 4% of votes at the level of Montenegro, remained without the seats in the Parliament. These are the list of SDP (new party made by merger of SDPR and Socialist Party of Montenegro - SPCG) with 5.7% of votes and SRS (in the meantime added the name of its leader to the name of the party SRS V. Šešelj) with 4.4% of votes.

In the national parliamentary elections held on May 1998, and April 2001, when calculating the mandates (at the level of Republic as one electoral unit and on polling places defined by special decision of the Parliament - 73+5) prohibitive clause was set at 3% of votes of total number of voters that actually voted. Condition for participating in distribution of mandates, in the elections of 1998, was met by following electoral lists: list of coalition "To live better - Milo Đukanović" (DPS, NS and SDP), which with 49.5% of votes got 42 (53.8%) out of 78 seats in the Parliament; list of Socialist People's Party (Momir Bulatović) with 36.1% of votes - 29 (37.2%) mandates; list of LSCG - Slavko Perović with 6.3% of votes - 5 (6.4%) mandates; list of DSCG - Mehmet Bardhi with 1.5% of votes - 1 (1.3%) mandate, and list of DUA with 1.0% of votes - 1 (1.3%) mandate.

During extraordinary (third in line in period 1990-2001) elections of 2001, based on this solution, the following electoral list took part in the distribution of mandates (also 73+5): Coalition "Victory of Montenegro – Democratic Coalition Milo Đukanović", which with 42.4% of votes got 36 (46.1%) mandates; "Together for Yugoslavia" with 40.9% of votes - 33 (42.3%) mandates; LSCG – Liberals of course! with 7.9% of votes - 6 (7.7%) mandates; DUA with 1.2% of votes - 1 (1.3%) mandate, and DSCG - Mehmet Bardhi with 1.0% of votes - 1 (1.3%) mandate.

Both elements of the electoral system, clause and formula, individually and jointly have produced certain consequences for the outcome of elections, i.e. for the structure of the Parliament. Effect of applied formula in distribution of parliamentary seats can be presented through average 'price of the mandate' that parties had to 'pay' in order to have candidates from their electoral lists seating in the Parliament.

**Table 1: AVERAGE PRICE OF MANDATE IN VOTES PER ELECTORAL LISTS IN NATIONAL ELECTIONS IN MONTENEGRO IN PERIOD 1990-2002.**

<b>Electoral list of the party /coalition</b>	<b>09. 12. 1990.</b>	<b>20. 12. 1992.</b>	<b>03. 11. 1996.</b>	<b>31. 05. 1998.</b>	<b>22. 04. 2001.</b>	<b>20. 10. 2002.</b>
Montenegrin Communist Alliance (SKCG) / Democratic Party of Socialists (DPS)	<b>2.064</b>	<b>2.740</b>	<b>3.339</b>			
People's Party (NS)	<b>3.008</b>	<b>2.692</b>				
Coalition: Alliance of Yugoslav Reform Forces for Montenegro (SRSJ)	<b>2.433</b>					
Democratic Coalition	<b>2.563</b>					
Serbian Radical Party - Dr Vojislav Šešelj		<b>2.791</b>				
Liberal Union of Montenegro (LSCG)		<b>2.738</b>		<b>4.322</b>	<b>4.806</b>	<b>5.091</b>
Social-democratic Reform Party (SDPR)		<b>3.248</b>				
"People's Accord" (NS-LSCG)			<b>3.945</b>			
Democratic Action Party (SDA)			<b>3.389</b>			
Democratic Alliance in Montenegro (DSCG)			<b>2.644</b>	<b>5.425</b>	<b>3.570</b>	
Democratic Union of Albanians (DUA)			<b>1.924</b>	<b>3.529</b>	<b>4.232</b>	
"To live better - M. Đukanović" - (DPS-NS-SDP)				<b>4.049</b>		
SNP - M. Bulatović				<b>4.274</b>		
"Victory of Montenegro – Democratic coalition - Milo Đukanović" (DPS-SDP)					<b>4.276</b>	
Together for Yugoslavia (SNP-NS-SNS)					<b>4.500</b>	
"Democratic list for European Montenegro- Milo Đukanović" (DPS-SDP)						<b>4.286</b>
"Together for changes" (SNP-SNS-NS)						<b>4.463</b>
Democratic coalition "Albanians together" (DUA-DSCG-PDP)						<b>3.367</b>

The influence of prohibitive clause, in the electoral system of Montenegro, on elections, can be reviewed through some other indicators as well. One of them is ratio between unused 'dispersed' votes (votes given to electoral lists that didn't manage to reach the electoral threshold) and number of votes used in distribution of parliamentary seats. In the next display, we have shown the relative ratio between these votes.

**Table 2: INFLUENCE OF PROHIBITIVE CLAUSE ON DISPERSION OF VOTES IN NATIONAL PARLIAMENTARY ELECTIONS IN PERIOD 1990-2002.**

<b>Time of the elections</b>	<b>Prohibitive clause</b>	<b>"Dispersed" votes %</b>
1. December 1990.	4%	11.2
2. December 1992.	4%	20.8
3. November 1996.	4%	20.3
4. May 1998.	3%	5.8
5. April 2001.	3%	6.7
6. October 2002.	3%	5.3

The largest proportion of voters without their representative in the Parliament was recorded in elections of December 1992. (61.492), what should be interpreted as joint influence both of the prohibitive clause and number of parties that got the right to declare electoral list. In the surveyed period regarding parliamentary elections in Montenegro, we have registered the following number of electoral lists, which because of existence and high limit of prohibitive clause were excluded from distribution of parliamentary seats.

**Table 3: INFLUENCE OF PROHIBITIVE CLAUSE ON THE NUMBER OF ELECTORAL LISTS THAT PARTICIPATE IN DISTRIBUTION OF PARLIAMENTARY SEATS**

Time of elections	Total no. of electoral lists	Total seats in	No. of lists that won seats	%
1. December 1990.	10	125	4	40.0
2. December 1992.	19	85	5	26.3
3. November 1996.	20*	71	5	25.0
4. May 1998.	17	78	5	29.4
5. April 2001.	16	77	5	31.3
6. October 2002.	10	75	4	40.0

Legend: \*/ Total number of lists in all 14 electoral units

Along the path of that indicator, in the following table you can see relative participation of sum of votes given to parties that didn't manage to participate in distribution of parliamentary seats, within total structure of valid votes in the parliamentary elections in Montenegro. Presentation is arranged per municipalities, although they didn't represent electoral units in all the elections, because this indicator is speaking both about the 'quality of electoral offer' and about stability, i.e. preferences of local electoral body.

Table 4: SPATIAL DISPERSION OF 'DISPERSED' VOTES STRUCTURE IN THE ELECTIONS FOR MONTENEGRIN PARLIAMENT IN PERIOD 1990-2002.

Municipality / time of the elections	09. 12. 1990.	20. 12. 1992.	03. 11. 1996.	31. 05. 1998.	22. 04. 2001.	20. 10. 2002.
ANDRIJEVICA	-	15.6	19.3	5.9	5.6	4.7
B A R	15.9	18.9	11.7 <sup>7</sup>	4.3	5.5	4.1
IVANGRAD/BERANE	2.5	24.0	23.3	4.6	3.7	3.7
BIJELO POLJE	11.3	14.1	19.8	5.9	3.3	2.9
B U D V A	29.5	24.0	14.1	4.4	4.5	3.1
DANILOVGRAD	28.4	17.2	39.0	4.7	7.4	4.7
ŽABLJAK	25.8	13.8	8.9	8.0	6.1	5.0
KOLAŠIN	24.2	16.3	13.4	4.2	8.2	3.7
K O T O R	14.3	15.5	15.8	7.1	5.3	4.2
MOJKOVAC	18.9	15.4	12.6	4.8	3.4	2.3
NIKŠIĆ	7.4	17.7	19.3	5.4	3.8	3.2
P L A V	20.5	22.2	32.4	11.6	13.2	12.7
PLUŽINE	26.9	19.8	23.3	15.1	6.0	5.3
PLJEVLJA	11.4	13.7	22.2	9.3	2.9	3.7
TITOGRAD/PODGORICA	4.7	21.3	15.2 <sup>77</sup>	4.0	9.1	6.6
ROŽAJE	16.2	9.6	27.3	3.4	19.6	21.7
TIVAT	14.2	10.8	25.1	7.4	4.6	5.6
ULCINJ	2.6	58.1	38.9	2.1	16.5	2.4
HERCEG NOVI	20.6	17.8	21.8	11.7	6.3	7.3
CETINJE	9.9	13.2	9.7	2.3	3.5	2.1
ŠAVNIK	13.3	18.2	17.9	4.4	3.7	2.5

Legend: data relates to territory of municipality of Bar which makes the electoral unit, while the part of that municipality which, thanks to electoral geometry was assigned to electoral unit of Ulcinj relative sum for this indicator is 18.8; <sup>77</sup> data relates to territory of municipality of Podgorica which makes electoral unit "Podgorica I", while in the remaining part of municipality, which represented electoral unit "Podgorica II" relative sum of "dispersed" votes is 62.3.

As specific aspect of influence of prohibitive clause we may take the number of electoral lists which, if there wasn't limitation of that kind, with implementation of the same- d'Ont's method, would enter into Parliament because they got the number of votes that is higher than the lowest 'price for mandate', which has determined the Parliamentary structure. In December elections of 1990, even the Democratic party would be in the Parliament because it has won 3.442 of votes.

Prohibitive clause of 4% of votes was the barrier disabling, that after elections of December 1992 the following parties get into the Parliament: Alliance of Communists Movement for Yugoslavia -SKPJ (6.236), Serbian People's Defense for Montenegro and Herzegovina-SNO (3.894), Socialist Party of Montenegro (8.412), Democratic Alliance (11.388), Association of Veterans from '91-'92 wars (4.198) and coalition of parties called Democratic Opposition (7.828). The ultimate consequence in this case would be Parliament without majority party.

Thanks to the new system of electoral units, this artificial obstacle for entering the National Parliament, in the elections of 1996, has cost two parties that had won more than 4% of valid votes at national level to lose parliamentary seats. These are, as already mentioned, SDP – Social-democratic Party of Montenegro with 16.608 (5.7%) of votes, and SRS – Serbian Radical Party "Dr Vojislav Šešelj" with 12.963 (4.4%) of votes. Because of aforementioned reasons, SRS has lost the seat even in the Federal Parliament of although it won 14.829 (5.2%) of votes in Montenegro.

Under the assumption – without implementation of prohibitive clause – in the elections of May 1998, even Serbian People's Party (SNS) with 6.606 votes would get a seat in the Parliament, while in the elections of 2001, the same would apply for Montenegrin People's Socialist Party (NSS).

Finally, the level of the level f implemented functionality of proclaimed principle for distribution of mandates in Montenegrin elections in the surveyed period can be demonstrated through so called proportionality index. Thus, the score of this indicator (calculated according to results of electoral lists that participate in distribution of mandates; maximal score = 100) is: 94 in the national parliamentary elections - December 1990; 95 in the elections for Federal Assembly's Council of Citizens - May 1992; 99 in national parliamentary elections - December 1992; 98 in the elections for Federal Assembly's Council of Citizens - December 1992; 83 in national parliamentary elections - November 1996; 76 in the elections for Federal Assembly's Council of Citizens - November 1996; 97 in national parliamentary elections - May 1998; 99 in the elections for Federal Assembly's Council of Citizens - September 2000; 93 in the elections for Federal Assembly's Council of Citizens - September 2000, 97 u in national parliamentary elections - April 2001, and 98 in national parliamentary elections - October 2002.

**Table 5: PARTICIPATION OF VOTERS IN PARLIAMENTARY ELECTIONS IN MONTENEGRO IN PERIOD 1990-2004.**

Type of elections / time of elections	Registered voters	Turnout	Invalid votes
1. Parliamentary - December 1990.	402.905	75.8	3.7
2. Parliamentary - December 1992.	429.047	68.9	2.2
3. Parliamentary - November 1996.	449.824	66.9	2.6
4. Parliamentary – May 1998.	457.633	76.0	1.3
5. Parliamentary - April 2001.	447.673	79.3	0.8
6. Parliamentary - October 2002.	455.791	77.5	1.3

### **3. Electoral units – way of determining, the number, and the size**

Question that is primarily asked when determining the electoral units is whether the number of parliamentary representatives is defined with respect to number of citizens or number of voters, and in relation to that, to what degree determined 'price' of one mandate per electoral unit provides the respect of equal voting right principle. In Montenegro, the legislator chose that electoral unit body represent the bases of MPs legitimacy. However, the relation MP – voter has been defined from one election to another in different ways, depending of the way in which electoral units were defined.

In the first parliamentary elections, of December 1990, the principle according to which 'electoral units for election of MPs are defined" ... "in such a way that equal number of citizens have right to elect equal number of MPs in each electoral unit" (article 47 of the Law). Territory of municipality was defined as unit for election of MPs. In explanation of such solution, the legislator said that according to it "existing specific features of territorial division of Montenegro are respected, and in regard to that, representation of citizens in all these territorial units in the national Parliament. This type of solution was introduced having in mind our specifics regarding level of development of certain regions and municipalities, national, religious, and other affiliations. This principle of defining electoral units... in period of transition from delegated to representative electoral system, was the most suitable one, because it provides implementation

of the proportional representation system regarding all participants within electoral procedure, so called proportional electoral system and provides for certain municipalities (these with smaller number of residents and mixed national structure) to be represented in national Parliament, what does not disturb certain relations within desired structure of the Parliament, and that is to have representatives of Muslim and Albanian nationality, which represents majority population in certain parts of Montenegro" (excerpt from comment of article 49 of Law on Election and Recall of MPs, "Electoral Laws with comments", "Official Gazette of Montenegro", Titograd, 1990)

Problems regarding harmonizing several different and incompatible principles, when defining electoral units, what can be seen in explanation (previous note), have brought to 'compromise variant' which from the start devalued basic ideas of the legislator which should provide for 'political equality of citizens, i.e. that every citizen who has voting right disposes with equal quantity of power, what, with proportional system, makes the essence of principle *one citizen-one vote*". (excerpt from comment of article 47 of the Law). At the same time, number of MPs "of each municipality, ... was calculated by application of aforementioned criteria and based on number of residents- citizens with voting right, which are submitted to Montenegrin Statistical Agency, September 6<sup>th</sup> 1990" (excerpt from comment of article 47 of the Law).

Although the legislator opted to take as criteria for defining the number of parliamentary representatives, the number of citizens with voting right and not the number of residents per electoral unit (municipality), according to officially determined data it is obvious that principle of proportionality would be less violated if the contrary option was taken. According to adopted criterion (mandate/voter) maximal difference between the lowest and highest 'price of mandate' per electoral unit was 1.680, what makes 52.1% of average 'price of mandate' at the national level, and 67.3% of lowest 'price of mandate' in the electoral unit (Kolašin). According to criterion mandate/resident, this difference is reducing so that mentioned difference in 'price of mandates' is 41.7% of average, or 56.7% of the lowest 'price of mandate' per electoral unit (Šavnik). For the sake of comparison, at the national parliamentary elections in Serbia, in December 1990, the ratio between largest and smallest electoral unit was 1:3 (2.99), or 41.000 to 13.901.

In parliamentary elections of 1996, in form of changes and amendments of the basic text of the 1992 Law, we had radical changes of character and value, or rather effects of electoral system, thanks to decision on change of electoral units system. Instead of one, 14 electoral units at Montenegrin level were introduced, while the total number of electoral units for federal elections has remained the same although their size and territorial disposition were significantly changed, and this, from the aspect of system impact has the same consequential relation as in the case of national parliamentary elections.

On the eve of next, extraordinary, parliamentary elections (May 1998) in the Law on Election of MPs in the part related to number and size of electoral units, the legislator again opted for solution that was implemented in Montenegro in the first, extraordinary parliamentary elections in 1992. So, the Republic was proclaimed as one electoral unit (so called *at-large system*; identical provision referred to municipalities regarding election of MPs for local-municipal parliaments), and for the sake of easier 'entering' into the Parliament of parties representing interests of Albanian ethnic group in Montenegro, 5 out of 78 mandates are distributed in polling places, which encompass the territory where Albanians are making the majority of domicile residents.

In regard to this and other changes in the Montenegrin electoral legislation, it should be said that the time, in-between the last presidential elections (October 5<sup>th</sup> and 19<sup>th</sup> 1997) and extraordinary parliamentary and local elections in Montenegro that were held on May 31<sup>st</sup> 1998, can be characterized as period of severe political crises. The only way to resolve this situation peacefully was to deal with it in democratic way. In the meantime, the consensus of all relevant political parties was reached on extremely important 'political laws': on election of MPs, on voter registration lists and public media, based on which the extraordinary elections were to be held. Mentioned normative acts were adopted by Montenegrin Parliament at the session of second extraordinary meeting in 1998.

Adoption of this laws was preceded by organization of so called Montenegrin round table on which occasion the 'Agreement on minimal principles for development of democratic infrastructure in Montenegro' was signed. This act was signed on September 1<sup>st</sup> 1997, "in order to overcome actual crises and creation of conditions for permanent stabilization of democratic processes in Montenegro" by: prime minister and presidents of 7 out of (at the time) 9 parliamentary opposition parties (groups) in Montenegro and they also agreed to "implement this agreement in good will and mutual trust". Agreement was not signed only by Socialist People's party and Serbian People's Party. Parties, signatories of this Agreement have agreed on proposal of Law on financing of political parties, which was adopted at the session of Montenegrin Parliament on December 23<sup>rd</sup> 1997. Beside political parties' experts, even the OSCE experts participated in the development of this Law and their suggestions were largely accepted, while regarding the functioning of defined regulations, beside Republic Electoral Commission (according to the law this body is in charge of this area), in the popularization process regarding the implementation of this regulations even the IFES (*International Foundation for Election Systems*, Washington, D.C., Podgorica office) was involved. Political changes that occurred on the eve and after these events, have reflected on electoral processes, especially regarding their transparency. Namely, although previous elections were monitored by the OSCE and Montenegrin Helsinki Committee for Human Rights observers, we may say that, for the first time the 'full' monitoring mission was implemented in the extraordinary parliamentary and local elections of May 1998.