

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 186 (2006)<sup>1</sup> on the follow-up to the referendum on the state-status of Montenegro (Serbia and Montenegro) (observed on 21 May 2006)

The Congress,

1. Referring to:

*a.* the Committee of Ministers' Statutory Resolution (2000) 1 on the Congress of Local and Regional Authorities of Europe;

*b.* the principles laid down in the European Charter of Local Self-Government;

*c.* the outcome of the referendum on the state-status of Montenegro, held in Montenegro on 21 May 2006;

*d.* the conclusions of the International Referendum Observation Mission<sup>2</sup> regarding the observation of the referendum on the state-status of Montenegro;

*e.* its report on the referendum on the state-status of Montenegro, detailing the findings of the Congress observation mission,

2. Commends:

*a.* all the Montenegrin political forces involved in the process which led to the referendum on the state-status of Montenegro for their exemplary behaviour which was in line with democratic standards as shown, *inter alia*, in the consensus achieved regarding referendum requirements;

*b.* the Montenegrin authorities for having organised and conducted the referendum overall in compliance with international standards in electoral matters, principles and values;

3. Welcomes the high voter turnout in the referendum on the state-status of Montenegro,<sup>3</sup> which reflects the importance accorded by the citizens of Montenegro to deciding their future in a democratic and peaceful manner;

4. Recalls that, given the level of participation and the percentage of votes in favour of independence,<sup>4</sup> the requirements laid down by the Special Law on the Referendum for State-Legal Status (LRSL) are met in order for the Republic of Montenegro to initiate the process aiming at withdrawing from the State Union of Serbia and Montenegro;

5. Wishes to draw the attention of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to the recommendations presented below;

6. Invites the authorities of Serbia and the authorities of Montenegro to engage in a constructive dialogue, based on mutual confidence, with a view to reaching decisions on their future co-operation in the interests of the peoples of Serbia and of Montenegro, thereby contributing to peace and security in the Balkans;

7. Invites the authorities of Montenegro to take all the necessary measures to implement the following recommendations:

*a.* ensure that the post-referendum process is carried out in full compliance with democracy, the rule of law, human rights and international law, making use of the Council of Europe's advice;

*b.* make full use of the Venice Commission's expertise to accompany the post-referendum constitutional developments, in particular constitutional reform and the revision of any legislation related to constitutional matters, including constitutional justice and democratic institutions;

*c.* request the advice of the Venice Commission with a view to the unification and revision of legislation pertaining to electoral matters;

*d.* devote particular attention to democracy at the local and regional level and request the Council of Europe's expertise in this field with a view to achieving full compliance with the European Charter of Local Self-Government;

*e.* ensure that future elections are organised and conducted in full compliance with international electoral standards and, with a view to this, take measures to ensure that:

i. polling board members are adequately trained;

ii. gender balance in electoral administration bodies is respected;

iii. polling stations are, as far as possible, made more accessible for the elderly and for people with disabilities.

8. Renews its readiness to support and assist the authorities of Montenegro in their efforts to implement the above-mentioned recommendations and to consolidate local and regional democracy, in conformity with the European Charter of Local Self-Government.

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1. Debated and adopted by the Congress on 31 May 2006, 2nd Sitting (see Document CG (13) 15, draft recommendation presented by K. Whitmore (United Kingdom, R, ILDG), rapporteur).

2. The International Referendum Observation Mission (IROM) included the following organisations: Parliamentary Assembly of the Council of Europe, Parliamentary Assembly of the OSCE, OSCE Office for Democratic Institutions and Human Rights (ODHIR), European Parliament and Congress of Local and Regional Authorities of the Council of Europe.

3. 86.3% of all registered voters took part in the referendum.

4. According to official (preliminary) results almost completed, 55.5% voted in favour of independence on 21 May.