

# Independent Reporting Mechanism Montenegro Progress Report 2012-13

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## EXECUTIVE SUMMARY: MONTENEGRO

The Montenegro OGP Action Plan is notable for its commitments related to improving public participation and creating a friendlier business environment. The action plan had a number of significant commitments, such as access to information and ethics reform that have the potential to be transformative. While many commitments have the potential to impact the work of government, other reforms could better articulate how they relate more directly to basic OGP values of access to information, public participation, and accountability.

### Independent Reporting Mechanism (IRM) Progress Report 2012-13

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Montenegro officially began participating in OGP in December 2011 when Prime Minister Igor Lukšić declared the Government's intent to join.

A special task force called the Operations Team was created in Montenegro to monitor and evaluate the implementation of the OGP Action Plan and its commitments. The primary responsibility for the actual implementation of the commitments is assigned to various institutions depending on jurisdiction. Although the Operations Team is primarily responsible for all activities in relation to monitoring and evaluation of the OGP Action Plan, it has no formal powers to make binding decisions.

### OGP PROCESS

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

The Government of Montenegro organised very narrow consultations with a few NGOs during the development of its first action plan, but there was no other involvement of citizens or the private sector. There was no online notification regarding the development process.

During the implementation process, the Government carried out most of its consultation through a small task force that included select NGOs. Besides representatives of the Government the only stakeholders that were appointed to the Task force were the four NGOs that participated in development of the Action Plan.

Montenegro had a sizable action plan with a number of ambitious commitments. Some of the commitments had more clear relevance to core Open Government values of transparency, participation, and accountability than others.

### At a glance

Participating since: 2012  
Number of commitments: 31  
Number of milestones: 56

#### Level of Completion

Completed: 10 of 56  
Substantial: 10 of 56  
Limited: 28 of 56  
Not started: 8 of 56

#### Timing

On schedule: 12 of 56

#### Commitment emphasis:

Access to information: 17 of 56  
Participation: 14 of 56  
Accountability: 23 of 56  
Tech & innovation for transparency & accountability: 3 of 56  
Unclear: 14 of 56

#### Number of commitments with:

Clear relevance to an OGP Value: 42 of 56  
Moderate or transformative potential impact: 28 of 56  
Substantial or complete implementation: 20 of 56  
All three (🌟): 4 of 56

## COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarizes each commitment, its level of completion, its ambition, whether it falls within Montenegro's planned schedule, and the key next steps for the commitment in future OGP action plans. Montenegro's plan covered a wide variety of sectors, and included important measures directed towards enhancing civic participation, protecting journalists and whistle-blowers, and reforming and promoting greater use of the country's freedom of information law.

**Table 1: Assessment of Progress by Commitment**

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
<b>1. Non-governmental participation in the Privatisation Council</b> – Increasing transparency in investment and government contracts									Behind schedule	Further work on basic implementation
<b>2. Improvements in business environment</b> – Reduction of complicated bureaucratic processes										
2.1. Establish electronic enterprise registration									Behind	New commitment
2.2. Merge inspectorates in ministries and administration authorities									Behind	New commitment
⊛ 2.3. Implement new building permit legislation									Behind	New commitment
2.4. Establish body to support investment and development projects									On schedule	New commitment
<b>3. Reform E-register of licenses</b> - to create single and transparent system for business licensing										
⊛ 3.1. Create e-register of licenses									On schedule	New commitment
3.2. Adopt regulations for registry maintenance									On schedule	New commitment
<b>4. Regulatory Guillotine</b> – to develop measures to improve legislation, bylaws, and overall regulatory framework										
4.1. Develop regulatory framework action plan									Behind schedule	New commitment
4.2. Evaluate implementation on quarterly basis									Behind schedule	New commitment
<b>5. Regulatory Impact Assessment (RIA)</b> – Conduct impact analysis of new legislation on current laws and budget										
5.1. Train civil servants in RIA									Unclear	Further work

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>☛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
5.2. Apply RIA in preparation of work programme									On schedule	New commitment
5.3. Implement 'Full RIA' for all laws									Unclear	Further work
<b>6. Reform employment system for foreigners</b> – to enhance transparency in foreign employment									On schedule	New commitment
<b>7. Concessions and public-private partnership</b> – Develop new system to regulate contract procedures										
7.1. Set up regulatory framework									Behind	Further work
7.2. Adopt regulation on procedures for registry of contracts									Behind	Further work
<b>8. E-government Portal</b> – Improve existing portal with new online services for citizen participation										
8.1. Advance existing functions of E-portal									Behind	Further work
8.2. Make available more services through e-Portal									Behind	Further work
8.3. Enable active citizen participation									Behind	Further work
<b>9. E-petitions</b> – Establish mechanism for citizens to call for government action through electronic petitions										
9.1 Establish online platform for e-petitions									On schedule	None
9.2. Make online platform fully efficient									Behind	Revision of the commitment
<b>10. Southeast Europe regional forum</b> – PR officials networking for more transparency									Behind	New commitment
<b>11. Public consultations</b> – Ensure consistent application of decree on public consultations									Unclear	Further work
<b>12. Direct contact with NGOs</b> – Ensure transparency in appointment of contact persons.									On schedule	New commitment
<b>13. Systems to improve direct citizen contact</b> – Improve efficiency of provision of responses to citizens									Unclear	Revision of the commitment
☛ <b>14. Access to information</b> – improvements in oversight of law and openness standards									Behind	New commitment
<b>15. Simplify administrative language</b> – to enhance communication and citizen outreach									Behind	None
<b>16. Prevent conflict of interest</b> – Increase awareness and establish independent Commission										
16.1. Raise awareness among officials									Behind	Further work

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
16.2. Train public officials and carry out public campaigns									Behind	New commitment
16.3. Ensure political independence of the Commission on preventing conflicts of interest									Behind	Further work
<b>17. Strengthening integrity</b> – Implement anti-corruption initiative to enforce integrity plans									Behind	Revision
<b>18. Application of Code of Ethics</b> – to ensure ethical behaviour in all areas of public administration										
18.1. Establish independent Ethical Board									Behind	Revision
18.2. Carry out code of ethics trainings									Behind	Revision
18.3. Ensure application of code of ethics									Behind	Revision
18.4. Strengthen internal control mechanisms of Tax Administration and Customs Administration									Behind	Revision
<b>19. Transparency in criteria for employment in public sector</b> – Improve openness in public sector using merit based career system									Unclear	Further work
<b>20. Report on construction permits</b> – Implement measures to ensure regular reporting on building ordinances.									Behind	New commitment
<b>21. Protection of persons reporting corruption</b> – Adopt special law to protect whistle-blowers									Behind	Further work
<b>22. Procurement corruption</b> – Develop Help Desk to report irregularities in public procurement									Behind	New commitment
<b>23. Procurement corruption</b> – Enhance transparency in public procurement									Behind	Revision
<b>24. Establish central public procurement bodies</b> – to enact regulations on procurement									Behind	Revision
<b>25. Electronic public procurement system</b> – Improve transparency of public procurement									On schedule	New commitment
<b>26. Budget transparency</b> – Increase transparency in budget planning and use of public funds										
⊛ 26.1. Amend Organic Law on Budget									Behind	Further work
26.2. Present annual budget and revisions									Behind	Further work
26.3. Identify and develop performance indicators									Behind	Further work

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>☛ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
26.4. Amend Chart of Accounts to improve expenditure control									On schedule	New commitment
26.5. Improve cooperation between internal audit system and State Audit Institution									Behind	Further work
<b>27. Combat discrimination</b> – Enact National Police programs to ensure compliance with anti-discrimination principles										
27.1. Carry out activities defined in Memorandum of Cooperation with NGOs									On schedule	None
27.2. Training on conduct with LGBT persons									Behind	None
27.3. Training on conduct with disabled persons									Behind	None
27.4. Free-up areas for disabled person.									Behind	None
27.5. Compliance of offices of the police with disabled persons' needs									Behind	None
<b>28. Improving media freedoms</b> – Promote press freedom by combating crimes against journalists.									Behind	Further work
<b>29. Corporate Social Responsibility (CSR)</b> – Develop strategic framework for CSR									Behind	Further work
<b>30. Support to CSR in Montenegro</b> – promote and provide support for CSR in Montenegro									On schedule	New commitment
<b>31. CSR workshops</b> – Strengthen capacity of the business sector to adopt and apply CSR concepts into practice										
31.1. Organise workshops on CSR									Behind	New
31.2. Develop CSR manual									On schedule	New commitment

**Table 2: Summary of Progress by Commitment**

NAME OF COMMITMENT		SUMMARY OF RESULTS
<p>★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>		
<p>1. NGO participation in Privatisation Council</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>		<p>Privatisation of publicly owned entities since independence has been a major area for accusations of corruption. During the implementation period the Government published a number of documents but did not include NGOs on the privatisation council through any formal means. Additionally, most of the major privatisation efforts that could be subject to corruption predated the action, weakening the potential impact of the commitment. Moving forward, the Privatisation Council will need to ensure NGO representation on the council and publish recently signed and new privatisation contracts.</p>
2. Improvement of business environment	<p>2.1. Electronic enterprise registration</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Electronic registration is important to facilitate private growth, and requires widespread use to effect change in Montenegro. Progress resulting from this commitment included simplifying the process of issuing building permits, prioritization of development projects, and publication of information on inspections. Despite significant progress, further work, more closely tied to OGP values is recommended. Stakeholders identified a continuing need for a more transparent and participatory process in the creation of development plans and construction permits. It is recommended that additional efforts be taken to promote a system for electronic registration of enterprises, and to inform the wider population about this availability of this service.</p>
	<p>2.2. Merging of inspectorates</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	
	<p>★ 2.3. Building permit legislation</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	
	<p>2.4. Special investment &amp; development body</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul>	
3. E-register of licenses	<p>★ 3.1. Create e-register of licenses</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Complete</li> </ul>	<p>The Government e-register of licenses was established in 2012 to make available information on procedures for obtaining business-related licenses. In accord with the second part of the commitment, the Government adopted regulations on a business-licensing registry in September 2012, assigning the Ministry of Finance responsibility for updating the registry and later this jurisdiction was transferred to the Chamber of Commerce. In order for this commitment to enhance transparency, however, efforts are needed to connect the activities more clearly to OGP values by promoting the new services and making data on its use publicly available.</p>
	<p>3.2. Adopt regulations for registry</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul>	
4. Regulatory Guillotine	<p>4.1. Develop regulatory framework Action Plan</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>The Government proposal to address problems in the regulatory system is an important advancement in the OGP process. The Regulatory Guillotine Action Plan was adopted in May 2012, and 192 with 437 recommendations planned for implementation in 2012 completed. The Government then adopted the “Innovated Action Plan” with new deadlines for the remaining recommendations, and implemented 166 of these in the first half of 2013. The plan to make concrete regulatory improvements in Montenegro in 3 years is potentially transformative, however, implementation proved difficult. Stakeholders voiced dissatisfaction with the pace of implementation, and recommend a new commitment be developed to make the actions more directly relevant to OGP values and encourage public monitoring of the action plan.</p>
	<p>4.2. Evaluate implementation of action plan</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	



5. Regulatory Impact Assessment (RIA)	5.1. Train civil servants in RIA <ul style="list-style-type: none"> <li>OGP Value Relevance: Not clear</li> <li>Potential impact: Minor</li> <li>Completion: Limited</li> </ul>	The Regulatory Impact Assessment (RIA) is a requirement Montenegro introduced in January 2012 to assess the impact and implications of new legislation on existing laws. The Government carried out training sessions for civil servants on how to implement the assessments, and the Ministry of Finance revised 415 RIAs in relation to various legal acts, and issued responses. The RIAs have been limited, however, to examining implications on other laws and budget impact, and have not included analysis of the impact on larger economic, environmental, social and gender equality issues. The use of RIAs should be expanded, and each one should be published upon completion, making them accessible to all stakeholders involved in the decision-making process.
	5.2. Apply RIA to Work Programme <ul style="list-style-type: none"> <li>OGP Value Relevance: Not clear</li> <li>Potential impact: Moderate</li> <li>Completion: Complete</li> </ul>	
	5.3. Implement 'Full RIA' for all laws <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Moderate</li> <li>Completion: Limited</li> </ul>	
6. Reform employment of foreigners <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Complete</li> </ul>	This commitment was created to make the employment process for foreigners in Montenegro more transparent. During the implementation period the Government made positive steps by producing and distributing brochures for businesses and foreigners. The commitment was not seen as ambitious, however, and the 3,000 copies of the brochures were not sufficient for the over 19,000 foreigner employees estimated in 2013. To advance this process the Government must intensify its efforts to simplify employment procedures and widely promote the brochures to foreigners seeking employment.	
7. Concessions and public-private partnership	7.1. Set up regulatory framework for public-private partnerships <ul style="list-style-type: none"> <li>OGP Value Relevance: Not clear</li> <li>Potential impact: Moderate</li> <li>Completion: Not started</li> </ul>	In response to widespread criticism over the existing framework, Montenegro committed to develop new regulations on concessions and public-private procedures. No detectable progress was made in the implementation of this commitment. The Government attributed the lack of progress to the need to wait for the adoption of the new EU regulation to serve as the basis for the corresponding Montenegrin framework. Nonetheless, it is recommended the Government accelerate its efforts to implement this commitment, and involve all relevant stakeholders in the process to develop the regulatory framework.
	7.2. Adopt special regulation on contract submission and disclosure of data <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Moderate</li> <li>Completion: Not started</li> </ul>	
8. E-government Portal	8.1. Advance E-government portal <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Limited</li> </ul>	The objective of this commitment was to improve the existing online portal to provide new services to citizens and facilitate public participation in the development of laws and policies. The Government added new information and services to the portal during the OGP implementation period, but actual progress was difficult to measure independently. Government statistics show high usage of the portal; however, user satisfaction has not been measured, and citizen participation in decision-making processes through the use of the portal is limited. To fully implement this initiative, the Government will need to make more information available in a timely manner, promote citizen participation through greater use of the portal, and allow citizens to request documents and services directly through the online forum.
	8.2. Make available more complex electronic through the e-Portal <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Moderate</li> <li>Completion: Limited</li> </ul>	
	8.3. Enable citizen participation in creation of laws and other strategic documents <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Transformative</li> <li>Completion: Limited</li> </ul>	
9. E-petitions	9.1. Established platform for e-petitions <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Minor</li> <li>Completion: Complete</li> </ul>	The establishment of an online platform for citizens' petitions is an important tool to enable calls for government action. The portal was established in October of 2012 and since then 57 petitions have been submitted. Twenty-three of these satisfied the criteria to be hosted online, but only two surpassed the threshold of the 6,000 votes needed for a government response. The portal could enhance citizen participation but it faces challenges in terms of accessibility, conditions for usage, and high threshold for required signatures. Additional measures are needed to promote greater use of the service, reduce signatures requirements, and ensure the petitions lead to concrete results.
	9.2. Make online platform fully efficient <ul style="list-style-type: none"> <li>OGP Value Relevance: Clear</li> <li>Potential impact: Moderate</li> <li>Completion: Limited</li> </ul>	

<p>10. Southeast Europe regional capacity-building forum</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>Participation in the European regional forum is intended to strengthen the capacity of government officials to engage in public relations on issues of open government. During the implementation period, communications officials from Montenegro attended two of the regional conferences, and a declaration was issued expressing a commitment to uphold open government values. However, the advancements associated with this commitment so far are declarative in nature. In order to move the declarations into action, the next action plan will need to specify concrete activities stemming from the conference declaration.</p>
<p>11. Consistent application of decree on public consultations</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>The Government has no internal system for coordinating public debates and according to NGO reports only a few ministries fully implemented the decree on public consultations. This commitment obliges the Government to conduct public debates on draft law proposals in accordance with its decree requiring public consultations. In 2012, 22 laws were published for public consultations, while only six reports from consultations on particular pieces of legislation were published. At the same time, 83 laws were revised by the Parliament. This commitment has significant potential to enhance direct public participation, and should be included in the next action plan.</p>
<p>12. Transparency in government contact with NGOs</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul>	<p>The commitment to appoint individuals to take charge of cooperation between NGOs and government did not have clear practical implications. Stakeholders reported that cooperation between NGOs and government did not improve in the last year since this commitment was implemented. In order to improve this commitment, the Government would need to revise it to focus on improving cooperation with NGOs, and establish outcome-based indicators and a system for monitoring progress.</p>
<p>13. Establish systems to improve direct contact with citizens</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Not started</li> </ul>	<p>This commitment called for the establishment of a system for communication similar to one already operating responsible for responding to citizens' requests. This system was not implemented, according to the Government, due to financial constraints. The activity should be revised to include new, less expensive actions that include the establishment of offices within relevant institutions to further develop e-services for citizens to identify and participate in existing decision-making processes.</p>
<p>★ 14. Improve access to information laws</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Substantial</li> </ul>	<p>Montenegro began preparing amendments to its Freedom of Information Law in 2010 in an effort to meet requirements for EU integration. Due to extensive media and NGO criticism over the amendments, the Government withdrew its proposed changes and developed an entirely new law, which entered into effect in February 2013. The new law establishes an oversight agency in charge of monitoring implementation of the law, and created legal mechanisms for detecting corruption. Stakeholders recommend the oversight agency and Government take efforts to promote greater use of the law as a tool for exercising the right to public information.</p>
<p>15. Simplify administrative language for public use</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>The Government reported introducing an instruction manual on procedures to simplify language for public communication. The Government, however, did not fulfil its commitment to develop and adopt official special instructions or promote the use of simpler language in public administration. Civil society stakeholders found this commitment limited in its ambition, and reported no change in the use of administrative language during the OGP implementation period. Rather than simplifying bureaucratic language, the next action plan should focus on ensuring greater access to official information to enhance a well-informed citizenry.</p>

16. Preventing conflicts of interest	16.1. Raise public awareness <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	As part of an OGP commitment, the Government recognised for the first time the need to ensure political independence for the Commission on prevention of conflicts of interest. The composition of the Commission has remained the same, however, and the only tangible progress resulting from this commitment was the training sessions for government officials and a limited public campaign to encourage citizens to report conflicts of interest. This commitment should be included in the second action plan and, most importantly, the Government should take measures to remove political influence from the Commission. The IRM researchers also recommends ensuring a sufficient budget for the work of the Commission related to citizen participation, and incorporate milestones in the next action plan to adopt related legislation to prevent conflicts of interest.
	16.2. Official training and public outreach <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul>	
	16.3. Political independence of Commission <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Transformative</li> <li>• Completion: Not started</li> </ul>	
17. Strengthen integrity <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	The limited progress achieved as part of this initiative involved adopting guidelines on drafting integrity plans, monitoring the adoption of the plans and providing training and workshops. Stakeholders identified the need for public discussions on the use of integrity plans, and quality monitoring for adopted plans. This commitment has potential, if the integrity plans are developed and properly implemented by all public institutions. The commitment should be revised in the next action plan to ensure plans are made public, institutions report on their implementation, and a special focus given to the judicial system.	
18. Application of code of ethics	18.1. Establish independent Ethical Board <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul>	Overall, limited progress was made in the implementation of this commitment. The Ethics Code for Civil Officers and Employees entered into force on January 1, 2013, and the Human Resource Administration organised three training sessions with a total of 84 public servants (out of nearly 60,000 public employees) on the implementation of the Code of Ethics. Stakeholders believe that the lack of citizens' reports of violations of the code and the lack of proceedings based on internal control within institutions indicates that the ethical codes are having no concrete results. The IRM researcher recommends this commitment include more specific and measurable milestones, and the Government take additional measures to raise citizens' awareness of the existing complaint mechanisms related to the Code of Ethics.
	18.2. Train civil servants on Code of Ethics <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	
	18.3. Ensure application of the Code of Ethics <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	
	18.4. Tax and Customs Administrations <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	
19. Establish transparency of criteria for employment <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	The Government sought to enhance accountability in the system for employment in the public sector by adopting objective criteria and advanced methods for testing candidates. The 2011 law on civil servants and state employees entered into force in January 2013, and the Government adopted several regulations on recruitment, performance evaluation and awards for state employees. While the commitment has the potential to increase trust in public institutions, stakeholders identified the need to ensure greater public access to information on employment in the public sector, especially prior to elections.	
20. Report on unpermitted building construction <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	This commitment sought to enhance transparency in the system for acquiring building permits – an area prone to accusations of corruption. The Government reported preparing three reports on building without a permit between October 2012 and June 2013. The Department for inspection oversight reportedly published monthly reports, but only those for May and June 2013 are available online. These reports contain important statistical data with the potential to improve public monitoring of inspections on illegal construction. This commitment should be revised to ensure regular publication of such reports, in addition to analyses and recommendations provided by civil society.	

<p>21. Protect persons reporting on corruption</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Not started</li> </ul>	<p>For the first time, the Government committed to develop a law to protect whistle-blowers. Prior to the OGP commitment, whistle-blowers received little protections, and existing mechanisms did not meet international standards. While the Government acknowledgement of the need for better whistle-blower protections is a significant, NGOs encourage the initiative be continued and receive greater attention. It is important to determine the institution responsible for implementation of this commitment and to develop a proposal for a new law without further delay.</p>
<p>22. Procurement corruption: Help Desk</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>The Directorate for Public Procurement reported providing an estimated 100 direct consultations through the Help Desk, in addition to an average of 80 telephone consultations per day. Stakeholders reported, however, that the service for reporting corruption and irregularities only received only one complaint in three and a half years since it was established. In order for this commitment to advance transparency and accountability, concrete improvements to the Help Desk need to be defined, particularly those related to anti-corruption efforts.</p>
<p>23. Procurement corruption: Regulation and awareness-raising</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>As part of this commitment, the Government carried out training for civil servants in the area of public procurement, with little evidence of impact. Anti-corruption awareness-raising campaigns were not organised, leaving the public generally uninformed about this process. For this commitment to have an impact the Government will need to intensify efforts to bolster mechanisms to report irregularities in public procurement. Government must also define specific guidelines to investigate more cases of corruption on a proactive basis.</p>
<p>24. Establish central public procurement bodies</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul>	<p>In order to enforce accountability mechanisms in public procurement, there is a need to bring Montenegro's contracting authorities under greater centralized authority. While the commitment envisaged a fully centralized process, the Government decided to implement a semi-centralized model of public procurement, which is still continuing. As a result of the partial centralization plan, the number of contracting authorities slowly dropped in 2012 to 724, and it continued to fall in 2013, to 698. Implementation of this commitment was limited in scope, and future efforts will need to intensify efforts to advance the centralization process at the national and local level.</p>
<p>25. Establish electronic public procurement system</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul>	<p>Montenegro negotiated plans to install an electronic public procurement system with a EU delegation, with the aim of streamlining the country's procurement procedures. During the implementation period, the current IT system used for public procurement was improved, and the current Law on Public Procurement was improved. Moving forward, stakeholders highlighted the need for public debates to enhance awareness of recent changes, and recommend that public suggestions be incorporated in the amendments to the Law on Public Procurement, which are currently being prepared with stakeholders involvement.</p>

26. Budget transparency	<ul style="list-style-type: none"> <li>✦ 26.1. Amend Organic Law on Budget <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Substantial</li> </ul> </li> </ul>	<p>The Government proposed changes to the organic Budget Law in July 2013, defining more precise dates and specific fiscal rules for budgeting. The proposed changes, which are still pending in the Parliament's procedure, do not include public participation in the development of the budget, or any measures for improving transparency of budget planning or expenditures. The presentation of the annual budget in a visually comprehensible manner was still in progress, the development of performance indicators for budget spending had not started, and the structure of chart of accounts was amended to provide more detailed and transparent review of expenditures. In an effort to improve cooperation with the internal audit system, the Government adopted a special action plan for the Budget Department and Ministry of Finance to implement the recommendations of the State Audit Institution. The Finance Ministry produced reports on the implementation of the recommendations, which are not publicly accessible. While this commitment is an important positive step in establishing clearer rules in budgeting, it has limited effects in enhancing transparency in budget development, income and expenditures. To be relevant, it will require a greater focus on the proactive publication of information on budget, and on public participation in the budgeting process.</p>
	<ul style="list-style-type: none"> <li>26.2. Present annual budget and revisions <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>26.3. Develop performance indicators <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Not started</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>26.4. Amend Chart of Accounts <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>26.5. Improve audit cooperation <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul> </li> </ul>	
27. Combat against all forms of discrimination	<ul style="list-style-type: none"> <li>27.1. Carry out agreed activities with NGOs <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul> </li> </ul>	<p>This commitment is significant in its potential to make changes in relation to the rights of LGBT persons and persons with disabilities. Progress in this commitment included training police officials on LGBT rights, together with local NGOs and representative of the international community. Other activities were unfulfilled, however, and a solid track record of convictions of individuals who harass and attack members of the LGBT community is still missing. While the acknowledgement of the need for greater focus on LGBT and disability rights is an important for Montenegrin society, the actions in this commitment are not related to OGP values, and should not be included in the next action plan.</p>
	<ul style="list-style-type: none"> <li>27.2. Training on conduct with LGBT persons <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Limited</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>27.3. Training on conduct with disabled persons <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Not started</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>27.4. Free up areas for disabled persons. <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Moderate</li> <li>• Completion: Not started</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>27.5. Comply to needs of disabled persons. <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul> </li> </ul>	
28. Improve media freedoms	<ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Transformative</li> <li>• Completion: Limited</li> </ul>	<p>This commitment has the potential to have a significant impact on the safety of journalists in Montenegro, which is integral to freedom of expression and essential to advancing core OGP values. There has been limited progress in implementing this commitment, however. The initiative to develop plans to establish a special task force to identify problems in the investigations of crimes against media was not completed. Meanwhile, according to international media freedom indicators, the situation in Montenegro is worsening. Several attacks on journalists occurred during the implementation of the OGP Action plan, and these cases are still open. Moving forward, there is a need for greater transparency in investigations into acts of violence, as well as in government financial support of state owned media.</p>

<p>29. Corporate Social Responsibility (CSR)</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>According to the information obtained from stakeholders, a draft policy was developed to provide a strategic framework for corporate social responsibility in Montenegro. The draft policy was consulted, but without conducting a public hearing. The final version of the policy was adopted at the end of 2013; however, none of this information was published or available online, and therefore cannot be objectively verified. Although this commitment is significant, it will require a public element to be relevant to OGP values. Further work on implementing this commitment should entail widespread public consultations on the draft policy on CSR prior to its final adoption.</p>	
<p>30. Support to CSR in Montenegro</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Substantial</li> </ul>	<p>A CSR Network was launched in April 2012, with the goal of raising awareness of social responsibility as a mechanism for sustainable development. The Network developed a basic overview on CSR in Montenegro, and of situations in six other relevant regional countries. Stakeholders' main critiques are related to the small number of stakeholders from individual companies involved in the operations and activities of the network. Moving forward, concrete activities should be established to change current legislation and practices and introduce mechanisms to business and other entities that are exercising CSR.</p>	
<p>31. Workshops on Corporate Social Responsibility (CSR)</p>	<p>31.1. Organise workshops on CSR</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Limited</li> </ul>	<p>This commitment involved the organisation of workshops and the development of a manual on CSR. While the three workshops covered important aspects of social responsibility, none were dedicated to strengthening the capacity of the business sector to adopt and apply CSR to its own practice. In order for this commitment to promote OGP values in the next action plan, it will need to include a public component, such as a public campaign to promote CSR, and activities to introduce stimulating mechanisms to business and other entities that are exercising CSR.</p>
	<p>31.2. Development of manual on CSR</p> <ul style="list-style-type: none"> <li>• OGP Value Relevance: Not clear</li> <li>• Potential impact: Minor</li> <li>• Completion: Complete</li> </ul>	

## RECOMMENDATIONS

Montenegro's advances in open government and civic participation have not sufficiently opened the political space for citizens to openly express their opinions and participate in decision-making processes. Activists continue to face arrest for participating in open demonstrations, and journalists and whistle-blowers operate in a threatening environment lacking sufficient protections from the state. While important legislative advances have been made, and capacity building training for civil servants has been conducted in accordance with EU integration requirements, sufficient space for public participation is still lacking. The OGP process offers important avenues for Montenegro's government to implement mechanisms to ensure citizens can freely participate and contribute to the enhancement of open government principles.

Stakeholders have identified some key future challenges. Effective enforcement of new legislation and mechanisms is one challenge. There have also been difficulties in achieving positive results in key areas such as combating corruption and organised crime, enhancing transparency, human rights, press freedoms, sustainable economic development, environment protections, as well as in other relevant sectors.

Stakeholders agree that the next action plan should be more precise and focus mainly on increasing transparency of public finances, combating corruption, and encouraging greater public participation in government decision-making processes.

### ***On Structure:***

**1. Improving the OGP Process** – Include additional stakeholders from business and media outlets in the next iteration of the OGP process. The process would benefit from more open government experts, as well as citizens from different fields with important input and recommendations. Future

self-assessments should be conducted with the active involvement of all stakeholders, and through the organisation of public debates on priority commitments.

**2. Broadening Ownership** – Enhance participation of members of Parliament in the development of the next OGP Action Plan, monitoring and implementation of commitments, particularly those relating to changes in legislation.

**3. Institutionalizing OGP** – Ensure that changes in structure of stakeholder involvement be reflected in the operational body responsible for monitoring the OGP Action Plan. A joint web site with information on all OGP related activities should be developed, and reporting on implementation of the plan should also be done on quarterly bases and publicly promoted.

***On Substance and Content:***

**4. Contents of the next action plan** – Include concrete milestones, deliverables and deadlines for implementation of commitments in the next action plan. Remove existing commitments not related to OGP, and prioritize commitments relating to cooperation with NGOs, public consultations, e-petitions, free access to information, prevention of conflict of interest, protection of persons reporting corruption and media freedom. The new OGP action plan should also focus on access to information and transparency of data held by the Government, including proactive publication of data and provision of e-services for citizens.

**Eligibility Requirements 2012:** To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>. Raw data has been recoded by OGP staff into a four-point scale, listed in parentheses below.

<b>Budget Transparency:</b>	Not evaluated	<b>Access to Information:</b> Law enacted (2 of 4)
<b>Asset Disclosure:</b> Public officials and elected officials	(4 of 4)	<b>Civic Participation:</b> 7.06 of 10 (4 of 4)

Vanja Calovic is an independent researcher and an open government expert, involved with the Network for Affirmation NGO Sector (MANS). She has conducted research and worked with international and local organisations and published number of analyses, publications and papers relating to transparency and anti-corruption.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



## I. BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

### Introduction

Montenegro officially began participating in OGP in December 2011 when Prime Minister Igor Lukšić declared the Government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Indicators produced by organisations other than OGP determine the extent of country progress on each of the dimensions, with points awarded as described below. Montenegro entered into the partnership exceeding the minimal requirements for eligibility. At the time of joining, the country had an access to information law (giving 4 of 4 possible points),<sup>1</sup> the highest possible rankings (4 out of a possible 4) in “Asset Disclosure for Senior Officials and Politicians,”<sup>2</sup> and a score of 7.06 out of a possible 10 on the Economist Intelligence Unit’s “Democracy Index Civil Liberties” sub-score.<sup>3</sup> It did not receive a score on open budgets, since that survey did not include Montenegro.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their action plans by sharing existing efforts related to a set of five “grand challenges,” including specific open government strategies and on-going programs. (See Section 4 for a list of grand challenge areas.) Action plans then set out each government’s OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

Montenegro developed its national action plan from January through April 2012. The effective start date for the action plan, submitted in April, was officially 1 July 2012 for implementation. The action plan continued through 30 June 2013 (although many commitments stretch from April-April). It published its self-assessment during September 2013. According to the OGP schedule, officials and civil society members are to revise the first plan or develop a new plan by April 2014.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country’s first action plan. In Montenegro, the IRM partnered with Vanja Calovic of Network for Affirmation of NGO Sector (MANS). She authored this report while working in a personal capacity. During the period of the authoring of this report, in order to avoid appearance of conflict of interest, the author made clear her role as the IRM researcher and carried out this work independent of MANS.



It is the aim of the IRM to inform on-going dialogue around development and implementation of future commitments in each OGP participating country.

### **Institutional Context**

Early on, joining the OGP community gave a good opportunity for Montenegro to promote itself locally and internationally as a country that is eager to accept new global initiatives. In that manner the Government sent a positive message to the founding members of the OGP, especially those that are deciding on Montenegro's accession to the EU and the NATO, key foreign policy priorities. Joining the club of the most powerful nations was also useful for promotion of the Government officials in local media.

The main institution responsible for monitoring and evaluating implementation of the OGP Action Plan of Montenegro is a special task force established for that purpose, the Operations Team for Development and Implementation of Measures from the Action Plan in Accordance with the Principles of the Open Government Partnership (Operations Team). Despite its name, this team is not responsible for implementation of concrete commitments, most of which are under the jurisdiction of particular institutions. The Operations Team was established under the Council for Improving Business Environment, Regulatory and Structural Reforms, an advisory body of the Government, primarily responsible for addressing barriers to business. The Council is headed by the Deputy Prime Minister for Foreign Affairs, and includes nine other ministers, seven other Executive officials, one member of the Parliament and five representatives of the business sector.

The Deputy Finance Minister, who also serves as Secretary of the Council, heads the Operations Team. It is composed of junior level representatives of the Government and four NGOs.

Although the Operations Team is primarily responsible for all activities in relation to monitoring and evaluation of the OGP Action Plan, including provision of recommendations to institution on how to more properly implement envisaged commitments, it has no formal powers. Neither the Council nor the Operations Team has the power to make binding decisions. Therefore, the only way to oblige institutions to follow the recommendations or decisions of the Operations Team is through their adoption by the Government.

In practice, during the implementation of the OGP Action Plan, no decisions were brought by the Operations Team to direct any institution to improve implementation of relevant commitments. Instead, the Operations Team only assessed on-going implementation of the OGP Action Plan. During the IRM process, in one case, that team provided recommendations for improvements in implementation of one commitment, "Portal for e-Petitions," but those were only partly accepted by the Government.

In order to improve implementation of the OGP, it is important to ensure that the Operations Team is provided with new mechanisms to ensure effective implementation of commitments as well as that those mechanisms are used in practice. Without this commitment, the level of dedication to each of the OGP commitments from the Action Plan might remain vague.

### **Methodological Note**

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government, working with local individuals or organisations with experience in assessing open government. The IRM researcher reviewed the Government's self-assessment report, gathered the views of NGOs, media,

businesses, appropriate government officials and other stakeholders, including Members of the National Parliament. During the research process, the IRM researcher made sure to make clear their role as a researcher, primarily playing an informational rather than advocacy role. OGP staff and a panel of experts reviewed the report. Government was also given an opportunity to comment, provide additional information, and identify factual errors prior to publication.

To gather the voices of multiple stakeholders, the IRM researcher organised two stakeholder meetings in Podgorica, with NGOs and relevant government officials, but also a series of interviews and online surveys with other stakeholders.

The researcher also reviewed two key documents prepared by the Government: the OGP Action plan (1) and the self-assessment report on its implementation (2) published in April 2012 and September 2013, respectively. Numerous references are made to these documents throughout this report.

Summaries of meetings and online surveys are given in the Annex.

### Sources

Council for Improving Business Environment, Regulatory and Structural Reforms – Decision on establishment of the Operational Team for Development and Implementation of Measures from the Action Plan in Accordance with the Principles of the Open Government Partnership, 24 January 2013, Podgorica. (This document is not available online.)

Government of Montenegro, “Report on implementation of OGP Action plan,” 20 September 2013, <http://bit.ly/1ngLb55>

Government of Montenegro, “OGP Action plan.” 6 April 2012, <http://bit.ly/LF9k8V>

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<sup>1</sup> Government of Montenegro. The Law On Free Access To Information. 2005. Available at: <http://www.gov.me/files/1187946018.pdf>

<sup>2</sup> Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, “Disclosure by Politicians,” (Tuck School of Business Working Paper 2009-60, 2009): <http://bit.ly/19nDEfK>; Organisation for Economic Cooperation and Development (OECD), “Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency,” in *Government at a Glance 2009*, (OECD, 2009). <http://bit.ly/13vGtqS>; Richard Messick, “Income and Asset Disclosure by World Bank Client Countries” (Washington, DC: World Bank, 2009). <http://bit.ly/1clokyf>

<sup>3</sup> Economist Intelligence Unit, “Democracy Index 2010: Democracy in Retreat” (London: Economist, 2010). Available at: <http://bit.ly/eLC1rE>

## II. PROCESS: DEVELOPMENT OF ACTION PLAN

*Montenegro conducted very limited consultation and collaboration with the non-governmental sector during development of the action plan. The private sector was not involved.*

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP' Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during implementation”:

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

**Table 1: Development Process Checklist**

Consultation during action plan development	Timeline and process: Prior availability	No
	Advance notice	No
	Awareness-raising activities	No
	Online consultations	No
	In-person consultations	Consultations were held in person with a few pre-selected NGOs.
	Summary of comments	No
Consultation during action plan implementation	Regular forum	Yes.

### Advance Notice of Consultation

The Government organised very narrow consultations with a few NGOs, without any other involvement of citizens or any online notification regarding development of the OGP Action Plan.

### Quality and Breadth of Consultation

Instead of having wide public debate, the Government asked the US Embassy in Podgorica to invite NGOs for consultations. Seven NGOs were invited to a meeting in the Embassy, including: Centre for Development of NGOs Sector (CRNVO), Centre for Monitoring, Institute Alternative, Centre for Civic Education, Centre for Democratic Transition (CDT), Foundation for active citizenship and MANS. Four NGOs provided significant inputs and participated in development of the Action Plan, MANS, Institute Alternative, CDT and CRNVO, and their proposals were partially accepted. These NGOs' representatives were later appointed as members of government body responsible for monitoring implementation of the Action Plan.

### Sources

Sladjana Pavlovic, Ministry of Finance, Contact Person for OGP Action Plan, email communication from 25-30 September, 2013, Podgorica

Vuk Maras, NGO MANS, Interview by author, 15 October 2013, Podgorica

Djordjije Brkuljan, NGO Centre for Democratic Transition, interview by author, 1 October 2013, Podgorica

Ana Novakovic, NGO Centre for the Development of NGO Sector, written contribution, 21 October 2013, Podgorica

Dina Bajramspahic, NGO Institute Alternative, Interview by author, 1 October 2013, Podgorica

### III. PROCESS: CONSULTATION DURING IMPLEMENTATION

*The Government of Montenegro carried out most of its consultation through a small task force that included NGOs.*

#### Consultation Process

Following adoption of the Action Plan the Government established a special Operations Team.

Aside from representatives of the Government, the only stakeholders appointed to the Task force were the four NGOs that participated in development of the Action Plan.

The Task force organised several ad hoc meetings in the capitol city to discuss progress in implementation of the Action Plan. These meetings were not open for public, but a few additional stakeholders were invited to participate and discuss implementation of some commitments.

Only the Rules of Procedure of the Task force are publicly available, and no other documents were reviewed and/or adopted by that body.

#### Sources

Government web site dedicated to OGP, <http://bit.ly/1eyYgah>

Vuk Maras, NGO MANS, interview by author, 15 October 2013, Podgorica

## IV. IMPLEMENTATION OF COMMITMENTS

*Montenegro had a very large action plan with a number of ambitious commitments. Some of the commitments had more clear relevance to core Open Government values of transparency, participation, and accountability.*

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and on-going programs. Action Plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five “grand challenges” that governments face. OGP recognises that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency** — information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meet basic open data standards (e.g. raw data, machine readability).
- **Citizen Participation** — governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.
- **Accountability** — there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of

*them, and accept responsibility for failure to perform with respect to laws or commitments.*

- **Technology and Innovation** — *governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology.*

Countries may focus their commitments at the national, local and/or subnational level—wherever they believe their open government efforts are to have the greatest impact.

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, wherever possible.

This section details each of the commitments Montenegro included in its initial action plan. A number of the commitments have a single milestone, while others have multiple milestones. In these latter cases, the milestones have been evaluated together on a single fact sheet in order to avoid repetition and make reading easier for OGP stakeholders.

While most indicators given on each commitment fact sheet are self-explanatory, a number of indicators for each commitment deserve further explanation.

- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP Values and OGP Grand Challenges.
  - **OGP values:** Some OGP commitments are unclear in their relationship to OGP values. In order to identify such cases, the IRM researcher made a judgment based on a close reading of the commitment text. This identifies commitments that can be linked more directly to fundamental issues of openness.
  - **Grand challenges:** While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by government (as almost all commitments address a grand challenge).
- **Ambition:**
  - *Potential impact:* OGP countries are expected to make ambitious commitments (with new or pre-existing activities) that stretch government practice beyond an existing baseline. To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative commitment might be in the policy area. This is based on the researcher's findings and experience as a public policy expert.
  - *New or pre-existing:* The IRM researcher also recorded, in a non-judgmental fashion whether a commitment was based on an action that pre-dated the action plan.
- **Timing:**

*Projected completion:* The OGP Articles of Governance encourage countries to put forth commitments with clear deliverables with suggested annual milestones. In cases where this information is not available, the IRM researcher makes a best judgment, based on the evidence of how far the commitment could possibly be at the end of the period assess.

## 1. Non-governmental participation in the Privatisation Council

Montenegro will define clear and objective criteria and carry out the procedure for enabling participation of NGOs in the work of the Privatisation Council over the coming period in line with the principle of involving civil sector in public policies. In order to increase the transparency of the privatisation process, the Government will, as one of the contractual parties, invest additional efforts, in line with international practice, for concluded contracts not to contain the data confidentiality clause which prevents publications of contracts after those are signed (effective).

Commitment Description						
Answerability	Lead institution	Privatisation Council				
	Supporting institutions	None specified				
	Point of contact specified?	Yes				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services, More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓	✓			
<b>Ambition</b>						
New vs. pre-existing Pre-existing		<b>Potential impact</b> Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
<b>Level of completion</b>						
Start date: -		Actual completion			Limited	
End date: -		Projected completion			Substantial	
Next steps		Further work on basic implementation				

### What happened?

The Government, several years before adoption of the OGP Action plan, made this commitment, but progress in its implementation is still very limited. Privatisation is recognised as area very prone to corruption by the Government's strategic documents dealing with this issue. Issues include lack of transparency of privatisation contracts and



numerous public accusations for corruption, especially in relation to provision of state subsidies and other market distortions granted by privatisation contracts, but also obligatory investment plans that were frequently not respected. The Government of Montenegro has been carrying out a privatisation drive since the breakup of Yugoslavia. One promise has been to involve NGOs in work of the Privatisation Council, responsible for selling state-owned enterprises from government to private ownership. During the implementation period, the Government did not enable participation of NGOs in the Privatisation Council, even though this commitment was made several times before, prior to the adoption of the OGP Action Plan.

Notably, the Government published a few privatisation contracts on the Privatisation Council's web site. However, only one recent contract is published, while most other published contracts were signed in 2009 or before, and they are published only partially. For example, privatisation contract for the 'Electricity Company' is published but annexes that specify the main requirements related to obligatory investments are still not publicly available. Similarly, the contract for the privatisation of the largest industry in the country, the Aluminium Plant of Podgorica, still lacks numerous annexes pertaining to the change of investments and subsidies.

#### *Did it matter?*

The published versions of privatisation contracts are almost useless to the stakeholders interviewed. Some stakeholders from the business sector have expressed their concerns that lack of transparency in privatisation, resulting in public criticism, keeps foreign companies with ethical business practices from investing in the country.

Since the national privatisation process is close to its end, implementation of this commitment would affect only a few remaining strategic companies. However, if recently signed and new privatisation contracts are published, public oversight could help to ensure that contracts are properly enforced, to encourage future investment rather than the 'asset stripping' that frequently occurred in the past.

Stakeholders interviewed point out that implementation of this commitment does not require major funds or human resources. It is simply a matter of political will. Interviewees are not satisfied with progress, believing that the Government is intentionally postponing implementation of this commitment in order to keep the privatisation process closed and secret.

#### *Moving forward*

The IRM Researcher recommends that the Government intensify efforts in implementing this commitment. Specifically:

- *NGOs should be appointed to the Privatisation Council as soon as possible, prior to privatisation of remaining strategic companies, even though the privatisation process is almost completed.*
- *Government needs to immediately publish online and publicize all documents related to privatisation, including annexes, reports on implementation of obligations related to investments, environmental protection and "social programs."*

Stakeholders underlined that this is especially important, since many privatized companies did not respect their privatisation contracts, and then faced bankruptcy due to lack of anticipated investment.

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## 2. Improvement of business environment

Implementation of following activities is planned to further improve the business environment:

- a) Establishment of an electronic registration of enterprises;
- b) Implementation of the 1st phase of the inspection system reform, which will undertake a gradual merging of inspectorates and extracting them from ministries and administration authorities;
- c) Implementation of new legislative mechanisms in the process of issuing building permits;
- d) Establishment of a special administration authority in order to support implementation of investment and development projects.

Commitment Description						
Answerability	Lead institution	Each action under this commitment has a different responsible institution: a) Ministry of Finance; b) Ministry of Economy; c) Ministry of the Sustainable Development and Tourism and d) Secretariat for the Development Projects				
	Supporting institutions	a) Taxation Directorate and b) Directorate for the Inspection Control.				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Establishment of <b>electronic enterprise registration</b>					✓
	2. <b>Merging of inspectorates</b> and extracting them from ministries and administration authorities			✓		

	3. Implementation of new <b>building permit legislation</b>			✓		
	4. Establishment of <b>special body to support investment and development projects</b>					✓

### Ambition

Milestone	New vs. pre-existing	Potential impact
1. Electronic enterprise registration	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)
2. Merging of inspectorates	Pre-existing	Moderate
3. Building permit legislation	Pre-existing	Moderate
4. Special body for investment and development projects	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)

### Level of completion

#### 1. Establishment of an electronic registration of enterprises

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete

#### 2. Merging of inspectorates

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Substantial

#### 3. Implementation of new legislative mechanisms in the process of issuing building

<b>permits</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>4. Special body for investment and development projects</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Electronic enterprise registration	New commitment building on existing implementation	
2. Merging of inspectorates	New commitment building on existing implementation	
3. Building permit legislation	New commitment building on existing implementation	
4. Special body for investment and development projects	New commitment building on existing implementation	

#### *What happened?*

Progress has been made in the actions comprising this set of commitments, and further work, closely tied to the OGP values is recommended.

Electronic registration of enterprises eases future establishment of private companies. However, to be effective this service has to be extensively promoted in order to ensure it is widely used by the physical and private entities. So far, the conventional non-electronic mechanism for the establishment of enterprises has been used far more by the stakeholders than the electronic one. In addition most of the stakeholders are unaware of the electronic registration of enterprises system.

The second aspect of this commitment aims to unify and streamline the various inspection bodies under the Government. This could make inspections more efficient both for government and for regulated entities. The Administration for Inspection Control has successfully terminated the first phase of its reform and has set a basic foundation for effective inspection operations in future. All stakeholders have perceived this as a breakthrough in the classic system of government operations. Significantly, the Administration still lacks administrative and technical capacities to enforce its operations in an effective manner. Performances of various inspections under the Administration are rather uneven, while some of inspections are understaffed. This represents a significant problem in ensuring effective work of the Administration, as well as in achieving tangible results in all areas it covers.

This commitment is vaguely related to the OGP values, since only merging of inspectorates could be considered as reform that is contributing to greater accountability. Electronic enterprise registration and establishment of special body for investment and development projects do not tackle those values, while implementation of building permit legislation is primarily related to increasing efficiency in issuing these documents by the administration, that might only indirectly contribute to greater accountability.

Only limited information on the work of inspections was available, until the OGP researcher requested this information specifically. Following that, monthly statistical reports on the work of all inspections and issued fines are available online.

The process of issuing building permits has been simplified through introduction of “one stop shops” in all municipalities, and deadlines for issuing permits have been shortened to a maximum of 60 days. In practice, however, the time needed to obtain a building permit remains extensive, and this trend is going in a negative direction. This is a serious reason for concern. Institutions responsible for issuing building permits are still perceived as rather inefficient by the majority of stakeholders. Cases published by civil society and media, including the report of the European Commission, are concluding that corruption is widespread in land use planning and construction.

Finally, the establishment of the Secretariat for Development Projects set an institutional precondition for prioritization of the most important development projects in Montenegro. However, most of stakeholders interviewed remain unaware of its concrete jurisdictions in practice and its position and relations with other parts of the Government’s authorities.

#### *Did it matter?*

By and large, the reforms have not yet served their intended purpose. Stakeholders believe that use of new bodies and services due to lack of promoted. Civil society representatives pointed out that information on operations of new bodies is not publicly available at the time of writing. The vast majority of criticism is related to still very inefficient practice of issuing building permits. Other stakeholders perceive the Inspection Administration as rather ineffective.

The stakeholders also point out that the process of development of spatial plans, the basis upon which construction permits are issued, should be more transparent and participatory.

#### *Moving forward*

The IRM Researcher recommends that the Government make additional efforts in promoting system for electronic registration of enterprises, in order to inform vast majority of the general population about this service. A commitment aimed at informing business about the opportunity and providing relevant information would better match the spirit of OGP.

With regard to the Inspection administration, the IRM Researcher recommends that data on its work should be publicly available on monthly basis, in a more user-friendly manner, that will also provide information needed to better understand effects of work of inspections, to be able to hold them more accountable.

The IRM researcher recommends a new commitment, based on stakeholder input, on special anti-corruption measures targeting development of spatial plans. In the work of construction inspection should be included in new commitment, envisaging proactive publication of data and active public participation.

Efforts should be made to mobilize citizens to report irregularities to the inspections agencies, but inspectors themselves should also be more empowered to report irregularities themselves. The researcher also recommends continuation of reforms, to include all other remaining inspections that are currently operating under Ministries or other institutions. In addition, it is recommended that the Government perform semi-annual performance evaluations and define concrete recommendations for improvement of the Inspection Administration operations and effectiveness.

The IRM Researcher as well as all stakeholders recommend that the Government intensify its efforts in ensuring efficiency in issuing of the building permits, and to define set of concrete measures which will improve capacities of municipalities and other institutions to perform issuing of building permits much faster than it is now. It is recommended to develop a database and publish all building permits within several days of completion of each step of the permitting process, issued by both central and local authorities, starting from the coastal zone that is heavily affected by illegal construction, in the first phase.

The IRM Researcher also recommends that the Government conduct concrete activities to make Secretariat for Development Projects more visible in public, including in the business sector. In addition, stakeholders recommend that the Government make public specific details about the activities and jurisdictions of the Secretariat, to be able to bring it closer to the potential investors, especially those which are not currently active in Montenegro.

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### 3. E-register of licenses

A reform of business licensing in Montenegro is implemented in order to create a single and transparent system for business licensing. According to the results of performed analysis, conclusion was that it is not needed to establish an independent institution i.e. a special licensing centre, but that the most positive effect could be obtained by creating an e-register of licenses by adopting a regulatory framework that would establish a public-private partnership for keeping and updating such register.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Create e-register of licenses	✓				
2. Adopt regulations for registry maintenance					✓	
Ambition						
Milestone	New vs. pre-existing	Potential impact				
1. E-register of licenses	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
2. Regulations for e-registry maintenance	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				

<b>Level of completion</b>		
<b>1. E-register of licenses</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>2. Regulations e-registry maintenance</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. E-register of licenses	New commitment building on existing implementation	
2. Regulations for e-registry maintenance	New commitment building on existing implementation	

### *What happened?*

This set of commitments was completed. Prior to the development of the OGP Action Plan the Government recognised the need to establish an e-register of licenses in 2011, completing the first part of this commitment.

The register was made operational starting in December 2012. It contains detailed information on requirements and procedures needed to obtain any of the business-related licenses or permits that are issued by 35 different authorities, as well as a set of templates that can be used in this process.

In accord with the second part of the commitment, the Government adopted the “Regulation on Registry of Licenses for Business Licensing” in September 2012. This Regulation prescribes that the Ministry of Finance should be responsible for keeping and updating the registry. Two months later, the Government, transferring part of the jurisdiction to the Montenegrin Chamber of Commerce, brought an additional Regulation. In practice this means that the Chamber must collect information on all changes of laws and regulations from different government institutions to ensure that the registry is accurate.

### *Did it matter?*

Compilation of all procedures and requirements for licensing from the 35 authorities, and their publication in one place, is a major step forward towards clarification of the business licensing area. This will arguably reduce opportunities for corruption in the licensing process.

Since business licensing in different areas is covered with numerous pieces of legislation, bylaws and other legal acts, this register enabled all interested stakeholders to obtain all relevant information to apply for a particular license or permit, in a quite easy and comprehensive manner.

Stakeholders perceive the e-register as a rather useful tool, especially for small and medium-sized enterprises which do not have the extensive legal knowledge needed to research the numerous laws and regulations involved in obtaining a business license.

However, not all licenses are posted at the web site and this tool was not widely promoted, leading to little use by the businesses for which the web site was intended.

### *Moving forward*

The IRM Researcher, in agreement with stakeholders interviewed, recommend that the Government investigate opportunities for additional simplification of the licensing procedures. In addition, it is recommended that the Government intensify its efforts towards enabling more license permits to be obtained in the fully electronic procedure.

To make the commitment more clearly relate to the goals of OGP, new services should be publicly promoted and data on their use should be available. This site should become a fully comprehensive, user-friendly “one-stop shop” for business license information.

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## 4. Regulatory Guillotine

The Government will carry out activities aimed to finalise this process in the next period. Ministry of Finance will, by reviewing recommendations which are feasible for implementation in the regulatory framework of Montenegro, in cooperation with line authorities prepare an Action Plan of measures to improve areas covered by recommendations. Such prepared Action Plan for implementation of the Regulatory Guillotine recommendations, inclusive of indicative deadlines for implementation, once adopted by the Government will represent an overview of regulations that need to be revised, in line with the implementation schedule. A quarterly evaluation will be carried to monitor implementation of recommendations.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Development of an <b>Action Plan</b> with measures to improve regulatory framework in Montenegro			✓		
	2. <b>Quarterly evaluation</b> of implementation of that action plan			✓		
Ambition						
Milestone	New vs. pre-existing	Potential impact				
1. Action plan	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				

2. Quarterly evaluation of plan	Pre-existing	Minor
<b>Level of completion</b>		
<b>1. Action plan</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>2. Quarterly evaluation</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Development of an Action Plan	New commitment building on existing implementation	
2. Quarterly evaluation	New commitment building on existing implementation	

### *What happened?*

The IRM researcher finds that some advances have been made in this commitment during the evaluation process. The “Regulatory Guillotine” project existed prior to the OGP plan. Through it, concrete recommendations were provided to improve particular pieces of legislation, bylaws and aspects of the regulatory framework of Montenegro.

As an OGP commitment, for the first time, the Government envisaged development of a specific action plan that will present a systematic overview of all problems in the regulatory framework and enumerate all measures needed to improve the regulatory framework of Montenegro.

The Regulatory Guillotine Action Plan was adopted in May 2012 and contained 1344 recommendations to be implemented to improve the regulatory framework.

According to the Report on Implementation of the Action Plan, which was adopted by the Government in April 2013, less than half the planned work was done.

Therefore, the Government adopted the “Innovated Action Plan” with new deadlines that include 1439 recommendations, out of which 667 were already implemented at the time of adoption.

According to the information obtained from the Ministry of Finance, in first half of 2013, 166 recommendations were implemented, out of 420 envisaged by the Innovated Action Plan for the current year.

According to the Government, the Ministry of Finance conducted monitoring of implementation of the Action Plan on a quarterly basis, as envisaged in the commitment, internally. However, the Ministry prepared only one official communication on its implementation for the Government, which the Government adopted in April 2013. No other internal reports are publicly available.

### *Did it matter?*

Although the idea envisaged by the initial Regulatory Guillotine Action Plan to improve Montenegro's regulatory framework in just three years was potentially transformative, in practice, implementation was more difficult.

In September 2013 the Government concluded that the level of implementation of recommendations was so far unsatisfactory and obliged all Government's authorities to more responsively and effectively implement envisaged activities. Following this the Government adopted the Innovated Action Plan, with changes in recommendations and time frame for their implementation.

All stakeholders, including the European Union officials interviewed, perceive implementation of the Action Plan is far from satisfactory. In addition, some stakeholders believe the Government's behaviour is undermining the business environment and causing significant damage to all market players.

By adoption of the Innovated Action Plan, the Government re-adjusted and improved recommendations but also extended the time frame for implementation of recommendations, therefore giving it a "second chance" for success.

All stakeholders interviewed widely criticized implementation of the Regulatory Guillotine Action Plan, and believe it should be one of the key priorities of Montenegrin Government in the future.

The Guillotine envisages changes of numerous laws and regulations, to simplify overall operation of state apparatus, but there is no clear information on effects of envisaged changes in particular areas. Stakeholders believe that process of development of new laws is very hectic, and they provided examples of several laws that changed several times in last few years. Business representatives believe that such reforms are not taking into account the costs that very frequent legal changes incur on business. They believe that more comprehensive, publicly available reports on implementation of reforms should be developed, and more extensive involvement of stakeholders in development of reforms and monitoring their implementation should be envisaged in future commitments.

### *Moving forward*

The IRM Researcher recommends that the Government develop a new commitment aiming to publicly monitor implementation of the Innovated Action Plan both in quantitative and qualitative sense, but also to evaluate impact of the implemented recommendations. Moreover, the relationship between this goal and the OGP Values should be made explicit – for example, by establishing a joint government-civil society-business monitoring panel to publicly assess and report on the implementation process.

In addition, all stakeholders recommend that the Government introduce a set of mechanisms that will ensure accountability of the Government authorities responsible for implementation of the recommendations, including negative implications for those significantly failing to deliver results.

The public should be more informed about planned reforms, including the public presentation of a simplified version of the very lengthy and complicated action plan, to explain the main reforms and their expected results.

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## 5. Regulatory Impact Assessment (RIA)

In order to try to ensure a full implementation of the Regulatory Impact Analysis, the Government will, over the next period, continue to train civil servants and apply the Regulatory Impact Assessment in the process of preparation of the Work Programme of the Government as well; while over a medium-term horizon a 'full RIA' will be implemented, which includes the analysis of economic impacts of laws, environmental impact assessment, social standing of citizen, gender equality.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Train civil servants in RIA)					✓
	2. Apply RIA in preparation of the Work Programme of the Government					✓
3. 'Full RIA' is implemented for all laws	✓					
Ambition						
Milestone	New vs. pre-existing	Potential impact				
1. Civil servants training	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				
2. Apply RIA	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				

3. 'Full RIA' implementation	Pre-existing	Moderate
<b>Level of completion</b>		
<b>1. Train civil servants</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	No dates or milestones attached or inferable
<b>2. Apply RIA</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>3. 'Full RIA' is implemented for all laws</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	No dates or milestones attached or inferable
<b>Next steps</b>		
1. Civil servants training	Further work on basic implementation	
2. Apply RIA	New commitment building on existing implementation	
3. 'Full RIA' implementation	Further work on basic implementation	

### *What happened?*

Regulatory Impact Assessment (RIA), according to its definition in the Montenegrin system, represents an analysis to be conducted for each piece of legislation and other legal acts such as bylaws, to assess implications for the current regulatory framework in Montenegro, and its impact on the Budget, in case it is adopted. Each RIA developed by a ministry has to be revised by the Ministry of Finance and obtain a positive opinion. RIA was formally introduced in the Montenegrin regulatory system in January 2012, before the OGP Action Plan was adopted.

According to the official information 15 trainings for civil servants were held on how to implement RIA. Over 220 civil servants were educated.

Each ministry has developed a preliminary RIA for all their proposals; these were incorporated in the Government's Working Programme for 2013. In addition, the Ministry of Finance has revised 415 RIAs in relation to various legal acts, and issued relevant opinions.

According to the IRM research the full RIA, which includes the analysis of economic impacts of laws, environmental impact assessments, social standing of citizens and gender equality, has not been introduced yet. Currently, only analyses related to implications for other laws and impact on the Budget are conducted.

### *Did it matter?*

Introduction of the Regulatory Impact Assessment establishes a solid foundation for improvement of the business environment. In the process of the adoption of new legislation and other legal acts, more focus is put on how not to further complicate the existing regulatory framework, but to go in the rather opposite direction. Moreover, if the broader array of impact assessments were introduced, as mentioned in the commitment, that would contribute to informed policy decisions beyond the business environment. In fact, such information could help to balance citizen interests if they conflict with business interests.

However, the impact of the practical implementation of RIA still remains limited, while practice in development of RIA among authorities remains uneven. Findings from each RIA are not followed or implemented equally by the Government. Full RIA is still far from being implemented.

Stakeholders consider that introduction of RIA will lead to simplification of the overall regulatory framework. Stakeholders believe that RIA should be made publicly available and experts, businesses and citizens should be invited to provide their comments and suggestions.

Most stakeholders believe that the Government should have taken findings from RIA more into consideration while determining new legislation and bylaws.

### *Moving forward*

The IRM researcher, as well as other stakeholders, recommends that the Government intensify its efforts in introducing full RIA. In addition, it is recommended that the Government ensures consistent practice in development of each RIA across authorities, not only in terms of quality and quantity of information provided in these documents, but also in relation to organisation of consultations with relevant stakeholders, prior to the finalization of each RIA.

The IRM Researcher also recommends that the Government publish each RIA upon completion, and make them widely accessible to all stakeholders involved in the decision making process, including Members of Parliament.

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## 6. Employment of foreigners reform

Procedures for employment of foreigners were simplified and made more transparent. The Government of Montenegro implemented the reform of employment of foreigners, resulting in reducing numerous deadlines for state authorities decision-making, while some of the procedures were abolished. Efforts in the next period will be aimed at transparency of procedures by printing brochures on employment of foreigners and distribution of material at border-crossing points, employers' offices, the Employment Office, and other relevant institutions.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓				
Ambition		New vs. pre-existing	Potential impact			
		New	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Complete	
End date: 6 April 2013			Projected completion		Complete	
Next steps			New commitment building on existing implementation			

### What happened?

This is a new commitment, aiming to promote previously implemented activities on reform of the system for employment of foreigners in Montenegro, through distribution of brochures.

The brochure contains the most important practical information for employment of foreigners in Montenegro, and was developed by the Ministry of Finance with the assistance of three other ministries, the National Employment Agency, the Montenegrin Chamber of Commerce, the Montenegro Business Alliance and the Association of Employers of Montenegro.

3000 brochures were printed and sent to the Montenegrin Investment Promotion Agency, Montenegro Business Alliance, Montenegrin Chamber of Commerce, National Employment Agency, Ministry of Labour and Social Welfare, Airports of Montenegro, the Police, Ministry of Interior and Montenegrin embassies for further distribution.

All copies of the brochure were distributed to the final users in the reporting period.

### *Did it matter?*

This commitment is not ambitious, as it consists of a very small activity. Even though development of the brochure was a positive step forward towards dissemination of new procedures for employment of foreigners, only 3000 copies were distributed, while in the first 10 months of 2013, over 19,000 foreigners were employed in Montenegro.

Yet, a brochure can be a very useful tool for both employers and employees due to the fact it clarifies employment procedures for foreigners, but much more has to be done.

Stakeholders believe that more brochures should be provided to a much wider group of employees and employers, but also made available at border crossings in Montenegro, in a significant number of copies. They think that additional promotional activities need to be implemented.

### *Moving forward*

The IRM Researcher, as well as other stakeholders, recommends that the Government intensify its efforts to additionally simplify employment procedures and widely promote those solutions. In future, these activities should be part of the specific Employment Policy.

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## 7. Concessions and public-private partnership

Special care will be dedicated to the improvement of concessions and development of the public-private partnership model. The Government of Montenegro will set a regulatory framework for the public-private partnership and concessions in cooperation with consultants of SIGMA, and such framework will be aligned with the European standards and UNECE standards. Consequently, said regulation would enable public access to the following data from contracts: name of the public-sector partner or grantor; name of the private partner or Concessionaire; description of the subject-matter of a contract and start date for the project implementation; signing date of a contract and its duration; location of contracted activities. An enabling regulation will be prepared to address these needs that would govern the functioning of the register of contracts, to provide detailed explanation of procedures for contracts submission and disclosure of data. Access to information will be in line with special regulations governing data protection and trade secrets.

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Setting up regulatory framework for the public-private partnership and concessions					✓
	2. Adoption of special regulation on	✓				



	<b>procedures</b> for contracts submission and disclosure of data					
<b>Ambition</b>						
<b>Milestone</b>	<b>New vs. pre-existing</b>	<b>Potential impact</b>				
1. Regulatory framework	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
2. Regulation on procedure	Pre-existing	Moderate				
<b>Level of completion</b>						
<b>1. Regulatory framework</b>						
<b>Start date:</b> 6 April 2012			<b>Actual completion</b>		Not started	
<b>End date:</b> 6 April 2013			<b>Projected completion</b>		Complete	
<b>2. Regulation on procedure</b>						
<b>Start date:</b> 6 April 2012			<b>Actual completion</b>		Not started	
<b>End date:</b> 6 April 2013			<b>Projected completion</b>		Complete	
<b>Next steps</b>						
1. Regulatory framework			Further work on basic implementation			
2. Regulation on procedure			Further work on basic implementation			

### *What happened?*

Montenegro currently has a Law on Concessions that was passed in 2009. Consequently, the public register of issued concessions has been created, and contains basic information – data on the entity that has obtained the concession, information on the object and duration of the concession. However, since the current framework has been widely criticized by a wide range of domestic and international stakeholders, the Government decided to commit itself to develop a brand new regulatory framework for concessions and public-private partnership.

However, according to the official information, and information obtained from interviewed stakeholders, there has been no progress in implementing this commitment. The official explanation of the Government was that it is necessary to wait for the adoption of the new EU Regulation in this field, which would serve as the basis for the Montenegrin framework. The Government stated in the post-commitment period that the framework would be developed by the end of 2013. At the time of writing, however, the process had not started.

### *Did it matter?*

Given that progress towards the commitment has not yet begun, stakeholders were not able to benefit.

Most stakeholders interviewed criticized the Government, and believe that it should not wait for the adoption of the new EU Regulation, in order to at least improve the current situation to some extent.

### *Moving forward*

The IRM Researcher, as well as stakeholders, recommends that the Government accelerate its efforts to implement this commitment, and to involve all relevant stakeholders in the process of development of the regulatory framework.

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## 8. E-government Portal

The Government will be dedicated to affirm and advance existing functions of the E-government portal. Furthermore, primary objective of improvement of the e-government portal, i.e. the 2nd e-government phase, is to define and create more complex electronic services that citizens need and to make them available to citizens via the Portal and counter for acceptance of electronic documentation. Moreover, e-participation will enable citizens to have an active participation in creation of laws and other strategic documents, as well as to present their opinions and positions in public consultation processes.

Commitment Description						
Answerability	Lead institution	Ministry for Information Society and Telecommunications				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Affirm and advance existing functions of the E-government portal	✓				
	2. More complex electronic services available at the Portal and acceptance of electronic documentation	✓				
3. Enable citizens to have an active e-participation in creation of laws and other strategic documents	✓		✓			
Ambition						
Milestone	New vs. pre-existing	Potential impact				
1. E-government portal	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				

2. Complex electronic services	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)
3. Active e-participation	Pre-existing	Transformative (the commitment entails a reform that could potentially transform 'business as usual' in the relevant policy area)
<b>Level of completion</b>		
<b>1. Advance E-government portal</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>2. Complex electronic services e-Portal</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>3. Active e-participation</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. E-government portal	Further work on basic implementation	
2. Complex electronic services	Further work on basic implementation	
3. Active e-participation	Further work on basic implementation	

### *What happened?*

This commitment aimed to improve the existing e-portal with new online services to citizens, including acceptance of electronic documents as well as enabling citizens to participate online in the development of laws and policies.

According to the Government reports, the e-portal was developed before the adoption of the OGP Action Plan, but it contained much less information on services for citizens than it does today. Currently, information about 58 services is available for citizens online, provided by 16 institutions. Concrete data on the pre-OGP period is not available, and it is not possible to assess progress made during implementation of the OGP Action plan. However, portal is still not completed, and information on many procedures in several categories remains unavailable.

With regard to the second milestone, the Portal is not yet accepting the submission of electronic documents, providing only information about procedures.

In addition, fewer than 20 proposed legal acts are posted at this web site for public debate as of mid-October 2013, and only in a few cases are public comments gathered through debates published.

According to government statistics provided upon request of the IRM researcher, the portal has a significant number of visitors per day, ranging from over 400 in July to over 3000 in October. However, there is no information on user satisfaction, and the number of citizens participating in decision-making using the portal is very limited. The Government did not invest special efforts in promoting this portal.

### *Did it matter?*

The commitment was made before the OGP and it is a major step forward. As written, however, it is very generally phrased and does not specify any milestones related to the promotion of new services among citizens.

While the portal has been promoted through a few press releases, it is not well known by the majority of relevant stakeholders interviewed or by the general public.

In addition, stakeholders believe that the portal is not in line with best practices in e-government, since it is not providing citizens with the opportunity to access services online.

Civil society representatives interviewed are concerned about delays in implementation of this action. The Portal was published in April 2011 and two years later it still contains very limited information. They believe that the Government's attitude toward public participation is very negative; therefore citizens are not encouraged to participate in decision-making.

### *Moving forward*

The Portal should be improved by providing visitors with opportunity to request documents or services using online forms. It should be promoted through other web sites and campaigns in the mainstream media.

Stakeholders believe that more information should be uploaded, especially about local government procedures, while citizens should be encouraged and mobilized to participate in decision-making.

With regard to the third milestone, the IRM researcher recommends that future commitments be leveraged to make more laws subject to public debate. Documents on all public debates should be posted at this portal, instead of only at the web sites of responsible institutions, so it would be easier to find information about opportunities for public participation in changes of laws.

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## 9. E-petitions

*By affirming dialogue and partnership, as its core directions and principles of work, in December 2011 the Government announced that will open an online platform to enable citizens of Montenegro to create and sign electronic petitions about anything that the Government is responsible for. This service needs to be established and made fully efficient.*

Commitment Description						
Answerability	Lead institution	Ministry for Information Society and Telecommunications				
	Supporting institutions	Government public relations bureau				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Established online platform for e-petitions		✓		✓	
	2. Online platform is made fully efficient		✓		✓	
Ambition						
Milestone	New vs. pre-existing	Potential impact				
9.1. Online platform for e-petitions	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				
9.2. Online platform is made fully efficient	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
9.1. Established online platform for e-petitions						



<b>Start date:</b> 6 April 2013	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>9.2. Online platform is made fully operational</b>		
<b>Start date:</b> 6 April 2013	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
9.1. Established online platform for e-petitions	None: completed implementation	
9.2. Online platform is made fully efficient	Revision of the commitment to be more achievable or measurable	

### *What happened?*

This commitment is related to the establishment of an online platform for e-petitions, but it also obliges the Government to make it fully efficient.

The commitment was announced for the first time, prior to submission of the OGP action plan, in December 2011. Its aim was to establish a fully electronic system of petitions by which citizens could ask the Government to conduct a concrete activity within its jurisdiction and to collect signatures from other citizens supporting that action. When the threshold of 6000 electronic signatures of support is reached, the Government is obliged to review the petition and make a decision on it.

The Portal was established in October 2012, but has not yet provided many concrete results.

So far, 57 e-petitions have been submitted through the Portal, out of which 23 have satisfied the Government's criteria to be put on the Portal and to enable the collection of supporting signatures. All 23 petitions have together collected over 16,200 supporting votes.

Only two petitions have surpassed the threshold of 6,000 votes needed to oblige the Government to respond. The first one was related to construction of new kindergartens throughout the country. It was reviewed in the due time and adopted one year ago, but the resulting decision is still far from being fully implemented – one objective was started at the end of this October. The second petition was to require the Police Academy to be named after a police inspector killed on duty, but the Government reviewed it almost five months behind schedule. It was subsequently rejected. A key challenge for this commitment is the number of supporting signatures required for the review of the petitions. Six-thousand has proven to be very high by Montenegrin standards, especially given that they are to be collected electronically. Because of the low use of Internet for civic participation, submitters of both of the petitions that collected sufficient signatures were forced to conduct activities that were contrary to the idea and spirit of electronic petitions. They collected signatures on the streets in hard copy, and then manually inserted them into the Portal. NGOs asked the Government to lower the number of signatures needed for the e-petitions, but the Government refused.

An additional challenge was also the fact that Montenegrin citizens are insufficiently educated in information and communication technologies and a critical mass of citizens lack access to the computers or internet, making it harder to collect 6000 electronic signatures.

Last but not least, significant delay in implementation of the only adopted civic initiative and the refusal of the other that reached the necessary minimum are discouraging citizens and civil society organisations from using this service.

### *Did it matter?*

This commitment has the potential to make a difference in policy decisions.

In particular, following adoption of the petition, the Government secured a loan for construction of new and improvement of existing kindergartens that should affect 1,600 children by the end of 2017.

However, according to stakeholders, limited results achieved so far through this service, in terms of accessibility of the service in the electronic format and its final outcome discourage use by citizens.

Initially, stakeholders used this mechanism to attract the Government's attention, but currently there are no active petitions that are seeking supporting signatures. The very limited results reduced interest in this portal, according to the stakeholders interviewed.

Still, if the Government does not change the conditions for use of the Portal and its responsiveness, stakeholders believe that this service will have no use.

Some stakeholders from the NGO sector and the media believe that the Government is not willing to involve citizens in its decisions, therefore online services are introduced, but not further promoted and/or made useless through government unresponsiveness, in order to discourage civic activism and public participation.

### *Moving forward*

The IRM Researcher recommends that the Government make additional effort to stimulate use of this mechanism and reduce the number of electronic signatures needed for a response, while ensuring that those petitions that reach the threshold lead to concrete results.

Most stakeholders are recommending that the Government cut the number of needed signatures at least in half, and extend the time needed to collect them. Stakeholders recommended that the Government reconsider and reduce the current list of limitations for the submission of petitions, especially in terms of their scope but also add the possibility to hold individuals in the Government accountable for specific acts.

It is also recommended that the Government conduct awareness-raising activities to inform more citizens about this mechanism, as well as improve the acceptance ratio of the revised initiatives, as an incentive for more active use of this service by the citizens in future.

In addition, as a sign of "good will" to the citizens who have already used this mechanism, the Government might consider reviewing the petitions which obtained significant numbers of supporting signatures, even though formally not enough to be reviewed.

The Government needs to implement adopted public petitions in practice, in a timely and proper manner. Each adopted decision should be the subject of monitoring and reporting.

Most stakeholders recommended that the Government adjust the Portal to be more user friendly – including a multi-language service based on the list of official languages used in Montenegro according to the Constitution, as well as more clear explanation of the procedure. It is recommended that all petitions submitted to the Portal be published,

including those that did not satisfy the procedural criteria for collecting supporting signatures.

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Nikola Markova, 2013. Daily 'Dan', interview by author, 18 October 2013, Podgorica

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Ana Selic, NGO CEMI, phone interview by author, 4 October 2013, Podgorica

Milk Tack, "Weekly 'Monitor'", interview by author, 18 October 2013, Podgorica

Team for Coordination of Communication Activities, Government of Montenegro, First Report on Operations of the Portal "Voice of Citizens - E-petitions." December 2012, <http://bit.ly/1f21tu6>

Team for Coordination of Communication activities, Government of Montenegro, Second Report on Operations of the Portal "Voice of Citizens - E-petitions." April 2013, <http://bit.ly/1f21tu6>

Vuk Vujnovic, Government Public Relations Bureau, written report, 7 October 2013, Podgorica

## 10. Southeast Europe regional forum

*Regional government communication forum in South East Europe – ‘Regional Cooperation as transparency function’ – Regional forum for government communications in South East Europe is a regional initiative having as the objective to develop capacity of government officials for public relations. in order to impact the way how public policies are created, aimed at an increased transparency of the public administration, easier access to public information and larger impact of public on the process of creating public policies, all in order to improve a participatory democracy in the region.*

*The Forums is part of a joint project of the Government of Montenegro and UNDP Montenegro, implemented with the support of the Konrad Adenauer Stiftung and USA Embassy in Podgorica. Government officials for public relations will be committed to regional cooperation in the area of public relations, as well as to an exchange of experience, and advanced practices aimed at establishing an increased transparency of national governments.*

Commitment Description						
Answerability	Lead institution	Government Public Relation Bureau				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓	✓			
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Substantial	
End date: 6 April 2013			Projected completion		Complete	
Next steps		New commitment building on existing implementation				

### *What happened?*

This commitment proposes to use a regional forum to strengthen government officials' capacity for public relations regarding open government.

Two regional conferences were organised with government communications officials. Participants adopted a declaration expressing their personal and professional commitment to apply the highest professional standards and to uphold the values of transparency, cooperation, and a technologically advanced approach to government communication. Following the conferences, participants established a Union of public sector communications officials in South East Europe.

### *Did it matter?*

Actions implemented so far are declarative in nature, promoting principles of good governance among communications officers and showing their will. As a result, it is too early to tell if they will affect practice. Accordingly, stakeholders claimed that they experienced no changes as result of this activity; therefore they could not make any use of its implementation. Of course, the outcomes of this commitment may not yet be ripe.

Civil society stakeholders, including media, believe that public officials should be much more proactive, and more willing to disclose government documents. They should ensure that relevant documents are proactively posted on government web pages and should be much more open to the media.

### *Moving forward*

It is not clear from the language of the commitment how principles from the declaration are to be put in practice. However, stakeholders, including media professionals, did not record any overall improvement of public communications. Moreover, they are concerned about recent personnel and other changes that occurred in the Government public relations bureau. The stakeholders believe that those changes are going to negatively affect transparency and cooperation of the Government and civil society, including media. Recently, concerns have been raised about the tone of communications between government and civil society, while the European Commission continuously recommends improvements in this respect.

The IRM Researcher recommends that the Government build on this commitment and put adopted declarations into practice. In order to do that they should introduce concrete activities, milestones and indicators for achieving greater transparency, cooperation and technological advancement in government communications, as required by the declaration. The Government Bureau should improve its relations and communication with civil society and media, ensuring collaborative environment supporting public participation.

### *Sources*

Government Self-assessment report, 20 September 2013

European Commission, *Montenegro 2012 Progress Report*, 10 October 2012, Brussels

European Commission, *Montenegro 2011 Progress Report*, 12 October 2011, Brussels

European Commission, *Montenegro 2013 Progress Report*, 16 October 2013, Brussels

Vuk Maras, NGO MANS, interview by author, 15 October 2013, Podgorica

Nikola Markovic, Daily "Dan," interview by author, 18 October 2013, Podgorica

Ana Selic, NGO CEMI, phone interview by author, 4 October 2013, Podgorica

Milka Tadic, Weekly "Monitor," interview by author, 18 October 2013, Podgorica

Vuk Vujnovic, Former Head of Government public relations bureau, interview by author, 4 October 2013, Podgorica

## 11. Public consultations

The Government will ensure a consistent application of the Decree on the Manner and Procedure for Carrying out Public Consultations in Preparation of Laws in the coming period.

Commitment Description						
Answerability	Lead institution	Ministry of Internal Affairs				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
			✓			
Ambition	New vs. pre-existing	Potential impact				
	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)				
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2013			Projected completion		No dates or milestones attached or inferable	
Next steps			Further work on basic implementation			

### What happened?

This commitment obliges the Government to conduct public debates on draft law proposals, in accordance with its Decree on the Manner and Procedure for Carrying out Public Consultations in Preparation of Laws.

The Government does not have an internal system for coordination and monitoring for public debates, and relies on data collected by NGOs. According to those NGO reports, only a few ministries fully respected the Decree. Only three ministries published list of laws that will be developed during the year, while most ministries did not enable stakeholders to know and prepare for participation in consultations.

In 2012, 22 laws were published for public consultations, there is no information on number of laws that received comments, while only six reports from consultations on particular pieces of legislation were published. At the same time, 83 laws were revised by the Parliament. Public engagement in consultations is limited, while the Government's attitude to input from public debate is mainly negative.

#### *Did it matter?*

If the Government implements the commitment and fully respects the Decree, it will allow citizens and other stakeholders to be properly informed about proposed changes in laws, and will have timely opportunities to participate in decision making. Moreover, if the Government's attitude toward public participation changes, it could attract many experts to provide their inputs into very frequent changes in laws related to EU integration process.

However, since most ministries did not respect the Decree, stakeholders couldn't benefit from the very limited implementation of this commitment.

Many stakeholders pointed out the lack of implementation of the Decree, as well as the lack of transparency and poor quality of newly proposed laws prepared by the Government. NGOs and media are concerned that the Government's attitude toward public participation is very negative, which is further hindering implementation of this commitment.

#### *Moving forward*

The IRM researcher recommends continued work on basic implementation of this commitment, which is essential for public participation. The Government should encourage public participation, especially from the highest levels. The Government, at the highest level, should reaffirm prior domestic and international commitments to support NGOs, especially by ensuring collaborative environment for policy development and implementation.

There should be an internal monitoring system and additional procedures developed to ensure that all ministries are respecting the Decree and providing timely opportunities for public to get involved in development of new laws and policies. Reports on public consultations should include all inputs provided by stakeholders and justifications for (not) accepting changes, and they should be consistently published online.

#### *Sources*

Djordjije Brkuljan, NGO Centre for Democratic Transition, interview by author, 1 October 2013, Podgorica

Centre for Development of NGO Sector, *Report on implementation of Decree on the Manner and Procedure for Carrying out Public Consultations in Preparation of Laws*, 28 May 2013, Podgorica (<http://bit.ly/1o1EKpD>)

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Vuk Maras, NGO MANS. 2013, interview by author, 15 October 2013, Podgorica

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Sladjana Pavlovic, Contact Person for OGP Action Plan, interview by author, 4 October 2013, Podgorica

Ana Selic, NGO CEMI, phone interview by author, 4 October 2013, Podgorica



Milka Tadic, Weekly "Monitor," interview by author, 18 October 2013, Podgorica

## 12. Direct contact with non-governmental organisations

Government authorities will ensure continuity in appointing contact persons for cooperation with non-governmental organizations and make available data on the contact persons on its websites.

Commitment Description						
Answerability	Lead institution	Bureau for Communication with NGOs				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	None				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
			✓			
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Complete	
End date: 6 April 2013			Projected completion		Complete	
Next steps			New commitment building on existing implementation			

### What happened?

This commitment has been fulfilled. Central government institutions appointed persons in charge of cooperation with the NGO sector and published their contacts on the website of the Directorate for Cooperation with NGOs. However, it is very challenging to find information on the contact persons for NGOs on the web sites of many ministries.

### *Did it matter?*

The websites of the central institutions designate persons in charge for cooperation with NGOs, but neither the websites or contact points could provide information on the practical implications of the implementation of this activity. Stakeholders pointed out that despite the implementation of this particular commitment to create official liaison positions, in the last year cooperation between government and NGOs worsened.

The transparency of the Government's procedures for cooperation, consultation and funding of NGOs should be further enhanced, according to the European Commission in its recent Progress report on Montenegro.

### *Moving forward*

The Government should revise this commitment to improve cooperation with NGOs. There should be specific milestones, outcome-based indicators should be incorporated into the commitment, and a monitoring system should be established.

### *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Djordjije Brkuljan, NGO Centre for Democratic Transition. 2013, interview by author, 1 October 2013, Podgorica

Jelena Dacic, NGO Juventas, interview by author, 1 October 2013, Podgorica

European Commission. *Montenegro 2013 Progress Report*, October 2013, Brussels

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Vuk Maras, NGO MANS, interview by author, 15 October 2013, Podgorica

Ana Selic, NGO CEMI, phone interview by author, 4 October 2013, Podgorica

Web site of the Office for cooperation with NGOs, <http://bit.ly/My9boN>

### 13. Systems to improve direct contact with citizens

The Government of Montenegro will recommend to administration authorities to establish the same or system similar to one operating as the Bureau for Communication with citizens, within their existing capacities, in order to enable an improved quality of information and better level of citizens' awareness on activities within institutions.

Commitment Description						
Answerability	Lead institution	Government Bureau for Communication with Citizens				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓				
Ambition		New vs. pre-existing	Potential impact			
		New	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012			Actual completion		Not started	
End date: 6 April 2013			Projected completion		No dates or milestones attached or inferable	
Next steps			Revision of the commitment to be more achievable or measurable			

#### What happened?

The Government committed to establish a system for communication with citizens that would be similar to the one operating in the Government bureau for communication with citizens. The Bureau has team responsible for responding to various citizens' requests for the Prime Minister and his deputies – they are collecting information from responsible institutions and providing them to citizens.

However, this commitment was not implemented. In order to change the system of communications in government institutions, it will be necessary to increase number of employees, stated the Government. They believe that existing system is already providing enough mechanisms for properly addressing citizens' requests. That is not likely to happen with the current financial circumstances.

#### *Did it matter?*

The commitment was not implemented; therefore stakeholders experienced no concrete benefits. Representatives of the Government stated that this commitment would require significant financial resources and an increase in the number of public employees, which is not realistic in the time of crisis when the Government plans to reduce personnel. In the self-assessment the Government didn't officially withdrawn this commitment, but from the meeting with the Government officials IRM researcher got the impression that this commitment is de facto abandoned.

Some stakeholders proposed to organise such units at level of several ministries or with the offices of deputy prime ministers, while other stakeholders believe that this job should be done by persons who are already responsible for public relations and communications with citizens.

#### *Moving forward*

The national IRM researcher recommends that the commitment be revised to include new, less expensive actions that include the establishment of one-stop shops for citizens within institutions, further development of e-services, including means of identifying and participating in existing decisions and the reorganisation of the existing workplaces.

#### *Sources*

Government Self-assessment report, 20 September 2013

Vuk Vujnovic, Government public relations bureau, interview by author, 4 October 2013, Podgorica

## 14. Free access to information

The Government of Montenegro will adopt a text of the new Law on Free Access to Information in order to increase possibilities for detection of corruption cases and other breaches of laws by entities subject to the Law on Free Access to Information. This will provide for: an effective oversight of implementation of regulations on free access to information by a single second-instance body, which will be composed of non-partisan professionals; regular quarterly reporting on application of the Law by officers tasked with addressing the requests for free access to information to a single second-instance body; creation of a list of documents that must be proactively published by each institution subject to the Law; and promotion of a rule that a free access to information is obligatory, while restrictions make rare and justifiable exceptions.

Commitment Description						
Answerability	Lead institution	Ministry of Culture				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓				
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012			Actual completion		Substantial	
End date: 6 April 2013			Projected completion		Complete	
Next steps			New commitment building on existing implementation			

### *What happened?*

This commitment to change the Freedom of Information Law was announced by the Government of Montenegro prior to the development and adoption of the OGP Action Plan - in the last quarter of 2010.

Following requests from the EU Integration process of Montenegro, indicating that the Freedom of Information Law needed improvements, the Government of Montenegro independently prepared amendments and began Parliament's procedure for their adoption at the end of 2010.

After an extensive media and NGO campaign against some shortcomings in the proposed amendments, the Government decided to withdraw its proposed changes, and develop an entirely new law. The working group, which included NGOs and international community representatives, was established in January 2011 and worked on the development of the Law until April 2012. The new draft Law was then adopted by the Government, and adopted by the Parliament in July 2012. It officially came into effect in February 2013.

The new Law mostly reflects the commitments from the OGP Action Plan. It establishes a single second-instance body (the Agency for Personal Data Protection and Free Access to Information, or "the Agency"). However, this body is not composed of non-partisan professionals. The prior composition of the Agency's leadership remained the same, even though the law was changed. The major governing party proposed two members while the opposition political party proposed the third one.

The law requires each institution to submit quarterly report on its application to the Agency for personal data protection and free access to information. Further, the law requires the creation of a list of documents that must be proactively published by each institution. According to the law, free access to information is obligatory, except for rare and justifiable exceptions, but implementation of the law is proving difficult. According to data provided by the Agency, in the first six months of 2013, over 400 requests were submitted, resulting with over 200 appeals out of which over 150 were adopted, because the law was not properly applied. Therefore, in 37% of cases, institutions, as confirmed by the appeal authority, violate the law.

A key challenge that the Government faced was to make the new law consistent with the rest of the legislation involving freedom of information, primarily the Law on Personal Data Protection and Law on Secrecy of the Data. These laws were amended when new Law on Free Access to Information was adopted, but they are not harmonized with each other, which is causing number of problems in practice.

Overall, the new law has created a solid legal ground for easier detection of corruption and breaches of the law. However, some institutions have gone in the opposite direction following adoption of the law. These include removal of data needed for identification of owners of companies and property from public registries by the Tax Authorities and Public Real Estate Authority. There are also some initiatives to decrease access to information related to incomes and assets of public officials justifying that with personal data protection.

### *Did it matter?*

In legal terms, this commitment has improved and completely changed the system for the implementation of the right to freedom of information by introducing the Agency as the

single second-instance body. This makes it simpler for citizens to exercise their rights in case they are violated by institutions not willing to provide requested information.

The new legal framework leaves less space for some institutions to misuse various legal loopholes to deny requested information. For the first time, the law also envisages proactive publication of the extensive amount of data by institutions, making it easier for citizens and other stakeholders to find and use needed information. Furthermore, the Law includes penalty proceedings and financial fines for public officials who violate the law.

On the other hand, implementation of the law in practice still leaves much room for improvement, keeping in mind it has only been in force for several months, and that many institutions have to adapt to new changes in the legal framework.

The new Law, as well as the old one, is extensively used, but still mostly by a limited number of stakeholders. NGOs and media use the law to monitor various phenomena and government processes, including the investigation of cases of conflict of interest, corruption, organised crime and other wrongdoing within the state apparatus.

However, stakeholders are concerned about changes of the law that are extending deadlines for responses, while the fact that appeals are decided by appointees of political parties is a major problem.

The stakeholders did not criticize the law itself, as much as its implementation. Although the Law prescribes transparency as a rule and restrictions are supposed to be rare and justifiable, some activities of the Agency and other institutions involved in implementing the law have undermined this principle.

Notably, there has been a decrease in the amount of data proactively published in the public registries. This limits the capacity of NGOs and the media to investigate cases of conflict of interest, corruption and other wrongdoing by public officials.

Some stakeholders believe that the Agency decisions on privacy matters are used as a cover up for the Government to limit access to the data that NGOs and the media use for investigative reporting. The Agency is claiming that their decisions are based on EU standards, but when it comes to transparency of public registries, practices of EU countries are showing the opposite.

### *Moving forward*

The IRM Researcher recommends that the Government define a new commitment that will be used to monitor implementation of the new Law, its practical achievements and the proactive publication of information. In addition, it is recommended that the Government and the Agency make additional effort towards establishing a solid track record of penalty proceedings against public officials who violate the law. They should also improve the quantity and quality of information proactively published by the institutions, especially in relation to the public registers.

Most stakeholders are recommending that the Government ensure better overall implementation of the law, and increase the percentage of information published upon request by NGOs, media and citizens. They are also recommending that the Government and the Agency make joint efforts to promote the law among the general population, in order to stimulate citizens to use this law and exercise their right to freely access information held by the national and/or local authorities.



Stakeholders also propose the election of a new, independent Council of the Agency, and consistent with the IRM Researcher, propose that the Government ensure that public registries remain publicly accessible.

### *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Djordjije Brkuljan, NGO Centre for Democratic Transition, interview by author, 1 October 2013, Podgorica

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European Commission, *Montenegro 2013 Progress Report*, 16 October 2013, Brussels

Government of Montenegro, Report on Implementation of OGP Action Plan, 20 September 2013, Podgorica

Gavin Hayman, NGO Global Witness, written contribution, 3 October 2013, London

Michael Karanicolas, NGO Centre for Law and Democracy, written contribution, 3 October 2013, Halifax, Nova Scotia

Vuk Maras, NGO MANS, interview by author, 15 October 2013, Podgorica

NGO CDT, press statement, 27 September 2013, Podgorica

NGO MANS, Insight into the 50.000 Freedom of Information Archive, 15 October 2013, Podgorica

NGO MANS, press statement, 28 September 2013, Podgorica

Parliament of Montenegro, "Amendments to the Law on Personal Data Protection." 26 July 2012, Podgorica

Parliament of Montenegro, "Law on Free Access to Information." 26 July 2012, Podgorica

Sladjana Pavlovic, Ministry of Finance, Contact Person for OGP Action Plan, interview by author, 4 October 2013, Podgorica

Drew Sullivan, Organised Crime and Corruption Reporting Project, written contribution 25 September 2013, Sarajevo

Radovan Terzic, NGO MANS, interview by author, 15 October 2013, Podgorica

Government of Montenegro, *Report on Implementation of OGP Action Plan*, 20 September 2013, Podgorica

## 15. Plain administrative language

The Government will invest efforts to make all activities of the public administration in communication with the public presented in a language understandable to public at large. A need for simpler expressions is particularly pronounced in case of information concerning public finances, economy, European integration, transportation, and other. The Government of Montenegro will affirm the use of simpler language constructs and expressions used by the administration, by adopting a special instruction obligatory for all government authorities for its consistent application.

Commitment Description						
Answerability	Lead institution	Government's public relations bureau				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Improving public services				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓				
Ambition		New vs. pre-existing	Potential impact			
		New	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2013			Projected completion		Substantial	
Next steps		None: Abandon commitment				

### What happened?

This commitment, related to simplification of language used by public administration, was announced for the first time announced through the National OGP Action Plan. It is still in preparatory phase.

According to the Government's official information, PR managers of all ministries held a joint meeting, introducing the "Instructions for Use of More Simple Language in the Public Communication," a manual developed by the United Nations Development Programme (UNDP) Regional Bureau for Europe and the Commonwealth of Independent States.

However, the official Special Instruction of the Government was not developed and adopted, nor did the Government systemically promote the use of simpler language in public administration. Most of the authorities are still using the same language in presenting information to the general public.

The main challenge that the Government emphasizes will be development of a sufficiently precise "Special Instruction" under which all authorities will be able to understand and implement the guidelines. Other stakeholders see this entire commitment as a challenge, since it is uncertain whether it will be able to make any visible change in the use of Government language.

### *Did it matter?*

Although implementation of the commitment might lead to better understanding of the official policies and activities of the Government to some extent, many other actions are needed to ensure that citizens are properly informed.

Stakeholders' key criticisms towards this commitment are related to its very limited implementation and ambition. Stakeholders from the civil society do not see any change in the language used by the Government's authorities, compared to the pre-commitment period.

### *Moving forward*

The IRM Researcher and most stakeholders are concerned about whether it will be possible to implement instructions on language use in practice of the Government. We recommend that this commitment be abandoned. The Government should introduce a set of different commitments related to lack of access to official information and proactive disclosure of public documents (as in Commitment 14 above).

### *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Sanja Bojanic, United Nations Development Programme, written contribution, 19 October 2013, Podgorica

Djordjije Brkuljan, NGO Centre for Democratic Transition, interview by author, 1 October 2013, Podgorica

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Vuk Vujnovic, Government's public relations bureau, interview by author, 4 October 2013, Podgorica

Vuk Vujnovic, Government's public relations bureau, written contribution, 7 October 2013, Podgorica

## 16. Preventing conflicts of interest

*The Government will be committed to increase awareness of public officials and civil servants on the conflict of interest and importance of its prevention in discharging public functions in the forthcoming period. Activities will be implemented by training delivered for government and local public officials and organising public campaigns to encourage citizens to report conflict of interest of public officials. Furthermore, a full political independence of the Commission [for Prevention of the Conflict of Interest] needs to be ensured by selecting professional to be appointed to this body without any political background.*

Commitment Description						
Answerability	Lead institution	Commission for Prevention of the Conflict of Interest				
	Supporting institutions	Ministry of Interior				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Raising public awareness		✓	✓		
	2. Training for public officers and public campaigns		✓	✓		
	3. Political independency of the Commission for Prevention of the Conflict of Interest			✓		

<b>Ambition</b>		
<b>Milestone</b>	<b>New vs. pre-existing</b>	<b>Potential impact</b>
1. Raising public awareness	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)
2. Training for public officers and public campaigns	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)
3. Reform Commission for Prevention of the Conflict of Interest	New	Transformative (the commitment entails a reform that could potentially transform 'business as usual' in the relevant policy area)
<b>Level of completion</b>		
<b>1. Raising public awareness</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>2. Training for public officers and public campaigns</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>3. Political independence of the Commission for Prevention of Conflict of Interest</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Not started
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Raising public awareness	Further work on basic implementation	
2. Training for public officers and public campaigns	New commitment building on existing implementation	
3. Political independence of the Commission for Prevention of the Conflict of Interest	Further work on basic implementation	

### *What happened?*

The three main activities under this commitment are all at different stages of implementation. This commitment includes public campaigns, training of officials and

establishment of a politically independent body to monitor public officials' conflicts of interest.

For the first time, as part of the OGP Action Plan, the Government recognised that the Commission's composition should be changed to include only professionals without any political background, in order to ensure its political independence. The rest of the activities under this commitment already existed in the separate "Action Plan for Fight against Corruption and Organised Crime" prior to adoption of OGP Action Plan.

So far, only one activity under this commitment was implemented, related to the organisation of trainings of Government and local officials about conflict of interest issues. The Commission organised 10 trainings for national and local public officials, and also for the representatives of the NGOs and media. The Commission conducted a very limited public campaign to encourage citizens to report conflicts of interest of public officials, since the Government cut its budget.

The composition of the Commission remained the same from the pre-commitment period. Five members of the Commission are appointed by the Parliament, based on nominations by the governing political parties, while the other two members are appointed based on nominations proposals from opposition political parties. The Government did not address the National Parliament with any formal initiative to change the composition of the Commission.

#### *Did it matter?*

The key activity under this commitment aims to liberate the Commission from political influence, which was also one of the key priorities of the Montenegrin EU Accession Process. Therefore this was an ambitious commitment, but its most far-reaching part was not implemented.

Stakeholders believed that a Commission composed of political appointees could not impartially adjudicate conflicts of interest of public officials who represent the parties that nominated them to the Commission. Some stakeholders interviewed believed that the limited progress in this area indicates the Government's lack of political will to fight against conflict of interest.

#### *Moving forward*

The IRM Researcher recommends that the Government expressly fulfil the entire commitment. It is necessary that the Government address the National Parliament with the initiative to reconsider the current composition of the Commission and to ensure that the new members are appointed from the ranks of experts who have no links to the political parties.

The Government should not cut the Commission's budget for activities related to citizen participation.

The Government should further improve the existing commitment by incorporating deliverables and milestones related to implementation of the conflict of interest legislation, especially in relation to high-level cases.

#### *Sources*

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## 17. Strengthening integrity

Montenegro invested additional efforts through adoption of the Law on Civil Servants and State Employees, to be applied from 1 January 2013, aimed at advancing public sector integrity plans; which provides for a legislative governing of obligation to adopt public sector integrity plans. The Administration for Anti-Corruption Initiative will engage in regular monitoring of adoption and implementation of integrity plans and will strengthen capacities of authorities to monitor implementation of provisions on integrity plans in the next period.

Commitment Description						
Answerability	Lead institution	Administration for Anti-Corruption Initiative				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓		
Ambition		New vs. pre-existing Pre-existing	Potential impact Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012		Actual completion		Limited		
End date: 6 April 2013		Projected completion		Substantial		



<b>Next steps</b>	Revision of the commitment to be more achievable or measurable
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*What happened?*

This commitment envisages that the Administration for Anti-Corruption Initiative will regularly monitor the adoption and implementation of integrity plans by other institutions. It will also strengthen capacities of those institutions to conduct monitoring in the future.

The Government adopted guidelines on drafting integrity plans for civil servants. State institutions, including courts, have appointed integrity managers responsible for the preparation and implementation of the integrity plans, but only a few of them have adopted integrity plans.

The Administration for Anti-Corruption Initiative provided training and workshops on integrity plans for public officials, and monitored adoption of the integrity plans, but not their implementation.

Only a few integrity plans are accessible to the public. Representatives of the Government believe that these plans should remain secret, since their publication will reveal problems in institutions that they consider could be misused by some individuals.

There are no public discussions on the adoption of these plans, and it is not clear whether they are based on needs assessments and problem analysis, as is envisaged by the officially adopted methodology. No institution is conducting quality checks of adopted integrity plans.

*Did it matter?*

This commitment could have significant impact, if all institutions developed integrity plans and properly implemented them.

Stakeholders do not have access to adopted integrity plans; therefore they cannot hold the institutions accountable for their implementation.

The major criticism of the stakeholders is related to the lack of public participation in development of these plans, especially for some institutions that are perceived to be highly corrupt.

*Moving forward*

Stakeholders believe that the development of integrity plans should be based on an assessment conducted in a participatory manner, actively involving groups that are commonly using services provided by a particular institution. The plans should be public and institutions should publish reports on their implementation. The anti-corruption agency should be responsible for monitoring implementation of the integrity plans, but should also provide assistance in problem analyses and mapping practices and procedures that could stimulate corruption.

This commitment should focus on the development and implementation of integrity plans in institutions where corruption most frequently occurs.

Special attention should be given to the judicial system, where measures need to be taken to reinforce accountability and integrity safeguards. Another critical area is public procurement, where internal rules for enhancing integrity need to be further developed.

High risks for corruption in privatisation and construction of public works require the development of proper integrity plans for institutions dealing with these issues.

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## 18. Application of code of ethics

In order to ensure full application of code of ethics for the overall public administration, Montenegro will:

- a. Establish an Ethical Board, as an independent body, consisting of representatives of employees and of a representative trade union organisation, which citizens and employees can address in case of breach of standards and rules of the Code of Ethics;
- b. Carry out training on the Code of Ethics of civil servants and state employees both on the central and local level, along with making mandatory signing of a statement on acceptance of the Code of Ethics (at the event of taking employment)
- c. Ensure application of the Code of Ethics through operation of disciplinary bodies and periodic checks on adherence to the Code of Ethics, in order to ensure that a service-oriented public administration builds confidence with citizens – users of services;
- d. Strengthen mechanisms of internal control with the Tax Administration and Customs Administration, in particular concerning detection of corruption and conflict of interest and report on semi-annual basis on results of internal controls to the NC.

<b>Commitment Description</b>						
<b>Answerability</b>	<b>Lead institution</b>	Ministry of Internal Affairs				
	<b>Supporting institutions</b>	Human Resources Administration, Tax Authority, Customs Administration				
	<b>Point of contact specified?</b>	No				
<b>Specificity and measurability</b>		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
<b>Relevance</b>	<b>OGP grand challenges</b>	Increasing public integrity				
	<b>OGP Values</b>					
	<b>Milestone</b>	<b>Access to Information</b>	<b>Civic Participation</b>	<b>Accountability</b>	<b>Tech &amp; Innovation for Trans. &amp; Acc.</b>	<b>None</b>
	1. Establish an Ethical Board, as an independent body			✓		
	2. Code of Ethics training for civil servants			✓		
3. Ensure application of the Code of Ethics			✓			

	through operation of disciplinary bodies and periodic check					
	<b>4. Strengthen Tax Administration and Customs Administration internal control mechanisms</b>			✓		

### Ambition

Milestone	New vs. pre-existing	Potential impact
1. Establish an Ethical Board	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)
2. Code of ethics training	Pre-existing	Minor
3. Application of Code of Ethics	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)
4. Tax and Customs internal controls	Pre-existing	Moderate

### Level of completion

#### 1. Establish an Ethical Board

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete

#### 2. Code of ethics training

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Substantial

#### 3. Application of Code of Ethics

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Substantial

<b>4. Tax and Customs internal controls</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Establish an Ethical Board	Revision of the commitment to be more achievable or measurable	
2. Code of ethics training	Revision of the commitment to be more achievable or measurable	
3. Application of Code of Ethics	Revision of the commitment to be more achievable or measurable	
4. Tax and Customs internal controls	Revision of the commitment to be more achievable or measurable	

#### *What happened?*

Overall, limited implementation of this commitment occurred during the assessment period.

This commitment envisages the establishment of a new body, trainings for public officials, and the implementation of code of ethics with a special focus on the customs and tax authorities.

The Ethics Code for Civil Officers and Employees entered into force from 1 January 2013. The Government appointed members of the Ethical Board, consisting of representatives of employees and a representative trade union organisation. The Board started working in March and until the end of June received no complaints from citizens.

The Human Resources Administration organised three trainings, for a total number of 84 public servants, on the implementation of the Code of Ethics. This is not a large sample, since there are almost 60.000 employees in the public administration.

There is no central institution responsible for monitoring, and information on implementation of Code of Ethics is very limited. Data exists only for a few institutions and they show that public servants are rarely reported and even more rarely found to violate the Code. However, according to reports of international organisations and cases revealed in the media and by civil society, corruption in public administration is a matter of serious concern.

The Customs Administration and the Tax Directorate have their own Ethics Codes and Committees for monitoring their implementation. In the reporting period, two tax inspectors were caught violating the Code, and no employees in customs. These institutions received no reports that would indicate corruption. There is one criminal proceeding for the abuse of power by Customs officers. In its Progress Report, the European Commission estimates that further efforts are still needed to strengthen internal control in order to effectively prevent and detect corruption and other misconduct in customs.

### *Did it matter?*

This commitment existed prior to Montenegro's inclusion in the OGP.

Stakeholders believe that the lack of citizens' reports of violations of the code and the lack of proceedings based on internal control within institutions indicates that the ethical codes are having no concrete results.

According to stakeholders, institutions are very eager to adopt new versions of ethical codes and to establish different bodies for their implementation, but they claim that it is not changing the practices nor influencing widespread corruption. Therefore, some stakeholders think that adoption of ethical codes is only window dressing for the international community, since there is no political will to fight corruption within the state administration.

NGOs and journalists are claiming that the public administration or citizens do not take Ethical Codes seriously, since corruption or maladministration is very rarely punished.

### *Moving forward*

The commitment should specify concrete, measurable milestones, indicators and timeframes for their implementation.

Additional measures should be taken to raise citizens' awareness of the existing complaint mechanisms related to the Code of Ethics.

A monitoring system for implementation of the Code should be established and results made publicly available, and stakeholders should be more involved in performing independent monitoring of implementation of the Ethical codes.

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## 19. Transparency of criteria for employment, bonuses, and promotion in the public sector

Montenegro will be dedicated to achieve objectives aimed at improving the system for employment, bonuses, and promotion (merit based career system) in the public sector, by adopting objective criteria and advance methods for testing candidates.

Commitment Description						
Answerability	Lead institution	Human Resources Administration				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓		
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2013			Projected completion		No dates or milestones attached or inferable	
Next steps			Further work on basic implementation			



### *What happened?*

Through this commitment the Government is obliging itself to improve the system for employment, bonuses, and promotion in the public sector, by adopting objective criteria and advanced methods for testing candidates.

The 2011 Law on Civil Servants and State Employees entered into force in January 2013, and the Government adopted several regulations on recruitment, performance evaluation and awards for state employees. Some ministries have updated their rulebooks on internal organisation in line with the new regulations, but the process has yet to be completed by all ministries.

Institutions developed no special reports on implementation of these regulations that will provide insight into their implementation. However, in its report on State budget expenditures in 2012, the State Audit Institution identifies a number of irregularities related to public employees, including unjustified financial awards for public employees through excessive fees for participation in internal working groups, provision of loans and other types of additional payments that are not merit based.

Employment in public institutions remains a matter of serious political concern. Prior to the spring 2013 Presidential elections, recordings from sessions of the governing party were leaked to the media. Among other things, a high public official stated “one job brings four votes,” explaining how to use employment in public administration to obtain electoral support. The elections were followed by a political crisis, when the largest opposition group boycotted the work of the Parliament and organised public protests in front of the building. The Parliament established a special Inquiry Committee to investigate the affair, but it concluded its work with a report containing only technical data, without conclusions. A criminal investigation continues as of this writing. The European Commission is demanding that this affair be properly investigated, as part of opening negotiations on accession chapters related to corruption and organised crime.

Finally, the Government was strongly criticized for breaching employment rights and undermining public officials’ professional independence of undue political influence. At the end of 2012, 112 senior officials and 36 heads of administrative bodies delivered, at the request of the Government, undated resignation letters.

### *Did it matter?*

If this commitment were fully implemented it would increase trust in public institutions, which would help to avoid that political crisis that significantly slowed down the work of the Parliament. Recruitment of the best candidates is of utmost importance for public administration of a very small country that is currently in demanding process of EU accession.

Civil society and other stakeholders are concerned that employment in public sector is still based primarily on political affiliation, while access to information on employment in the public sector, especially prior to elections, is very limited. Many stakeholders believe that employment in public service is still used for vote buying, but the criminal investigation of reported cases continues, and the EU is demanding concrete results.

### *Moving forward*

The IRM Researcher recommends that the Government put more effort into increasing the transparency of public sector employment.

Information on employment in public service prior to the elections, as well as information on additional fees provided to public servants, should be publicly available. All institutions should respect the Government decision on fees for internal working groups. Findings of the State Audit Institution related to unjustified financial awards and illegal employment practices should be properly investigated and implemented by institutions.

Legislation regulating political party financing should be changed to incorporate standards of good practice and recommendations provided by relevant international organisations. The State Election Commission, as well as the National Parliament, should be actively involved in monitoring public sector employment prior to elections.

The European Commission in its latest report on Montenegro concluded that "...independent and transparent oversight of the police, a fair recruitment policy and a robust complaints mechanism have yet to be established." The EU also estimates that a fair, fully merit-based and transparent system of promotion for judges and prosecutors, and single countrywide recruitment system have yet to be introduced.

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## 20. Reporting on unpermitted building construction

Department for Inspection Oversight and Misdemeanor Procedure develops a semi-annual report on ordinances for demolition (ordinances concerning buildings in cases the investor does not have a building permit), and such report contains also data whether a criminal proceedings are brought against the investor or not. The Government of Montenegro will implement measures for this type of reporting to be done on quarterly basis.

Commitment Description						
Answerability	Lead institution	Department for Inspection oversight and Misdemeanour				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓		✓		
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012		Actual completion			Limited	
End date: 6 April 2013		Projected completion			Complete	
Next steps		New commitment building on existing implementation				

### What happened?

This commitment was already included in the Action Plan for fighting against corruption and organised crime, but that document did not specify how frequently reports should be developed.

In its self-assessment the Government states that the Department for Inspection prepared three quarterly Reports on the Building Construction without a Building Permit between October 2012 and June 2013. These reports are not available on the web site.

The official government report states that since May 2013, the Department for Inspection Oversight and Misdemeanour Procedure is publishing monthly reports that are available at its website [www.uip.gov.me](http://www.uip.gov.me). The website, however, contains only reports for May and June 2013. These reports contain solid statistical data that is enabling better public monitoring of the inspection work, including information concerning illegal construction and types of criminal and penalty proceedings against investors.

The IRM Researcher attempted to obtain reports from contact persons responsible for OGP implementation. The only information that was available is statistical data for nine months, with the justification that the report is under development. However, following the researcher's request, on October 28, the Directorate posted reports on its work for July and August 2013.

Since the reports are not publicly available, nor promoted by the Department, stakeholders couldn't make much use out of them. Most stakeholders from business, NGOs and media were not aware of existence of such reports. One NGO stated that reports were useful in monitoring work of inspections, regretting that only two reports are published at the Department's web site.

#### *Did it matter?*

This commitment requires that the Department report on its activities, but there are no analyses of results, followed by improvements in practice.

Stakeholders underline importance of the fight against corruption within inspections, especially those dealing with construction sector. They think that regular reports will increase transparency of work of the inspection, but since only two of them were published, stakeholders had very limited use of the results of this commitment.

Moreover, stakeholders believe that published information shows that inspectors rarely submit criminal appeals against investors who are violating law. Finally, stakeholders are concerned about the lack of accountability of construction inspectors, when they are failing to stop illegal construction, especially of large projects that have negative effects on the environment.

#### *Moving forward*

The IRM Researcher recommends that this commitment be changed to be more ambitious, with real impact.

Reports on inspection work should be posted on the Department's web site, but besides statistics, they should also contain analyses of results with recommendations followed with discussions of stakeholders to ensure concrete changes in practices of different inspections.

Stakeholders think that individual inspectors should be held accountable for limited results and the Department should publicize related actions.

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Milka Tadic, Weekly “Monitor,” interview by author, 18 October 2013, Podgorica

## 21. Protection of persons reporting corruption

*In order to provide a comprehensive protection of persons who report corruption in Montenegro, the Government of Montenegro will propose adoption of a special Law on persons who report corruption, which will: define a comprehensive protection of persons who report corruption; stipulate clear procedures for reporting corruption; define competent institutions; establish a reporting system on several levels, including media outlets, parliamentarians and civil society organisation as protected channels for reporting corruption; define clear and detailed measures for protection, sanctions and remuneration to motivate employees to report corruption.*

Commitment Description						
Answerability	Lead institution	NGO Centre for Development of Non-governmental Organisations				
	Supporting institutions	NGO Network for Affirmation of NGO Sector - MANS				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	Increasing public integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition		New vs. pre-existing	Potential impact			
		New	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012			Actual completion		Not started	
End date: 6 April 2013			Projected completion		Complete	
Next steps			Further work on basic implementation			

### What happened?

For the first time as part of the OGP Action Plan, the Government committed itself to develop a special law that will protect people who report corruption, commonly known as whistle-blowers. Prior to the OGP commitment, the rights of whistle-blowers were

protected in a very limited scope through different pieces of legislation, including the Law on Civil Servants and Labour Law. However, practice has shown that existing mechanisms are far from satisfactory and individuals reporting corruption, mainly in the public sector, cannot be properly protected. Therefore, a special law was urgently needed.

A key challenge to the development of the proposal of the Law on protection of persons, from the Government's side, was its inability to determine which ministry will be responsible for the development of proposed law. On the other hand, a key challenge civil society faced with was the Government's unresponsiveness to their efforts to participate in the development of the law proposals, by providing concrete inputs and recommendations.

Since the Government was unable to decide which ministry will be responsible for implementation of this commitment, it has transferred the process of developing a proposal to the NGOs on the Task Force responsible for monitoring of the implementation of the OGP Action Plan. The NGOs have submitted to the Task Force all of the materials that they have acquired in relation to whistle-blowers protection, and they have requested that the Government establish a formal working group to develop the proposal for a new law.

However, since the Government still had not decided which ministry will be responsible for this piece of legislation, in January 2013 it was agreed that one NGO will establish its own working group to develop the draft proposal for a new law, together with participation of the Government's officials and other NGO representatives.

When that NGO invited public institutions to appoint their members to the working group, the Government ignored that call. Upon repeated requests, in October 2013, the working group was finally established. However, there is still no official information which ministry will be formally responsible for this piece of legislation nor had the working group produced any materials.

#### *Did it matter?*

The Government had previously claimed that whistle-blowers were properly protected with existing legislation and ignored NGOs' requests for adoption of a special law. Therefore this commitment is a major step forward.

NGOs believe that the Government is intentionally ignoring this commitment, and delaying the identification of responsible institution and its participation in development of law proposal. They believe that it is highly unusual to declare two NGOs responsible for implementation of the Government's commitment, without being able to specify which government institution will be responsible for processing NGO proposals.

Stakeholders pointed out a number of examples in which whistle-blower alerted the public to wrongdoing in the Government, and they suffered consequences.

#### *Moving forward*

The IRM Researcher recommends that the Government urgently determine the institution responsible for implementation of this commitment and to develop a proposal for a new law without further delay.

The Government should also discourage revenge against existing whistle-blowers and publicly show their will to protect individuals who expose wrongdoings. Implementation of existing and policies and practices in relation to whistle-blowers protection should be monitored.

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Ana Novakovic, NGO Centre for the Development of NGO Sector, written contribution, 21 October 2013, Podgorica



## 22. Procurement corruption: Help Desk

Focus of Montenegro in the next period will be directed towards the development and improvement of the Help desk for advisory and consulting services and special group for reporting irregularities.

Commitment Description						
Answerability	Lead institution	Directorate for Public Procurement				
	Supporting institutions	Ministry of Finance				
	Point of contact specified?	No				
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓	✓			
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2015			Projected completion		Substantial	
Next steps		New commitment building on existing implementation				

### What happened?

The Help Desk, as well as the info line for reporting corruption in public procurement existed in the pre-commitment period.

As an OGP Commitment, the Help Desk provided about 100 direct consultations on the premises of the Directorate, more than in the year before, as well as on average 80 telephone consultations per day. There is no information on the types of consultations given, nor is evidence to support this unusually high number aside from statistics developed by the Directorate itself. According to information obtained from the Directorate, the positive trend in relation to the number of provided services continued through 2013, but exact data will be available in 2014.

One possible corruption case in the public procurement was reported through the info line in 2012 and it was rejected. No cases were reported in 2013.

Although human resource capacities were improved in the technical sense, issues primarily related to staff knowledge the structure of Help Desk remained the same as in the pre commitment period.

#### *Did it matter?*

The commitment envisaged improvement of the existing services provided by the institution, without clearly defining concrete actions. It is reaffirming a previous commitment made in other action plans.

Stakeholders believe that part of the service related to the info line for reporting corruption and irregularities is dysfunctional, since it received only one complaint in three and a half years since it was established. This is serious problem, having in mind that public procurement is recognised as an area that is especially prone to corruption, as underlined by many stakeholders and in the report of the European Commission.

#### *Moving forward*

The IRM Researcher recommends that the Government define a concrete, measurable commitment that will specify additional improvements of the Help Desk, especially those related to the fight against corruption. The Government should intensify efforts in promoting these mechanisms and define procedures for public authorities to investigate more cases of irregularities and/or corruption in public procurement on a proactive basis.

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Mersad Mujevic, Director of the Directorate for Public Procurement, 21 October 2013, Podgorica

Ana Selic, NGO Centre for Monitoring, telephone interview by author, 4 October 2013, Podgorica

## 23. Procurement corruption: Regulation and Awareness-raising

Montenegro will commit to adopt relevant regulations and define training modules; regulations on the programme and manner of taking a professional exam in the area of public; development of a manual, flyers, bulletin on increasing awareness in the segment 'how corruption distorts the public procurement process' and development of instructions on how to report irregularities in public procurement procedures. Furthermore, the focus will be on carrying out a campaign on raising awareness – transparency in public procurement.

Commitment Description						
Answerability	Lead institution	Directorate for Public Procurement				
	Supporting institutions	Ministry of Finance and Directorate for Anti-corruption Initiative				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition		New vs. pre-existing	Potential impact			
		Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2015			Projected completion		Substantial	
Next steps			Revision of the commitment to be more achievable or measurable			

### What happened?

Most of the activities under this commitment, including the development of procedures, trainings and a public campaign on corruption in public procurement, were already envisaged by national legislation and policies.

The Ministry of Finance has adopted four different bylaws needed for proper implementation of the Law on Public Procurement. These bylaws include: (1) Rules on Forms of Public Procurement Procedures, (2) Report on Public Procurement and Tender Documents, (3) Rules on the Methodology of Expressing Sub-criteria in the Appropriate Number of Points, the Method of Evaluation and Comparison of Offers, and (4) Rules on Public Procurement Procedure Records.

The Directorate defined training modules for Public Procurement for each year of the commitment implementation period through 2012 and 2013. Trainings are being implemented together with the Human Resource Management Authority. In May 2012 the Ministry of Finance brought a bylaw "Programme and Manner of Taking a Professional Exam in the Area of Public Procurement" which prescribes the procedure for certification of individuals working in the area of public procurement within state and local authorities. In 2012 and first half of 2013, 638 national and local civil servants participated in trainings and 171 passed certification exams to obtain the license allowing them to work in the area of public procurement.

The manual entitled "How Corruption Distorts the Public Procurement Process" was developed and published in 2011, prior to the adoption of OGP Action Plan, and was not followed up by the development of special flyers and bulletins to increase awareness in this particular segment.

Instructions on how to report irregularities in public procurement procedures were not developed. Though corruption in public procurement can be reported to the Directorate for Public Procurement using an info line, which was established in 2010, so far it has processed only one case - which was rejected.

The Directorate for Public Procurement did not organise any awareness-raising campaigns in relation to transparency in public procurement, although representatives of the Directorate were involved in the anti-corruption campaigns of other agencies.

#### *Did it matter?*

Most activities envisaged by the commitment are government obligations defined by previously adopted laws. Therefore this commitment is not very ambitious.

Trainings for civil servants and processing of their certifications allowing them to work in the area of public procurement were extensive, and the number of trained and certified civil servants is rather impressive. However, their education will have to be updated continuously, due to frequent changes in legislation. There is no evidence that would show whether these trainings made any difference in the practical work of public servants.

Awareness-raising campaigns in relation to corruption and transparency in public procurements were not organised. The general public remains rather uninformed about this process. This has been additionally supported with the fact that, since 2012, there were not any reports on corruption obtained through the info line of the Directorate from the stakeholders.

Business representatives believe that corruption in public procurements still represents significant obstacle for business. NGOs and media believe that corruption is very present in public procurements, suggesting that the activities listed under this commitment did not make big difference. They point out that there are no cases against public servants who misused powers in public procurements, even though authorities have nullified many tenders and NGOs and the media have revealed numerous corruption cases. They claim that

a few largest of the companies are permanently receiving the biggest public tenders, and they complain that public access to contracts and annexes is limited.

The Directorate for Public Procurement failed to organise awareness raising campaigns and stakeholders believe that this shows their unwillingness to actively engage citizens in disclosing corruption. As evidence, they point to the lack of cases reported to authorities, compared to the number reported to other stakeholders.

### *Moving forward*

The IRM Researcher and stakeholders recommend that the Government intensify efforts to bolster mechanisms to report corruption in public procurement, as well as to define mechanisms among public authorities to investigate more cases of irregularities and/or corruption in public procurement on a proactive basis. Monitoring systems with semi-annual statistical and analytical reports on processed cases should be established.

The Government should define a set of campaign activities that will promote reporting of corruption, and it should make documents on concrete tenders publicly available, including signed contracts and annexes.

The Government should include representatives of all stakeholders in the development of amendments to the Law on Public Procurement and organise public hearings and expert debates in order to collect all relevant comments, proposals and suggestions for improvements.

### *Sources*

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Mersad Mujevic, Director of the Directorate for Public Procurement, 21 October 2013, Podgorica

Ana Selic, NGO Centre for Monitoring, telephone interview by author, 4 October 2013, Podgorica.

## 24. Establishing central public procurement bodies

A contracting authority designated by way of a Government's regulation will carry out public procurements for the needs of state authorities and public services, while for the needs of local self-government units a contracting authority will be designated by way of regulation of the competent local self-government authority.

Commitment Description						
Answerability	Lead institution	Directorate for Public Procurement				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None for Trans. & Acc.
				✓		
Ambition		New vs. pre-existing	Potential impact			
		New	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)			
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2015			Projected completion		Complete	
Next steps		Revision of the commitment to be more achievable or measurable				

### What happened?

This is a new commitment, which would centralize the public procurement system. Before this commitment was made, each institution (contracting authority) at the national and local level that was using public funds was performing public procurement process individually, and this process was fully decentralized. Therefore, in 2011 and years before, there were over 1000 contracting authorities.

Although the Montenegrin Government's commitment proposed to fully centralize the public procurement process, and to have one institution at the national and one institution in each municipality which will perform the entire public procurement for that system, they have instead decided to implement a semi-centralized model of public procurement, which is still on-going.

The decision to drop the idea of full centralization of public procurement was based on the Government's conclusion that such system would attract only large bidders and would limit the participation of small and medium enterprises in the public procurement process.

Instead, each ministry is performing public procurement for itself but also for the entire system of institutions that is subordinated to it. As a result of the partial centralization of public procurement, the number of contracting authorities dropped in 2012 to 724, and it continued to fall in 2013, to 698.

However, there has been no centralization of the public procurement at the local level. In addition, implementation of this commitment remains very limited in its scope, since other big systems of institutions with a range of subordinated authorities remain out of its reach, such as courts and prosecutorial offices.

#### *Did it matter?*

This commitment envisaged significant changes in public contracting and the targeted number of institutions. However, most stakeholders are not aware of these changes and government plans in this matter.

#### *Moving forward*

Keeping in mind that the Government changed its initial commitment and decided to implement a semi-centralized system instead of the fully centralized model of public procurement originally proposed, the IRM Researcher recommends that the Government intensify efforts to implement this model in all other systems at the national and local level.

In addition, most stakeholders recommend that the Government establish a system of monitoring the implementation of the semi-centralized model of public procurement by subordinated institutions, as well as applying sanctions for those institutions violating procedures.

#### *Sources*

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## 25. Electronic public procurement system

A conceptual design for the project of assistance, within a framework agreement to be financed by the Delegation of the European Commission to Montenegro called 'Strengthening of the Public Procurement System in Montenegro' is submitted, covering improvement of the Law on Public Procurement in the segment of municipal services sector, institutional framework and strengthening administrative capacities of the Public Procurement Administration (trainings), consolidation of public procurements or implementation of the public procurement procedure by another contracting authority, as well as a solution for development of the technical specification geared towards the introduction of an electronic public procurement system. The commencement of the project implementation is planned for 2 May 2012, with the completion date being 1 May 2013.

Commitment Description						
Answerability	Lead institution	Directorate for Public Procurement				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
				✓	✓	
Ambition		New vs. pre-existing	Potential impact			
		New	Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion		Complete	
End date: May 1st, 2013			Projected completion		Complete	
Next steps			New commitment building on existing implementation			

### *What happened?*

This proposal to develop an electronic public procurement system was negotiated a long time ago, with the Delegation of the European Union to Montenegro, and in the reporting period all project components were successfully completed.

The current law on Public Procurement was analysed and cross-referenced with the relevant EU regulation in this field, which was followed up with the development of recommendations for improvement of the current Law.

Technical expert assistance was provided for the practical implementation of the semi-centralized public procurement, as well as different trainings of the Directorate for Public Procurement. In addition, technical assistance was also provided to the Inspection for Public Procurement, which operates under the Directorate for Inspection Control, to be able to more effectively and skilfully perform its operations.

The current IT system used by the Directorate for Public Procurement was analysed and improved, which led to more effective operations of this institution.

In the end, through this project, the Directorate for Public Procurement developed detailed technical specification for integrated, electronic public procurement.

### *Did it matter?*

This commitment made solid legal grounds for improvement of the current Law on Public Procurement and its alignment with the EU regulations, but the final impact will be visible when amendments to the law are developed, adopted and implemented. So far, some parts of the Law are still far from being harmonized with EU regulations.

Stakeholders are not aware of this commitment. They believe that public debates should be organised to discuss changes of public procurement procedures, including NGOs and business representatives.

### *Moving forward*

The IRM Researcher recommends that the Government intensify efforts in implement the semi-centralized model of public procurement in all systems at the national and local level.

The IRM Researcher, as well as other stakeholders, recommends that the Government incorporate all proposals and suggestions for improvements of the Law developed through this project in the amendments to the Law on Public Procurement, which are currently being prepared and involve stakeholders in decision-making. It is recommended to the Government to intensify its efforts towards the establishment of the electronic public procurement system, including making relevant data accessible to the public and private sector.

### *Sources*

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Ana Selic, NGO Centre for Monitoring, telephone interview by author, 4 October 2013, Podgorica

## 26. Budget transparency

*In order to increase transparency of use of public funds, the Government of Montenegro will amend the organic Law on Budget to define in a more precise manner dates in the budgeting calendar, aimed at providing sufficient time to all participants in the planning process, including also the parliamentary procedure. Furthermore, introduction of specific fiscal rules and medium-term budgeting is also planned, which will increase significantly the transparency, accountability in planning and implementation, as well as precision in planning of the budget.*

*The Ministry of Finance will introduce, as a standing practice, a presentation of the annual budget in a visually comprehensible and simple manner, in order to ensure better understanding and increase public interest for budget operations. The same practice will be also established in the process of adoption of the budget revisions.*

*Taking into account that the Programme Budgeting contributes to great extent to an improved efficiency in spending of budget resources with some budget users, the Ministry of Finance will continue its implementation and will continue to identify and develop performance indicators, as mechanisms for monitoring planned activities. Moreover, with the objective to increase transparency of use of public resources, the Ministry of Finance will make amendments to the Chart of Accounts, which will improve the expenditure control. In addition, the Ministry of Finance will enable internal structures to monitor reports of the State Audit Institution, its findings, stated recommendations and implementation thereof by the audited entity. The Government will work to improve communication and exchange of information and findings between the internal audit system and the State Audit Institution.*

Commitment Description						
Answerability	Lead institution	Ministry of Finance				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing public integrity More effectively managing public resources				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Amend the organic Law on Budget with			✓		

	precise deadlines and specific fiscal rules					
	<b>2. Presentation of the annual budget</b> and its revisions in a visually comprehensible and simple manner	✓				
	<b>3. Identify and develop performance indicators</b>			✓		
	<b>4. Amend the Chart of Accounts</b> to improve the expenditure control	✓		✓		
	<b>5. Improve cooperation</b> between the internal audit system and State Audit Institution			✓		

### Ambition

Milestone	New vs. pre-existing	Potential impact
1. Organic Law on Budget	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)
2. Presentation of the annual budget	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)
3. Performance indicators	Pre-existing	Moderate
4. Chart of Accounts	Pre-existing	Minor
5. Improve audit cooperation	Pre-existing	Moderate

### Level of completion

#### 1. Organic Law on Budget

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Complete

#### 2. Presentation of the annual budget

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Complete

#### 3. Performance indicators

<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Not started
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Complete
<b>4. Chart of Accounts</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Complete
<b>5. Improve audit cooperation</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Organic Law on Budget	Further work on basic implementation	
2. Presentation of the annual budget	Further work on basic implementation	
3. Performance indicators	Further work on basic implementation	
4. Chart of Accounts	New commitment building on existing implementation	
5. Improve audit cooperation	Further work on basic implementation	

### *What happened?*

The Government had planned to carry out these commitments prior to joining OGP.

The Government of Montenegro proposed changes to the organic Budget Law in July 2013, but those are still pending in the Parliament. The proposed law defines dates in the budgeting calendar more precisely, and specifies fiscal rules and medium-term budgeting. This Law envisages no public participation in the development of the budget, nor does it include additional measures for improving transparency of budget planning or expenditures.

Steps toward presentation of the annual budget in a visually comprehensible and simple manner are still in the preparatory phase and the 2013 Budget Law and recently proposed revisions were not presented using any visual tools.

Development of performance indicators for budget spending has not started.

The Structure of Chart of Accounts was amended to provide more detailed and transparent review of expenditures such as costs of material, energy, communication, but also contracted services and transfers for different purposes are now presented separately.

Following the audit report, a special Action Plan was adopted and Budget Department of the Ministry of Finance is now responsible for implementing recommendations of the State Audit Institution. The Ministry is informing the Government on implementation of recommendations on quarterly basis. These reports, however, are not publicly accessible; and the Ministry is not presenting its findings to the public.

According to report of the State audit institution on budget expenditures for 2013, many problems underlined in its 2012 Report are still present. These include illegal employment, inappropriate use and accounting of public funds, violation of procedures on additional fees for public employees.

### *Did it matter?*

This commitment is an important positive step, since it establishes clearer rules in budgeting. However, it has had limited effects in terms of the transparency of budget development, income and expenditures.

A new law regulating the budget process and defining new fiscal rules is not yet adopted. In the meantime, public debt significantly increased due to repeated guarantees given by the Government to companies operating without profit. These companies are now paid from the public budget. This state aid violates the Stabilization and Association Agreement signed with the European Union.

Stakeholders point out that there is no transparency or public participation in the budget process. According to civil society organisations, many government institutions hide information on their income and expenditures.

Stakeholders believe that there is still significant room for improvement in cooperation between Ministry of Finance and State audit institution. They are concerned that there is no accountability within the Government for serious problems revealed by auditing reports, and that there are no penalty proceedings or criminal investigations.

### *Moving forward*

The commitment should be more focused on the proactive publication of information on budget income and expenditures, and on public participation in the budgeting process.

Stakeholders believe that it would be useful to have the following information proactively published:

- *Payments by the Public Treasury*
- *More detailed data on transfers to institutions, organisations and individuals*
- *Expenditures from the budget reserve for donations to companies and individuals*
- *Subsidies provided to public and private companies*
- *Additional fees and loans provided to officers by public institutions*
- *Data on employment in public sector segregated by type of contracts*
- *Excise tax paid by companies*

Public debates on budget proposals and revisions should be organised and special discussions should be held on plans to provide large subsidies to public or private companies.

### *Sources*

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Milka Tadic, Weekly "Monitor," interview by author, 18 October 2013, Podgorica

## 27. Combatting all forms of discrimination

The National Police will continue to make efforts in the coming period, aimed at contributing to the combat against all forms of discrimination. To that end, the National Police will consistently comply with the principles of cooperation and carry out activities defined in the signed Memorandum of Cooperation with the NGO 'LGBT Forum Progress' and NGO 'Juventas', as well as the Memoranda of Cooperation to be signed with other non-governmental organisation in the forthcoming period. In order to ensure adequate protection of integrity of LGBT persons, the National Police will undertake additional specific measures aimed at improving required sensibility of police officers for professional conduct with LGBT persons. Furthermore, the National Police will enable to as many as possible police officer from all regional offices, who did not attend training on LGBT rights, to attend informational and educational activities concerning LGBT rights, which will be carried out by relevant institutions, non-governmental organisations and/or international organisations in the next period. The National Police will organise in the coming period educational activities for police officers on conduct with disabled persons in cooperation with organisations of disabled persons, in order to contribute to the protection against discrimination of disabled persons. Moreover, the National Police will initiate activities to free-up public traffic areas used by disabled persons and will adjust the Security Centre in accordance with disabled persons' needs. In the next period, the National Police will also appoint a contact person for communication with disabled persons and will define procedures for control of passengers and vehicles used by disabled passengers in urban, intercity and trans-border transport.

Commitment Description						
Answerability	Lead institution	Ministry of Interior				
	Supporting institutions	Police Directorate				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Creating safer communities				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Carry out activities defined in the signed Memorandum of Cooperation					✓

	with the NGOs					
	<b>2. Trainings for police officers</b> for professional conduct with LGBT persons					✓
	<b>3. Trainings for police officers related to disabled persons</b>					✓
	<b>4. Free-up public traffic areas used by disabled.</b> Define procedures for control of passengers & vehicles					✓
	<b>5. Adjust the Security Centre</b> in accordance with disabled persons' needs and appoint a contact person					✓

### Ambition

Milestone	New vs. pre-existing	Potential impact
1. Carry out Memorandum of Cooperation	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)
2. Train police for LGBT	Pre-existing	Moderate (the commitment is a major step forward in the relevant policy area, but remains limited in scale or scope)
3. Train police for disabled persons	New	Minor
4. Free-up public traffic areas used by disabled	New	Moderate
5. Adjust the	New	Minor

Security Centre		
<b>Level of completion</b>		
<b>1. Carry out Memorandum of Cooperation</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Substantial
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Substantial
<b>2. Training police officers for LGBT persons</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Substantial
<b>3. Training police officers for disabled persons</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Not started
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Substantial
<b>4. Free-up public traffic areas used by disabled</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Not started
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Substantial
<b>5. Adjust the Security Centre</b>		
<b>Start date:</b> 6 April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> 6 April 2015	<b>Projected completion</b>	Substantial
<b>Next steps</b>		
1. Carry out Memorandum of Cooperation	None: Abandon commitment	
2. Train police officers for LGBT	None: Abandon commitment	
3. Train police officers for disabled persons	None: Abandon commitment	
4. Free-up public traffic areas used by disabled	None: Abandon commitment	
5. Adjust the Security Centre	None: Abandon commitment	

### *What happened?*

Most of the activities under this commitment were new, envisaged by the OGP Action Plan for the first time.

The implementation of activities defined in memorandums signed by the Police and two LGBT organisations is occurring with no major difficulties. Two LGBT pride events were successfully organised in Montenegro (in July and October 2013) as well as training for the police officers in relation to LGBT rights. However, a solid track record of convictions of individuals who harass and attack members of the LGBT community is still missing.

The definition and implementation of activities to make police officers more sensitive to the LGBT community remain limited. The Police have conducted one training for 54 police officers, together with local NGOs and representatives of the international community, but other activities are still missing, as well as a strategic plan to improve this area in future.

There have been no education activities for the police in relation to their cooperation with persons with disabilities since the OGP Action Plan was adopted. The only one such activity for the police officers was organised in the pre-commitment period, where 30 police officers participated in a training conducted by the Alliance of the Deaf and Partially Deaf People, where they were able to learn the basics about how to communicate with people using sign language.

Freeing up public traffic areas that are used by the people with disabilities, according to the stakeholders, remains unsatisfactory, and NGOs dealing with people with disability issues emphasize that the Police often do not react to reported cases of blocked streets and pedestrian areas.

Procedures for control of passengers and vehicles used by disabled passengers in all types of transport, according from the official information, were not developed or adopted.

Adjustments of the local branches of the police to be fully accessible for the people with disabilities were only made in the capitol city of Podgorica and partially in the city of Niksic, while other branch offices in the rest of 20 municipalities remain unadjusted.

According to the official information, the Police appointed a contact person for communication with the people with disabilities. However, NGOs dealing with this issue are unaware of his/her existence.

#### *Did it matter?*

This commitment, if fully implemented, would make significant changes in relation to LGBT and rights of persons with disabilities.

NGOs dealing with LGBT rights have established closer cooperation with the Government in organising two pride parades. Some stakeholders believe that was significant step forward, while some believe that the police and the Government supported those in order to cover up burning economic issues.

NGOs dealing with people with disabilities are not satisfied with the progress in the implementation of this commitment and they believe that police is not putting enough efforts to respect rights of disabled persons.

Most stakeholders criticize lack of the solid track records in terms of convictions against persons harassing and attacking LGBT community members, which should be a key part of the cooperation between LGBT NGOs and the Police. Stakeholders pointed out that good example of this is the fact that the first publicly exposed homosexual left the country stating that his rights are constantly violated, while threats that he received were not properly investigated.

#### *Moving forward*

The IRM Researcher believes that this commitment is of the high importance for the society, but it should be coordinated with other action plans, since it is not related to OGP.

Therefore, the IRM Researcher recommends that the Government develop a special action plan, in a joint effort with the civil society and international community, which would deal

with all issues relevant for the marginalized groups, including cooperation with the authorities and anti-discrimination measures.

Most stakeholders recommend that the Government fully implement all activities envisaged under this commitment, and as a second phase, that it develop new commitments that will build on previous ones. However, stakeholders are uncertain if those commitments should be incorporated in the OGP Action Plan or in the special strategic document related to the rights of the vulnerable groups.

### *Sources*

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Marina Vujacic, NGO Association of Youth with the Handicap of Montenegro, telephone interview by author, 1 October 2013, Podgorica

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Marina Vujacic, NGO Association of Youth with the Handicap of Montenegro, online survey, October 2013, Podgorica

Ivana Vujovic, NGO Juventas, written contribution, 24 November 2013, Podgorica

## 28. Improving media freedoms

The Government will increase activities to promote media freedoms, including also resolving crimes and detecting perpetrators and conceivers of all crimes against journalists.

Commitment Description						
Answerability	Lead institution	Ministry of Internal Affairs				
	Supporting institutions	Police Administration				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Creating safer communities				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓	✓	✓		
Ambition						
New vs. pre-existing Pre-existing		Potential impact Transformative (the commitment entails a reform that could potentially transform “business as usual” in the relevant policy area)				
Level of completion						
Start date: 6 April 2012			Actual completion		Limited	
End date: 6 April 2015			Projected completion		Complete	
Next steps			Further work on basic implementation			

### What happened?

This is a very old commitment that the Government made several times in the past, in several action plans adopted prior to the OGP.

There has been very little progress in implementing this commitment. A few small-scale investigations were completed and several final court rulings were made in less sensitive cases of violence against journalists. Judges continue to participate in trainings on the European Court of Human Rights standards. The Government plans to establish a special

task force for identifying problems in the investigations of crimes against media were not completed.

Meanwhile, according to comparative analyses and indexes of media freedom developed by international organisations, the situation in Montenegro is worsening. Several attacks on journalists occurred during the implementation of the OGP Action plan. These cases are still open, as well as other cases, including the murder of the editor-in-chief of an independent media and physical attacks, threats and intimidations against a number of other journalists.

Although many sources in Montenegro indicated that there has been a decline in the number of libel suits against the independent media in recent years, data provided by independent media does not necessarily support such a conclusion.

The amount of damages awarded in successful libel claims appears to have been tempered by the Montenegrin courts' recent adherence to standards articulated by the European Court for Human Rights. The incidence of libel cases against the independent media appears conspicuously high, given the population of Montenegro.

In addition to political pressure, independent media argue they are subject to economic pressure. Efforts to privatize state-owned print media have been unsuccessful. Concerns remain that the state is in breach of the law on the media, which prohibits the state from funding print media.

The Government is the largest advertiser in the country, making it an important source for revenue. Many in the independent media allege that the Government uses advertising to subsidize state-owned newspapers with pro-government viewpoints. A recent NGO study showed that 91% of all government advertising in the local print media went to one newspaper – state owned Pobjeda, constituting 15% of its revenues.

#### *Did it matter?*

If this commitment were implemented it would have significant impact on the safety of journalists in Montenegro, considering attacks against independent media, including one murder of the editor-in-chief of a daily newspaper, are still under investigation.

According to independent media representatives, they continue to operate under fears of informal forms of intimidation and reprisals, political and economic pressure. Concerns have been raised about incidents of violence against journalists, the number of libel suits brought by persons allied with the Government, and the Government's financial influence in the media marketplace.

International observers, NGOs and independent media agree that all old and recent cases of threats and violence still need to be thoroughly investigated and prosecuted.

Journalists from independent media believe that some assaults were carried out on orders from the Government or governing party or perpetrated by persons close to the party. The Government and its supporters, however, attribute the actions to ordinary criminals or to those who have had unfavourable coverage in the independent press.

The involvement of public officials, in particular police officers, in cases of intimidation and assaults against journalists remains a source of serious concern, as does the recent rise in cases of violence against journalists, states the European Commission in its recent Progress Report on Montenegro.



### *Moving forward*

The IRM researcher recommends further work on the basic implementation of this commitment.

Greater transparency is needed as to how acts of violence are being investigated and prosecuted as well as concerning the operation of the court system in its handling of libel cases, and into government financial support of state owned media.

The Government should establish a working group that includes representatives of the independent media to identify obstacles in investigations of violence against journalists.

The Government should proactively publicize all information on state aid given to media. State-owned media need to be privatized without further delay, in line with the law. The Government needs to adopt special regulation regarding advertisements in printed and electronic media, and set clear criteria for decision making, to avoid secret provision of financial aid to media that are pro-government oriented.

Close public monitoring of the court system, conducted by an independent organisation, is needed to ensure that international standards are fully implemented. The Ministry of Justice should provide a public accounting of the relevant facts: statistical information on the number of libel cases assigned to each judge, the outcome of the libel cases on a judge-by-judge basis, and the length of time for libel cases to proceed from the filing of complaint to the rendering of the decision, again on a judge-by-judge basis. While such a report may not fully answer the charges of bias made by the independent media, it will illuminate whether there is a legitimate basis for the independent media's concerns.

### *Sources*

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Ana Selic, NGO CEMI, phone interview by author, 4 October 2013, Podgorica

Milka Tadic, Weekly "Monitor," interview by author, 18 October 2013, Podgorica

US Department of State, Bureau of Democracy, Human Rights and Labour, *Country reports on human rights practices for 2012, Montenegro*, 19 April 2013 Washington D.C.

## 29. Corporate Social Responsibility (CSR)

The Government of Montenegro has to develop a strategic framework for corporate social responsibility in the forthcoming period, to include also defining of the sponsorships and donations segments.

Commitment Description						
Answerability	Lead institution	Division for the Support of the National Council for the Sustainable Development (Ministry of Sustainable Development and Tourism)				
	Supporting institutions	None specified				
	Point of contact specified?	Yes				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Increasing corporate accountability				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
						✓
Ambition						
New vs. pre-existing			Potential impact			
New			Minor (the commitment is an incremental but positive step in the relevant policy area)			
Level of completion						
Start date: 6 April 2012			Actual completion	Limited		
End date: 6 April 2015			Projected completion	Complete		
Next steps			Further work on basic implementation			

### What happened?

This commitment, related to development of strategic framework for corporate social responsibility, was envisaged for the first time under the OGP Action Plan. However, there is no clear link to the OGP values unless it has a public interface.

According to the information obtained from stakeholders, the draft Policy of the Social Responsibility of Montenegro has been developed, and this document will serve as a

strategic framework for corporate social responsibility in Montenegro. The Draft Policy was based on a Study of Social Responsibility, developed by the independent private consultant hired by the Ministry for Sustainable Development and Tourism.

Draft Policy of the Social Responsibility of Montenegro was consulted among the Network for Social Responsibility, but there is no evidence that public hearing was conducted. The final version of the Policy was adopted at the end of 2013.

However, none of this information is published in the official media or on the portal of the Ministry or the Network, and therefore cannot be fully objectively verified.

### *Did it matter?*

The commitment envisages development of the first policy regulating this area, therefore it could be considered as positive, but only a first step, since it is emphasizing only two aspects of the Draft Policy.

Stakeholders believe that the Government was delaying the process and at the time of writing (October 2013), the document had not yet been adopted.

### *Moving forward*

The IRM Researcher, concurring with stakeholders interviewed, recommends that the Government conduct widespread consultations on the draft Policy of the Social Responsibility and to make wide consensus on this document prior to its adoption. Upon adoption of the Policy, it is recommended to develop an action plan for its implementation that will envisage concrete activities to be conducted with a specified timeframe and benchmarks, in order to make visible improvements in the corporate social responsibility in Montenegro.

### *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Anica Boljevic, NGO FAKT, interview by author, 23 October 2013, Podgorica

Anonymous NGO source, interview by author, 1 October 2013, Podgorica  
Government of Montenegro, Report on Implementation of OGP Action Plan, 20 September 2013, Podgorica

Vuk Maras, NGO MANS, interview by author, 15 October 2013, Podgorica

Marina Vukovic, NGO Centre for the Development of NGO Sector, written contribution, 29 November 2013, Podgorica

Government of Montenegro, "Policy for Social Responsibility," 18 December 2013, Podgorica, <http://bit.ly/Mycs7p>

### 30. Support to CSR in Montenegro

Montenegro will promote and provide support to association of social players (Government, NGOs, and business organisations) in the CSR area in Montenegro over the coming period. The support would be provided to all forms of associations and all networks aimed to promote CSR, including also already established networks and those that are yet to be established. As part of the cooperation with the Government of the Netherlands, the Division for Support to the National Council for Sustainable Development of the Ministry of Sustainable Development and Tourism, in cooperation with partners from all sectors, will launch the CSR Network by the end of the month, to include representatives of all structures of the society.

Commitment Description						
Answerability	Lead institution	Department for the Support of the National Council for the Sustainable Development (institution within Ministry of Sustainable Development and Tourism)				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
Relevance	OGP grand challenges	Creating safer communities				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
			✓			
Ambition	New vs. pre-existing Pre-existing	Potential impact Minor (the commitment is an incremental but positive step in the relevant policy area)				
Level of completion						
Start date: 6 April 2012			Actual completion	Substantial		
End date: 6 April 2015			Projected completion	Substantial		
Next steps			New commitment building on existing implementation			

#### What happened?

This commitment is related to government support to an association of major players in the area of corporate social responsibility. It was already envisaged in the project that the

Government would implement this with the support of the Government of the Netherlands, and it was incorporated in OGP Action Plan.

The Ministry of Sustainable Development and Tourism launched the “Network for Social Responsibility” in April 2012. Following completion of the Dutch Government’s funded project, in July 2013, the Minister made a formal decision to make this network an official authority within the Ministry, with a name “the Coordination body for Social Responsibility.”

The main goal of the Network is promotion and awareness raising of the general population, private companies and public administration about the concept of the corporate and social responsibility as one of the mechanisms for the sustainable development. Its main duties are networking with all relevant stakeholders to promote corporate social responsibility, preparation of recommendations and inputs for the Government for development and implementation of principles of social responsibility, and promotion and affirmation of the social responsibility through concrete activities.

The Network is currently composed of 37 members coming from state authorities, academia, business associations and NGOs and is coordinated by the State Secretary of the Ministry of Sustainable Development and Tourism.

So far, the Network has developed a basic package of information on CSR in Montenegro, and an overview of situation in six other relevant countries from the region. It has also provided basic information on EU standards in this area. In addition, the Network has published seven bulletins, organised three workshops, one conference, developed a manual for small and medium enterprises on socially responsible operations, as well as organised three outdoor activities related to the social responsibility.

The network is also participating in development of the Policy for Social Responsibility, the first Montenegrin strategic framework in this area.

Besides the network that was established by the Government, one similar network was established by UNDP in 2008.

### *Did it matter?*

Establishing the first network to promote CSR is important step in the right direction, but concrete impact is still to be seen.

Although the Network did reach the private sector in Montenegro using materials it had produced, it is unclear to what extent it improved CSR in Montenegro in practice, especially since no evaluation of its achievements was conducted. According to its current practices, not many businesses are engaged in CSR.

Stakeholders’ main critiques are related to the small number of stakeholders from individual companies involved in the operations and activities of the network so far, and that more could be done in this direction. According to the Government members of the Network decided not to include representatives of enterprises in its operations until capacities of existing members are developed and criteria for membership are established.

### *Moving forward*

The IRM researcher and stakeholders recommend that the Government conduct a set of concrete activities with a view to changing current legislation and practices to introduce simulative mechanisms to business and other entities that are exercising CSR.

## *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Anica Boljevic, NGO FAKT, interview by author, 23 October 2013, Podgorica

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Ministry of Sustainable Development and Tourism, "Decision on the Establishment of the Coordination body for Social Responsibility" 3 July 2013, Podgorica

Ministry of Sustainable Development and Tourism in partnership with the Network for Social Responsibility, "Social Responsibility - Basic Information Focusing to the Responsibility of Companies" 2012, Podgorica

Ministry of Sustainable Development and Tourism in partnership with the Network for Social Responsibility "Socially Responsible Operations - Manual for Small and Medium Enterprises." January 2013, Podgorica

Network for Social Responsibility, Bulletins one through five, 2012 – 2013, Podgorica

Marina Vukovic, NGO Centre for the Development of NGO Sector, written contribution, 29 November 2013, Podgorica

### 31. CSR workshops

Montenegro will continue, as part of the Project “Encouraging dialogue and partnership for sustainable development between the Government and business sector in Montenegro”, to organise workshops on corporate social responsibility aimed at strengthening capacity of the business sector to adopt and apply the corporate social responsibility concept in own practices. First manual, or guide for corporate social responsibility for companies will be developed as part the project. The project will be implemented until April 2013.

Commitment Description						
Answerability	Lead institution	Department for the Support of the National Council for the Sustainable Development (institution within Ministry of Sustainable Development and Tourism)				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Increasing corporate accountability				
	OGP Values					
	Milestone	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	1. Organisation of workshops on corporate social responsibility					✓
	2. Development of manual					✓
Ambition						
Milestone	New vs. pre-existing	Potential impact				
1. Organisation of workshops	Pre-existing	Minor (the commitment is an incremental but positive step in the relevant policy area)				



on corporate social responsibility		
2. Development of manual	Pre-existing	Minor
<b>Level of completion</b>		
<b>Milestone 1: Organisation of workshops on corporate social responsibility</b>		
<b>Start date:</b> April 2012	<b>Actual completion</b>	Limited
<b>End date:</b> April 2013	<b>Projected completion</b>	Substantial
<b>Milestone 2: Development of manual</b>		
<b>Start date:</b> April 2012	<b>Actual completion</b>	Complete
<b>End date:</b> April 2013	<b>Projected completion</b>	Complete
<b>Next steps</b>		
1. Organisation of workshops on corporate social responsibility	New commitment building on existing implementation	
2. Development of manual	New commitment building on existing implementation	

### *What happened?*

This commitment involved the organisation of workshops and the development of a manual for CSR, which was already planned in the project that the Government was implementing with the support of the Government of Netherlands, and it was incorporated in OGP Action Plan.

The Ministry, together with the Network for Social Responsibility organised three workshops for the members of the Network.

The first workshop was dedicated to the basic principles of social responsibility, the second one focused on the methodology for the development of the manual for small and medium enterprises on socially responsible operations. The third was dedicated to the presentation of the project's achievements at the end of its implementation as well as on further steps in functioning of the Network.

However, none of these workshops was dedicated to strengthening the capacities of the business sector to adopt and apply the CSR concept to its own practices, Neither representatives of any private company, besides members of the Network, participated in the workshops.

A manual for small and medium enterprises on socially responsible operations was developed, published in January 2013 and, according to information from the brochure, printed in only 70 copies, which were distributed to the relevant stakeholders from the Network and posted online. However, the Government claims that another 1000 copies were printed and distributed, but it is not clear whether this happened within the timeframe relevant for this review. A key focus in the Manual for small and medium

enterprises was how to operate in socially responsible manner, while still keeping a profit but in the same time how to operate in a socially responsible manner. Seven different areas of social responsibility were tackled, including responsibility towards the employees, vendors, clients, good/service, community, environment and anti-corruption and three sets of recommendations for improvements were provided.

The key challenge in regards to this commitment will be continuation of activities, although the project support by the Government of Netherlands was terminated in April 2013, and its results and impact were to some extent limited. However, the Government claims this will not affect further activities of the Network.

### *Did it matter?*

Implementation of this commitment has just opened the floor for the debate on CSR, and developed basic recommendations for improvements in relation to small and medium enterprises. It is uncertain to what extent activities from this commitment improved corporate social responsibility in Montenegro. Stakeholders perceive it as modest, but still necessary.

The Manual produced through this commitment is available to all stakeholders and can be used by the small and medium enterprises. However, it is insufficient to achieve any breakthrough in the area of the CSR. According to stakeholders, these activities didn't have much effect at practices of companies and didn't reach wider audience.

Most of the critics refer to the inability of the Government to secure continuation of the project activities without foreign donor support.

### *Moving forward*

It is recommended to the Government by the IRM Researcher as well as by the stakeholders, to conduct a set of concrete activities in changing current legislation and practices to introduce stimulating mechanisms to business and other entities that are exercising CSR. The Government should conduct public campaign to promote CSR.

### *Sources*

Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica

Anica Boljevic, NGO fAKT, interview by author, 23 October 2013, Podgorica

Anonymous NGO source, interview by author, 1 October 2013, Podgorica

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Ministry of Sustainable Development and Tourism in partnership with the Network for Social Responsibility, "Socially Responsible Operations - Manual for Small and Medium Enterprises." January 2013  
Network for Social Responsibility, Bulletins 1-5, 2012 – 2013

Marina Vukovic, NGO Centre for the Development of NGO Sector, written contribution, 29 November 2012

## V. SELF-ASSESSMENT CHECKLIST

*The self-assessment for Montenegro met many of the requirements, but the Government could improve the two-week public comment period on the draft report.*

The self-assessment requirements for OGP set out the process and contents of the bi-annual self-assessment by governments. The self-assessment for Montenegro was due 30 September 2013. Additionally, the self-assessment guidance requires a two-week public comment period on the draft document. The Government published its report on September 20th 2013 without any prior public consultations.

Only four NGOs participating in the Task force were able to provide their input to the report. Additionally, because the majority of decisions were made with government representatives as the dominant force, NGOs had no decision-making power unless their suggestions were acceptable to the Government.

**Table 2. Summary of Self-assessment Requirements**

Was annual progress report published?	Yes
Was it done according to schedule?	No
Is the report available in the local language?	Yes
According to stakeholders, was this adequate?	No
Is the report available in English?	Yes
Did the Government provide a two-week public comment period on draft self-assessment reports?	No
Were any public comments received?	No
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of the consultation efforts?	No
Did the report cover all of the commitments?	Yes
Did it assess completion according to schedule?	No
Did the report reaffirm responsibility for openness?	Unclear
Does the report describe the relationship of the action plan with grand challenge areas?	No

### Sources

Government self-assessment, 20 September 2013, (<http://bit.ly/1gbp4KS>)

## VI: MOVING FORWARD

This section puts the OGP action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

### Country Context

The OGP in Montenegro takes place as the country carries out the EU integration process. Montenegro has undergone extensive improvements of various pieces of legislation in different sectors in order to take it closer to European standards and requirements. One such effort was the amending of the Montenegrin Constitution. Most civil servants' and public officers' capacities were strengthened to be able to enforce new legislation, including representatives of the judiciary. The institutional framework and capacities were also improved in many other sectors.

A key challenge in the future period will be the effective enforcement of new legislation and mechanisms to deliver a solid track record of results in key areas like the fight against corruption and organised crime, transparency, human rights and freedoms, economic issues, and environmental sectors.

However, stakeholders underlined that the Government is also taking some steps backwards by introducing more secrecy in public registries. The most significant example was related to the removal of data related to companies and property from public registries that were previously published online. Another significant example is related to a court case challenging the public disclosure of data of public officials' asset declarations that are currently available on the Internet.

Two continuing cases highlight stakeholder concerns about government responses to citizens using their rights to publicly express their opinion and participate in decision-making. One case is related to public participation in decision making on projects with large environmental effects, additionally prescribed by the Aarhus convention, ratified by Montenegro and in force since August 2009. Another case was related to a public petition against introduction of new taxes. Civic activists were arrested during their actions and the Executive initiated cases in front of misdemeanour courts. The Government appoints the judges of those courts. Many cases like these are continuing. Four activists were found guilty, and since they did not pay financial fine on time, they will be sent to jail.

Finally, several whistle-blowers have asked for asylum in other countries. These whistle-blowers were mainly police officers reporting cigarette smuggling by representatives of the police and intelligence agencies. In this context, it is clear that whistleblowing on waste, fraud, and abuse can lead to intimidation of those civil servants who disclose information in the public interest.

### *Be Responsible*

A recent project from Montenegro, a mobile app entitled "Be Responsible," was shortlisted for the OGP's initiative Bright Spots Award, which praises good examples of open government practice. That application allows citizens to report local problems to the decision-makers, and is being implemented by the Government of Montenegro, the UNDP office in Montenegro and the creative team of the Faculty of Electrical Engineering in Podgorica.

The application allows citizens to report local problems related to the environment, misuse of official vehicles, irregular parking, quality of roads, failure to comply with tax regulations and positive examples could also be reported. That application received an award at competition organised by UNDP and NGO DigitalizujMe.

Since establishment of the web site and development of mobile application, citizens reported over 800 cases, though fewer than 150 received a response from the Government public relations bureau.

### **Stakeholder Priorities**

Stakeholders have divided opinions on the significance of the commitments in the current action plan. While NGOs believe that the most important are those commitments related to their participation in decision making and fights against corruption (commitments no 1, 9, 11, 12, 14, 16 and 21), businesses argue that most relevant are those commitments related to improvement of business environment and public procurements (commitments no 4, 22, 23, 24 and 25). Stakeholders representing media think that commitment related to media freedoms (no 28) is most significant for improving their position.

Stakeholders agree that the new action plan should be more precise and should mainly focus on increasing transparency of public finances and fight against corruption, especially at high levels.

### **Recommendations**

#### *Improving the OGP Process*

The next iteration of the OGP process should include additional stakeholders representing business and media. The process should be more open to experts, but also for ordinary citizens to provide their inputs, especially for major commitments. The Government is currently reviewing the Action plan, and depending on content of the new version, additional stakeholders might be involved in further development of existing or new commitments.

The IRM national researcher recommends that the Government identify all stakeholders, including businesses, to be involved in development of new version of the Action plan.

The Government and NGOs agree that the development of next action should be more open to the participation of stakeholders. Representatives of the Government justify the lack of public discussions in developing the current OGP action plan and its self-assessment by citing their lack of information about such processes. Future self-assessments should be conducted with the active involvement of all stakeholders, and through the organisation of public debates on priority commitments.

#### *Broadening Ownership*

Members of the Parliament of Montenegro should be more involved in development of OGP Action plans, their monitoring and implementation, especially for number of commitments related to changes of laws that are adopted in the Parliament.

#### *Institutionalizing OGP*

Changes in the structure of involved stakeholders should also be reflected in the Operational body responsible for monitoring the Action plan. A joint web site with information on all OGP related activities should be developed. Report on implementation of the Action plan should be done on quarterly bases and publicly promoted.

### *Contents of the next action plan*

The next action plan should include concrete milestones, deliverables and deadlines for implementation of commitments. The Government should carefully review existing commitments and remove those that are not related to OGP.

The main commitments that should be moved forward are related to cooperation with NGOs and their appointment to the Council for Privatisation, public consultations, e-petitions, free access to information, prevention of conflict of interest, protection of persons reporting corruption and media freedom.

The IRM Researcher recommends that the new OGP action plan for Montenegro focus on access to information and transparency of data held by the Government, including proactive publication of data and provision of e-services for citizens. That document should especially target corruption in construction, public procurements and privatisation, identified as areas of special risk.

### **Sources**

Interviews with NGOs

Interviews with business representatives

Interviews with journalists

NGO Ozone Aarhus Centres of Montenegro. "Systemic violence and democracy do not go together." October 2013.

## ANNEX: METHODOLOGY

As a complement to the Government self-assessment an independent assessment report is written by a well-respected governance researcher, preferably one from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,<sup>1</sup> based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the Government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

### Introduction

Early in the planning process for the review of Montenegro's OGP action plan, it became clear that Members of National Parliament (MPs), media and businesses and were largely unaware of the OGP process. Only a few larger NGOs, based in the capitol, were more actively involved by the Government, and consequently more informed.

### Stakeholder Selection

The IRM national researcher invited NGOs to provide information about their awareness of the OGP process and experience in areas targeted by the Action plan through an online group that included more than 500 NGOs. Following that process, the researcher organised meeting with NGOs more informed about particular commitments.

This process was followed by meetings with government officials responsible for implementation of the commitments, meetings with business representatives, as well as a set of interviews with journalists dealing with relevant topics and business associations. Finally, the researcher obtained information from MPs through an online survey.

### Stakeholder Meeting One

1 October 2013

Participants discussed issues related to the development and implementation of the OGP Action Plan of Montenegro. The first part of the meeting was related to the overall implementation of the OGP Action Plan, its impact, and important areas it does not cover, but should do so in future. The second part of the meeting was used to evaluate



implementation of each commitment, to debate on recommendations for improvements and future follow up activities that should be implemented.

Participants:

- *Djordjije Brkuljan, NGO Centre for Democratic Transition, interview by author, 1 October 2013, Podgorica*
- *Jelena Dacic, NGO Juventas, interview by author, 1 October 2013, Podgorica*
- *Dina Bajramspahic, NGO Institute Alternative, interview by author, 1 October 2013, Podgorica*

### Stakeholder Meeting Two

4 October 2013

Representatives of the Government participating at the meeting provided more detailed information and clarifications regarding implementation of particular commitments, but also in relation to the process of adoption of the Action plan, its monitoring and self-assessment report.

Participants

- *Mladen Tomovic, Directorate for Anti-corruption Initiative*
- *Momir Jaukovic, Office of Deputy Prime Minister for political system, internal and foreign affairs*
- *Marija Sukovic, Office of Deputy Prime Minister for European integration*
- *Boris Mugosa, Office of Deputy Prime Minister for economy and financial system*
- *Vuk Vujnovic, Government public relations bureau*
- *Sladjana Pavlovic, Ministry of Finance, Contact Person for OGP Action Plan*
- *Bojana Boskovic, Ministry of Finance*
- *Andrijana Vukotic, Office of Prime Minister*

### Stakeholder Meeting Three

31 October 2013, 2013

Representatives of the Association of Employers of Montenegro provided their opinion on implementation of the OGP Action Plan, and its impact on improvements of the business environment in Montenegro. The first part of the meeting was dedicated to the quality of the OGP commitments, while the second part referred to its factual implementation and solutions on how it could be improved in future.

Participants of the meeting from the Association:

- *Suzana Radulovic, Secretary General.*
- *Branislav Begovic, Legal Advisor.*
- *Zvezdana Olujic, PR Manager.*
- *Rumica Kostic, Legal Advisor.*
- *Jelena Ognjenovic, Chief of the Cabinet.*  
*Mira Muleskovic, Project Manager.*  
*Ana Rasovic, Advisor for the Economic Issues*

## Online Survey

An online survey was used to obtain information from the members of the Parliament of Montenegro (MPs) on level on their awareness on the OGP Action Plan, but also on their potential involvement in its development and/or evaluation. In addition, it was used to obtain recommendations for future improvement of the Action Plan itself, as well as its implementation.

We invited all 81 MPs to participate in the survey through their official emails and 11 of them responded. MPs that provided answers to the survey represent five out of seven MP Caucuses in the Parliament, gathering more than two thirds of all MPs.

The vast majority of MPs do not possess information about the OGP Action Plan. Only one was consulted regarding one commitment and two in total had heard about the document. MPs mostly recommended that this document should be widely promoted among the general population, and that the development and monitoring of implementation of the OGP Action plan should more actively involve the Parliament.

Participating MPs:

- (1) Miljanic, Zoran. Independent. Opposition.
- (2) Popovic, Andrija. Caucus of Minorities and Liberals, Governing coalition
- (3) Pajovic, Darko. Caucus of Positive Montenegro Party, Opposition
- (4) Djukanovic, Milutin. Caucus of Democratic Front Coalition, Opposition
- (5) Sabovic, Husnija. Caucus of the Democratic Party of Socialists, Governing coalition
- (6) Vukcevic, Zoran. Caucus of the Democratic Party of Socialists, Governing coalition
- (7) Bulajic, Strahinja. Caucus of Democratic Front Coalition, Opposition
- (8) Tuponja, Goran. Caucus of Positive Montenegro Party, Opposition
- (9) Radunovic, Slaven. Caucus of Democratic Front Coalition, Opposition
- (10) Banović, Borislav. Caucus of Social Democratic Party, Governing coalition
- (11) Bojanic, Mladen. Caucus of Positive Montenegro Party, Opposition

## Interviews

In addition to meetings, IRM national researcher conducted the following interviews:

- *Mersad Mujevic, Director of the Directorate for Public Procurement, 21 October 2013, Podgorica.*
- *Edin Seferovic, American Chamber of Commerce, 25 October 2013, Podgorica*
- *Aleksandar Mitrovic, Montenegrin Chamber of Commerce, 30 October 2013, Podgorica*
- *Milka Tadic, Weekly "Monitor." 18 October 2013, Podgorica*
- *Nikola Markovic, Daily "Dan." 18 October 2013, Podgorica*
- *Dejan Milovac, NGO MANS, 18 October 2013, Podgorica*
- *Vuk Maras, NGO MANS, 15 October 2013, Podgorica*
- *Edin Koljenovic, NGO Civic Alliance, 1 October 2013, Podgorica*
- *Ana Selic, NGO CEMI. 4 October 2013, Podgorica*
- *Anica Boljevic, NGO fAKT. 23 October 2013, Podgorica*

Finally, the researcher also obtained information from other government officials and representatives of several international organisations via email, and number of documents produced by stakeholders, as indicated in sources related to particular commitments from the OGP Action Plan.

### Sources

Meeting with NGOs, 1 October 2013, Podgorica

Meeting with government officers, 4 October 2013, Podgorica

Meeting with Association of employers, 31 October 2013, 2013, Podgorica

### About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- YaminiAiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small staff based in Washington, DC shepherds reports through the IRM process in close co-ordination with the researcher. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org)

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<sup>1</sup> Full research guidance can be found at <http://bit.ly/1jkisPj>