Independent Reporting Mechanism (IRM): Montenegro Transitional Results Report 2018–2021

This report was prepared in collaboration with Elma Demir, independent researcher.

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Elma Demir to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

This report covers the implementation of Montenegro's second action plan for 2018-2021. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.[1] The IRM adjusted its Implementation Reports for 2018-2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

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[1] For more information, see: https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Montenegro's second action plan included commitments closely related to their public administration reform and the country's EU integration process. Activities included expanding online public participation tools, improving access to government information and open data, improving budget transparency, and conducting a study on whistleblower protection. Other activities involved introducing an online national identification document, online fee collection, and online tax filing.[1]

The adoption of the second action plan in 2018 was an important step toward reviving Montenegro's OGP process, ending six years of inactivity in OGP. However, in August 2020, parliamentary elections resulted in the near total turnover in public administration leadership and staff. The Ministry of Public Administration was restructured into the Ministry of Public Administration, Digital Society and Media, and the new point of contact (PoC) had to appoint new government representatives to Montenegro's OGP multi-stakeholder forum, the Operations Team (OT).[2] These changes slowed implementation. By the end of the implementation period (August 2021), five commitments had limited completion and one was not started. Although the action plan included potentially impactful activities around online public participation (Commitment 2), access to information (Commitment 3), and budget transparency (Commitment 6), their limited completion prevented them from achieving noticeable results or changes in open government practice.

The PoC has sought to revive the OGP process by appointing new government representatives to the OT and co-create the third action plan, due to be submitted in 2022. The ministry aims to continue improving the application of the Law on Free Access to Information and open data (Commitment 3) and updating the e-participation portal (Commitment 2).[3] In addition, one civil society stakeholder wishes for the comparative study on whistleblower protection to be part of the third action plan, with the aim of eventually adopting the 2019 EU Directive on whistleblower protection.[4] The third action plan will likely carry over some of these commitments due to the limited completion during the second action plan and their close connection to Montenegro's EU integration requirements.

2.2. COVID-19 Pandemic impact on implementation

During the COVID-19 pandemic, the Montenegrin government requested an extension of the action plan by one year to August 2021 (originally scheduled to end in August 2020). Many activities involved publishing information online, developing online participation tools, or digitizing public services and were thus not directly affected by the pandemic. Although there was little communication around the status of the action plan, this was largely due to the high turnover in the public administration following the August 2020 elections, and not the pandemic. Nonetheless, as with other countries, the pandemic shifted the government's priorities to urgent health matters, which likely impacted the implementation of the action plan and the OGP process in general.

The pandemic put pressure on Montenegro's democratic institutions, particularly before the change in government from the August 2020 elections. A coalition of Montenegrin and international NGOs called on the Ministry of Public Administration to postpone public consultations in April 2020 on proposed reforms to the Law on Free Access to Information (part of Commitment 3) due to concerns over COVID-19 restrictions.[5] Although the ministry

initially extended the public consultation to allow suggestions to be emailed for an additional 10 days,[6] the government ultimately halted the consultation and reform process until after the upcoming national elections.[7] The reform process restarted in 2021,[8] and the government held a roundtable discussion and consultations with NGOs before finally adopting the draft law in December 2021.[9] In March 2020, the National Infectious Diseases Coordination Body began a policy of publishing the names of individuals who were required to self-isolate, along with the municipality and street where they lived,[10] a move that was criticized by civil society over privacy concerns.[11] According to Freedom House, the pandemic changed the way that elections were run, but the electoral authorities took steps to enable citizens who were in quarantine to vote, and turnout was not affected by either the virus or restrictive public measures.[12]

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[1] Independent Reporting Mechanism (IRM): Montenegro Design Report 2018–2020, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Montenegro_Design_Report_2018-2020_EN.pdf

[2] IRM researcher interview with Marija Jankovic, Directorate for Innovation, Openness of Public Administration and Cooperation with NGOs, Ministry of Public Administration, Digital Society and Media, 9 December 2021.

[3] Ibid.

[4] IRM researcher interview with Igor Pavicevic, Institute for Certified Accountants, 15 December 2021.

[5] Transparency International, Montenegro: Public debate on access to information law must be delayed, https://www.transparency.org/en/press/montenegro-public-debate-on-access-to-information-law-must-be-delayed

[6] Access Info and Centre for Law and Democracy, COVID-19 Tracker, https://www.rti-rating.org/covid-19-tracker/

[7] Access Info Europe, Montenegro access to information law reform halted, https://www.access-info.org/2020-04-17/montenegro-access-law-reform-halted/; and MANS, Postponing the debate at the time of the epidemic was the only decision in the public interest [Odlaganje rasprave u doba epidemije je bila jedina odluka koja je u javnom interesu], https://www.mans.co.me/odlaganje-rasprave-u-doba-epidemije-je-bila-jedina-odluka-koja-je-u-javnom-interesu/

[8] Government of Montenegro, Minister Srzentić in an interview for the portal Analitika: Public debate on the Law on Free Access to Information Soon [Ministarka Srzentić u intervjuu za portal Analitika: Uskoro javna rasprava o Zakonu o slobodnom pristupu informacijama], https://www.gov.me/clanak/ministarka-srzentic-u-intervjuu-za-portal-analitika-uskoro-javna-rasprava-o-zakonu-o-slobodnom-pristupu-informacijama

[9] Government of Montenegro, Abazović: Government committed to increasing overall transparency [Abazović: Vlada posvećena povećanju ukupne transparentnosti], https://www.gov.me/clanak/abazovic-vlada-posvecena-povecanju-ukupne-transparentnosti; and Government of Montenegro, The Government of Montenegro adopted the Draft Law on Amendments to the Law on Free Access to Information [Vlada Crne Gore usvojila Predlog zakona o izmjenama i dopunama Zakona o slobodnom pristupu informacijama], https://www.gov.me/clanak/vlada-crne-gore-usvojila-predlog-zakona-o-izmjenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama

[10] International Center for Not-for-profit Law (ICNL), COVID-19 Civic Freedom Tracker, https://www.icnl.org/covid19tracker/?location=83&issue=&date=&type=

[11] Pobjeda, The Civic Alliance submitted an initiative on the constitutionality of the National Coordination Body for Communicable Diseases' decision, 23 March 2020, https://www.pobjeda.me/clanak/gradanska-alijansa-podnijela-inicijativu-

[12] Freedom House, Montenegro, https://freedomhouse.org/country/montenegro/nations-transit/2021#footnote8_khc6cck

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year timeframe of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the "***Did it Open Government?***" (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Reports will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with "major" or "outstanding" changes to government practice.[1] Commitments considered for analysis in this section had at least a "substantial" level of implementation, as assessed by the IRM in Section 2.4.[2] No commitments from Montenegro's second action plan met the criteria for inclusion in this section, as the IRM could not determine if any commitments opened government beyond the status quo before the action plan or saw early results.

As noted in Section 2.1 and explained in greater detail in Section 2.4, most commitments in the action plan saw only limited completion. Commitment 2 aimed to expand the use of online participation and e-petition tools. However, uptake of these tools by citizens and civil society remains low and the way these tools are used by public institutions is inconsistent. The IRM could not establish if any local self-government began using the e-petitions portal, which was one of the more potentially ambitious activities in this commitment. Commitment 3 saw the publication of datasets to Montenegro's open data portal, but there is little evidence to suggest that the data is being actively used by citizens, civil society, or businesses. Furthermore, the amendments to the Law on Free Access to Information (also under Commitment 3) were adopted in late December 2021, several months after the action plan ended. They broaden the use of public interest and harm tests to some exceptions, improve the management of dealing with requests inside institutions, and strengthen the role of the Agency for Personal Data Protection and Free Access to Information as an independent supervisory body.[3] Lastly, Commitment 6 involved developing visual presentations of the state and local budgets, publishing citizen brochures, and conducting a comparative study on whistleblower protection. At the end of the action plan, these activities were only partly completed.

In addition to limited implementation, the IRM Design Report found that three of the six commitments were not directly relevant to any of the core OGP values of transparency, civic participation, or public accountability.[4] These commitments involved various e-government reforms and improving the internal procedures for authorities: the adoption of an electronic national identification card (Commitment 1), developing a system for the government to monitor collection of administrative and court fees (Commitment 4), and providing citizens with electronic access to their tax returns (Commitment 5). Although these commitments could be important for national and local budgets, they did not involve releasing new or more information to the public, expanding opportunities for public participation in decision making, or providing mechanisms for the public to hold government to account. For the next action plan, the IRM recommends ensuring that commitments are designed in a way that includes clear elements of transparency, participation, or public accountability.

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[1] IRM Design Reports identified strong commitments as "**noteworthy commitments**" if they were assessed as verifiable, relevant and "transformative" potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with "moderate" potential impact. For the list of Montenegro's noteworthy commitments, see the Executive Summary of the 2018-2020 IRM Design Report, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Montenegro_Design_Report_2018-2020_EN.pdf

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[2] The following commitments assessed as noteworthy in Montenegro's IRM Design Report are not included in this section because their limited implementation means there is not enough progress to assess results:

- Commitment 2: E-Democracy
- Commitment 6: Improved anti-corruption policies

[3] Government of Montenegro, The Government of Montenegro adopted the Draft Law on Amendments to the Law on Free Access to Information [Vlada Crne Gore usvojila Predlog zakona o izmjenama i dopunama Zakona o slobodnom pristupu informacijama], https://www.gov.me/clanak/vlada-crne-gore-usvojila-predlog-zakona-o-izmjenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama

[4] Independent Reporting Mechanism (IRM), Montenegro Design Report 2018–2020, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Montenegro_Design_Report_2018-2020_EN.pdf

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion: *(no evidence available, not started, limited, substantial or complete)*
1. National Identification Document	**Limited** This commitment aimed to introduce a new National Identification Document (NID) and adopt a corresponding National Identity Scheme. The purpose of the NID is to increase efficiency and safety in using e-services by providing citizens with unique identification codes for online identification. The commitment also called for creating a working team and holding three expert panels on using citizens' data while protecting personal data. The Law on the Electronic Identification and the Electronic Signature (for the National Identify Scheme) was passed in 2019, but the Ministry of Internal Affairs started to issue the new electronic cards in June 2020 (three months later than initially planned, due to the COVID-19 pandemic). Although it was originally envisaged that the NID would include a variety of services, the existing systems (www.dokumenta.me and www.biraci.me) have been combined in the https://e.servis.mup.gov.me portal. The working team included only the Ministry of Internal Affairs and the Ministry of Public Administration, Digital Society and Media. However, the Ministry of Internal Affairs handled all activities and there was no regular communication between the two ministries. Civil society was not involved and information on participating in the working group or in the expert panels is not listed on the e-participation portal or in the self-assessment. Based on media reports using information from the Ministry of Internal Affairs in 2021, more than 147,000 citizens (roughly one-quarter of Montenegro's population) have applied for or received the NID card.[1] However, the system is also reportedly confusing to citizens and most have not yet activated their cards because they were not aware that they need to purchase an electronic reader.[2] The Ministry of Public Administration, Digital Society and Media, which oversees electronic identification and signatures, has selected the providers.[3] The next steps for the ministry are to add additional services (i.e., e-health and e-taxes) and better inform citizens about the new card and its functions, especially how to activate it. Citizens are not required to immediately exchange their current IDs with the new electronic IDs, and old cards are valid until March 2025. As Montenegro is still in the early stages of digitizing its public services, the NID scheme is not fully implemented and only some services are in place. Given the ongoing rollout of NID at the end of the action plan, the IRM considers the commitment to be limited in implementation.
2. E-democracy	**Limited** This commitment aimed to enhance online public participation in policymaking in Montenegro. The commitment had six milestones: (2.1) post calls for public consultations and for draft laws on the government's

e-participation portal, (2.2) extend the government's e-petition portal (Citizen's Voice e-Petition) to include local self-governments, (2.3) standardize local self-government web portals, (2.4) conduct customer satisfaction surveys for points of service, (2.5) develop an online tool for reporting infrastructure issues and launching initiatives, and (2.6) set up a "Does Your Employer Pay Contributions?" application and online tool for checking M4 tax forms (forms filed by employers setting out pension and disability fund contributions paid).

The e-participation portal (2.1) is part of Montenegro's general e-government portal.[4] There are several citizen engagement mechanisms under e-participation: e-consultations, e-public hearings, participation in working groups, and public announcements. Looking at these e-participation pages, it appears that the milestone's original targets were mostly achieved. The portal saw 70 calls for public consultations in 2021, 47 in 2020, and 48 in 2019 (target: at least 30 calls annually).[5] In 2021, 32 calls for consultations on draft laws were posted, but no data for previous years exists (target: at least 30 calls on draft laws annually).[6] There were 203 calls for NGO participation in working groups published between January 2019 and January 2022 (target: at least 50 calls for NGO participation annually).[7] The milestone also set a target of receiving at least 100 comments from the public. Most institutions did not publish reports on conducted consultations. Based on a review of several recent consultations for which institutions prepared reports, only a small number (one or two at a time) of citizens and CSOs participate in consultations. Overall, use of the portal by public institutions is uneven, and it is difficult to establish if government responsiveness to the public improved during the action plan. None of the CSO representatives interviewed for this IRM report used the e-participation portal or were able to give feedback on its usefulness. Moreover, Montenegro experienced major turnover in its public administration in 2020. One interviewed civil society representative said that new government staff are still learning how to integrate e-participation into their work.[8]

This Citizen's Voice e-Petition portal (2.2) has existed since 2012, but it was largely unused until 2019, when the government reactivated it. According to Montenegrin law, petitions that receive the support of at least 3,000 citizens within 60 days are submitted by the relevant ministry to the government for consideration. Based on the information on the portal, 71 petitions were submitted, and 16,604 citizens voted in these processes. However, in the section where all petitions are visible, only 20 are listed. Out of these 20, four met the support criteria and were submitted to the government for consideration. Of these four, one was rejected, one was partially addressed, and decisions on two are unclear, although formal documents were adopted. Importantly, it is unclear how many local self-governments (if any) use the portal. On the list of public institutions where petitions can be directed, only ministries of the national government are listed. Citizens can start petitions around local issues but cannot direct them specifically to their local self-government. Based on the limited use of the portal and the fact that most petitions, even when considered by the government, were not adopted, there is low trust among civil society in this tool as a mechanism for direct democracy.

The IRM could not find any examples of standardization of local self-government web portals in line with the "Standardised Guidelines" (2.3) from interviews or desk research. For example, Podgorica uses its website to disseminate information about public hearings[9] and citizen

	surveys,[10] but not for online petitions. The Public Opinion Research Agency conducted a survey of more than 1,100 citizens in March-April 2021 regarding user satisfaction of public services (2.4).[11] The survey showed that users want more online services, centralization of documents, and better visibility of information.
	According to the self-assessment, nine municipalities are now part of the "section48" mobile application and webpage, which allows citizens to report information on a problem in their community and the local government must respond within 48 hours (2.5).[12] This platform has existed since before the action plan,[13] and it is unclear how many municipalities joined the service during the action plan period. The self-assessment notes that it is difficult to measure if the number of reports increased during the action plan period or if citizens' reports were processed at the targeted rate (20 percent more reports submitted and 80 percent of reports acted upon).[14]
	Per the self-assessment report, the "Does Your Employer Pay Contributions?" application was not developed (2.6).[15] The Pension and Disability Insurance Fund of Montenegro was not involved in the creation of this application, while the Customs and Revenue Administration did not provide the requested data.
3. Proactive publication of information	**Limited**
	This commitment aimed to improve access to information and open data in Montenegro. Specific milestones included: (3.1) amending the Decree on State Administration Setup and Method of Operation, (3.2) increasing use of the open data portal www.data.gov.me, (3.3) using open data to support business start-ups, (3.4) developing an online platform to support SMEs, (3.5) ensuring the publication of electronically readable materials from Government of Montenegro sessions, (3.6) monitoring the implementation of Guidelines for Electronically Readable Documents in line with e-accessibility standards, (3.7) amending the Free Access to Information Law, and (3.8) reporting on the implementation of the Law on Classified Data.
	The Decree on State Administration Setup and Method of Operation (3.1) states that the Ministry for Public Administration, Digitalization and Media is responsible for ensuring information held by public authorities is available in open format. There is no further mention of open data in the Decree.[16]
	Based on a review of datasets on the data.gov.me portal, 16 public institutions published 192 datasets in 13 areas (3.2). A total of 134,501 downloads of datasets are recorded in the analytics of the website (as of February 2022).[17] The most downloaded file is the salaries in the Parliament of Montenegro, indicating some interest in this topic.[18] However, interviewed civil society stakeholders stated they do not often use the portal in their work. Moreover, many datasets consist only of contact lists, which are already available on other websites.[19] Among the more potentially useful datasets are energy licenses, a list of active CSOs in the country, and public funding of CSOs from 2013-2018.[20] One indicator for this milestone was improving Montenegro's rank in global open data indices. There is no data for Montenegro from the Open Data Barometer (World Wide Web Foundation) since 2017, no data from the Open Data Index (OKF) since 2015, and no data for Montenegro from the OURData Index (OECD). However, for ODIN (Open Data Watch)

Montenegro scored 57 in 2020 (ranked 66 out of 187), an improvement from the 2018 score of 45 (84 out of 178).[21]

For milestone 3.3, various hackathons were held during the action plan period, including by the Chamber of Commerce and the Ministry of Public Administration, Digital Society and Media in October 2019.[22] There was no survey of business start-ups on the open data portal, and only a few conferences were held where participants discussed open data. In July 2019, the Chamber of Commerce established the National Hub of Open Data, which brings together public administration, the private sector, the scientific community, and civil society to improve open data in Montenegro.[23] However, a member of the Chamber of Commerce contacted by the IRM said they were not involved directly in implementing OGP activities. While several hub events were organized, it is difficult to evaluate their impact. Nonetheless, its members seek to improve the data on the data.gov.me portal. The Chamber of Commerce took part in a regional EU-funded ODEON project, which supported the hub's activities.[24]

The register for SMEs (3.4) has information on governmental incentive measures available to domestic and foreign investors through support programs intended for the private sector.[25] This register has information on the characteristics and benefits of investment incentives. It also includes information on the incentive (purpose, type, who can access it and how, which ministry is in charge, web links, etc.). Previously, this information was scattered across various governmental decisions.

The self-assessment notes that guidelines on how to publish electronically readable materials from Government of Montenegro sessions have been drafted (3.5),[26] but the IRM was unable to find them. These guidelines are a formal document to be followed by public servants when creating documents for open format. There is no available information on trainings for staff. The monitoring report on the "Guidelines for Electronically Readable Documents" was published in June 2020 (3.6), which included recommendations for improving the Government of Montenegro's website. Despite some aesthetical improvements, a civil society representative noted that it is still difficult to find documents on the new website unless one knows the exact title, due to limitations in the search functions.[27] The Rulebook on Accessibility Standards is a two-page document with standards for publishing information online.[28] Although it is legally binding, it does not include any monitoring measures.

The draft amendments to the Law on Free Access to Information (3.7) were adopted in late December 2021. The government states that the amendments broaden the use of public interest and harm tests to some exceptions, improve the management of dealing with requests inside institutions, and strengthen the role of the Agency for Personal Data Protection and Free Access to Information as an independent supervisory body.[29] Interviewed civil society representatives told the IRM they were not familiar with the amendments and thus could not comment on them. During consultations on the draft law however, Montenegrin and international NGOs criticized the proposed amendments for allowing information to be classified that could potentially expose corruption within government agencies,[30] highlighted several weaknesses around business and tax secrecy and the exclusion of data from international organizations, foreign countries, and the security sector, and called for strengthening of the role of the Agency for Personal Data Protection and

	Free Access to Information.[31] According to the EU Progress Report for Montenegro, "(T)he Government plans to proactively share public information and there is a more positive, albeit uneven, trend of declassifying and providing access to certain documents to which access was denied previously. This also concerns information about areas sensitive to corruption."[32] The report on the implementation of the Law on Classified Data (3.8) is not publicly available. The self-assessment states that the report contains information on the amount of data that is classified as confidential, but it does not contain a list of criminal charges against people or sanctions imposed for breaches of the law.[33]
4. Efficient collection of administrative fees	**Limited** This commitment aimed to develop a National Administrative Fee Collection (NS-NAT) that would help the government monitor all transactions related to the collection of administrative and court fees and enable electronic payment. It mostly involved the digitization of public authorities' internal work and thus was not directly relevant to OGP values. During the action plan period, the Ministry of Public Administration, Digital Society and Media prepared a concept plan for the NS-NAT. Based on the Program of Economic Reforms in Montenegro for 2021-2023 (published in May 2021), the establishment of the NS-NAT is in the final phase and three points of sale terminals will be installed at the counters of the Central Registry of Companies.[34] However, at the end of the action plan period, the system itself is not yet in operation, and the goal of installing the NS-NAT at 10 points of sale has not yet been realized.[35] Therefore, the IRM considers the commitment's completion limited.
5. Electronic delivery of property tax returns	**Not started** This commitment aimed to create a database for all property taxes to local revenue collection offices so that citizens could download their tax form to pay taxes. It also called for increasing the number of users by 20 percent. However, it did not involve disclosing additional information to the public, and thus was not directly relevant to OGP values. According to the self-assessment, the property taxes database has not been developed.[36] It was established that the Tax Administration (under the Ministry of Finance and Social Welfare) did not have the legal authority to handle this matter, but rather local tax authorities. Moreover, the new electronic ID cards are not connected to the tax data (see Commitment 1).[37] Although there is a link to this service, it does not currently work.
6. Improved anti-corruption policies	**Limited** This commitment called for visual presentations of the state and local budgets (6.1) and publishing citizen budget brochures (6.2). It also proposed a comparative study on whistleblower protection to provide recommendations for Montenegro's legal framework (6.3). This activity entailed creating a similar tool to one that the NGO 'Institut Alternativa' had already created in 2017.[38] The self-assessment notes that the visual presentations of the state budget by institutions was not implemented, and the portal http://budzet.sntcg.com/ is not functional

(6.1).[39] A database on municipal finances is available on the website of the Union of Municipalities.[40] It provides a total budget with revenues, expenditures, and debts of all municipalities but does not contain this information for each municipality separately. The data is presented in web format and there is no option to download it for further analysis.[41]

The IRM was unable to find the original template for citizen budget brochures developed by the Union of Municipalities (6.2). Several municipalities use a similar template for their citizen budgets, such as Bar,[42] Mojkovac,[43] Pljevlja,[44] and Podgorica.[45] However, not all municipalities have citizen budgets or use the same template. For example, the Budva website contains only PDFs of financial reports that the authorities adopt, but not the actual brochure with user-friendly information on the budget.[46]

The website https://lokalnefinansije.me was also developed. This website presents information on how much municipalities spend and earn, but not on what and how the money is spent. As such, interviewed civil society told the IRM they do not use it.

The Agency for the Prevention of Corruption invited the Institute for Certified Accountants to join a working group on the comparative study for whistleblower protection (6.3). The group met several times and decided to collaborate with special units in public institutions. Their aim was for Montenegro to implement the 2019 EU Directive on whistleblower protection.[47] However, this work was halted due to a change of leadership in the Agency for the Prevention of Corruption in 2020. According to a representative of the Institute for Certified Accounts, they wish to carry forward the study into Montenegro's next action plan.[48] The representative also believes that whistleblower protection should not only cover the public administration and state enterprises but also companies with more than 50 employees, per the EU Directive.

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[1] Vijesti 25, Novi ID sakrili, a JMB „zaštitili" štampom na ličnoj karti, https://www.vijesti.me/vijesti/drustvo/573351/novi-id-sakrili-a-jmb-zastitili-stampom-na-licnoj-karti

[2] Mladi Berana, Čitače za pametne lične prva nudi Pošta, https://mladiberana.me/citace-za-pametne-licne-prva-nudi-posta/

[3] Government of Montenegro, Elektronska identifikacija i elektronske usluge povjerenja, https://www.gov.me/clanak/elektronska-identifikacija-i-elektronske-usluge-povjerenja

[4] E-Government Portal of Montenegro, eUprava, https://www.euprava.me/en

[5] eUprava, https://eusluge.euprava.me/eParticipacija/Rasprave/

[6] eUprava, https://eusluge.euprava.me/eParticipacija/Konsultacije/

[7] eUprava https://eusluge.euprava.me/eParticipacija/RadneGrupe/

[8] IRM researcher interview with Igor Pavicevic, Institute for Certified Accountants, 15 December 2021.

[9] See https://podgorica.me/stranice2/39

[10] See https://podgorica.me/stranice/ankete

[11] UNDP, Istraživanje stepena zadovoljstva korisnika javnim uslugama u odabranim institucijama Crne Gore, https://www.me.undp.org/content/montenegro/sr/home/library/istra_ivanje-stepena-zadovoljstva-korisnika-javnim-uslugama-u-od.html

[12] These municipalities are Bijelo Polje, Cetinje, Golubovci, Herceg Novi, Kolašin, Kotor, Pljevlja, Podgorica, and Tivat. See https://www.opengovpartnership.org/wp-content/uploads/2022/01/Montenegro_End-of-Term_Self-Assessment_2018-2021_MN.pdf

[13] Municipality of Kotor, System 48, https://www.kotor.me/en/vijesti/sistem--48/

[14] Završni izvještaj o realizaciji Nacionalnog akcionog plana za sprovođenje inicijative Partnerstvo za otvorenu upravu u Crnoj Gori 2018-2020, p 13, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Montenegro_End-of-Term_Self-Assessment_2018-2021_MN.pdf

[15] Ibid. p 13.

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III. Multi-stakeholder Process

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Montenegro **did not act contrary** to OGP process.[1]

Please see Section 3.2 for an overview of Montenegro's performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply it to OGP.[2] In the spirit of OGP, most countries should aspire to "collaborate."

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.	✓	
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		✓
No Consultation	No consultation		

Montenegro's multi-stakeholder forum, the Operations Team (OT), met only once during the implementation period, in December 2019.[3] Following parliamentary elections in August 2020, the OT stopped working due to the turnover in public administration. The current point of contact (PoC) was appointed in October 2021, a few months after the end of the action plan. In November 2021, the PoC, an independent advisor at the Ministry of Public Administration, Digital Society and Media, replaced the previous government members on the OT, though the representation of the General Secretariat of the Government still needs to be replaced.[4] On the civil society side, one member (from the Centre for Democratic

Transition) left the OT in 2020 over their dissatisfaction with how the OT was working at that time.[5] The other CSO members from the co-creation phase will remain involved in the OT. Thus, there are currently 12 members of the OT: six from the government, five from civil society, and one from the Chamber of Commerce of Montenegro. The new OT was not involved in monitoring the implementation of the second action plan, but it will work to co-create the third action plan in 2022.

Following the turnover in the public administration in August 2020, there was no communication between incoming public servants with the former cohort. In addition, Montenegro did not update its national OGP webpage with information on the status of the commitments, which made it difficult for the PoC to obtain information on the status of the commitments.[6] Nonetheless, the Ministry of Public Administration, Digital Society and Media was able to produce a self-assessment report for the action plan in January 2022.[7]

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[1] Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the action plan, or (2) the government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

[2] "IAP2's Public Participation Spectrum," IAP2, 2014. https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

[3] Notes from this meeting, https://www.otvorenauprava.me/novosti/odrzana-iv-sjednica-operativnog-tima-partnerstva-za-otvorenu-upravu-ogp/

[4] IRM researcher interview with Marija Jankovic, Directorate for Innovation, Openness of Public Administration and Cooperation with NGOs, Ministry of Public Administration, Digital Society and Media, 9 December 2021.

[5] Ibid.

[6] Ibid.

[7] Open Government Partnership, Montenegro End-of-Term Self-Assessment 2018-2021, https://www.opengovpartnership.org/wp-content/uploads/2022/01/Montenegro_End-of-Term_Self-Assessment_2018-2021_MN.pdf

3.2 Overview of Montenegro's performance throughout action plan implementation

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: Montenegro's multi-stakeholder forum, the Operations Team (OT), continued to exist formally during the implementation period, though it was mostly inactive due to high levels of turnover in the public administration.	Green	Green
1b. Regularity: The OT met three times during the co-creation but met only once during the implementation phase (in December 2019).	Yellow	Yellow
1c. Collaborative mandate development: A June 2018 Decision of the Government of Montenegro provides guidelines for the membership and functions of the OT.[1] However, this mandate was not developed collaboratively among the OT members.	Red	NA
1d. Mandate public: The 2018 Decision of the Government of Montenegro is available publicly.	Green	N/A
2a. Multi-stakeholder: The OT has members from both government and civil society.	Green	N/A
2b. Parity: During the co-creation process, the OT had 13 members: seven governmental, five nongovernmental, and one from the Chamber of Commerce.[2] During the implementation phase, one civil society representative resigned from the OT.	Yellow	N/A
2c. Transparent selection: After the Decision was adopted in June 2018, the Ministry of Public Administration published a competitive open call for NGOs to fill OT positions, in accordance with the Regulation on the Election of Representatives of NGOs, official bodies of state administration bodies.[3]	Green	N/A
2d. High-level government representation: During the co-creation process, the Minister of Public Administration served as a Chair of the OT and the State Secretary of the Ministry of Public Administration as the Deputy.	Yellow	N/A
3a. Openness: While representatives of other public authorities and civil society organizations can be invited to attend OT meetings, only formal members could vote or make decisions.	Green	N/A
3b. Remote participation: There were no opportunities for remote participation in OT meetings during either the co-creation or implementation phases.	Red	Red

3c. Minutes: During the co-creation period, the Ministry of Public Administration published the results from the consultations with OT members, but not the minutes of the three OT meetings.[4] During the implementation period, the ministry published a general readout of the December 2019 OT meeting.[5]	Yellow	Yellow

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: The Ministry of Public Administration, Digital Society and Media (with support from UNDP) maintained an OGP website, but it was not updated every six months on the progress of commitments.[6]	Yellow
4b. Communication channels: Montenegro's OGP website does not have a feature to allow the public to comment on action plan progress updates.	Red
4c. Engagement with civil society: The OT met once during the implementation phase, in December 2019. The government did not hold any additional meetings with civil society to discuss the implementation of the action plan.	Yellow
4d. Cooperation with the IRM: The Ministry of Public Administration, Digital Society and Media shared the link to the IRM's 2018-2020 Design Report when the report was posted for public comment in June 2020.[7]	Green
4.e MSF engagement: Due to significant turnover in the public administration during the implementation of the action plan, the OT did not monitor or deliberate on how to improve the implementation.	Red
4.f MSF engagement with self-assessment report: The Ministry of Public Administration, Digital Society and Media sent the draft self-assessment report to some non-government stakeholders. It also sent the draft to some (though not all) public institutions leading on the commitments.	Yellow
4.g. Repository: The Ministry of Public Administration, Digital Society and Media maintained an OGP website throughout the duration of the action plan. Although the website contains information on the co-creation of the second action plan, it was not updated regularly during the implementation.[8] Nonetheless, the ministry published an end-of-term self-assessment report (in Montenegrin only) in January 2022, after the official end of the action plan (August 2021).[9] The self-assessment report has links to evidence for the status of some, though not all, commitments. For the next action plan, the IRM recommends Montenegro follow the IRM's guidance on OGP repositories during both the co-creation and implementation phases.[10]	Yellow

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content/uploads/2018/10/Rje%C5%A1enje-o-imenovanju-operativnog-tima-partnerstva-za-otvorenu-upravu.pdf

[2] Members of the Operations Team, https://www.otvorenauprava.me/operativni-tim/

[3] Završni izvještaj o realizaciji Nacionalnog akcionog plana za sprovođenje inicijative Partnerstvo za otvorenu upravu u Crnoj Gori 2018-2020, p 11, https://www.opengovpartnership.org/wp-content/uploads/2020/06/Montenegro_Design_Report_2018-2020_EN.pdf

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[6] See otvorenauprava.me/en/home/

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[10] IRM Guidance for Online Repositories, https://www.opengovpartnership.org/wp-content/uploads/2015/11/IRM_Guidance-for-Repositories_Updated_2020.pdf

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

This review was prepared by the IRM in collaboration with Elma Demir and was reviewed by external expert Jeff Lovitt. The IRM methodology, quality of IRM products, and review process is overseen by the IRM's International Experts Panel (IEP).

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual[1] and in Montenegro's Design Report 2018-2020.

About the IRM

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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

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[1] IRM Procedures Manual, V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[1] A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

Results oriented commitments?
A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:
1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. To receive a star, a commitment must meet several criteria:

- The commitment's design should be **Verifiable**, **Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment's implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete.**

This variable is assessed at the end of the action plan cycle, in the IRM Implementation Report.

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[1] OGP, IRM Procedures Manual, https://www.opengovpartnership.org/documents/irm-procedures-manual