

Independent Reporting Mechanism

Action Plan Review:
Montenegro 2022–2024

Open
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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Montenegro’s 2022-2024 action plan. The action plan comprises 20 commitments which the IRM has clustered into 14. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ IRM Refresh: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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Section I: Overview of the Montenegro 2022-2024 Action Plan

Montenegro's third action plan includes promising commitments around public participation in policy-making, access to information on the work of the government, and transparency of European Union (EU) projects. The action plan covers a wider range of policy areas compared to the previous plan. During implementation, responsible institutions should work to ensure the long-term sustainability of the reforms and consider synergies between national-level and local-level commitments.

Montenegro's third action plan has 20 commitments, covering citizen participation, open data, free access to information, fiscal transparency, anti-corruption, and open government at the local level.² For the purposes of assessment, the IRM clustered national commitments with local commitments that address the same topic (i.e., open data, fiscal transparency, and ethics and integrity). The IRM also clustered commitments 1, 2, and 3, which address civic participation in policy-making.

The third action plan covers a broader range of policy areas compared to the second plan (2018-2021).³ Some areas are carried over, such as open data, whistleblower protection, and fiscal transparency. Among the new topics are improving transparency of the work of the government and publishing information on EU-funded projects. Many commitments support Montenegro's EU accession or compliment other strategic documents.⁴ According to a leading civil society organization (CSO) Institut Alternativa, these connections lowered the ambition, as the government planned to undertake many activities regardless of their inclusion in the action plan.⁵ Several commitments also have a gender perspective, which reflect Institut Alternativa's contributions during the co-creation process.

The Ministry of Public Administration (MPA) led the co-creation process, supported by the National Democratic Institute (NDI) and Institut Alternativa. The process took over one year (October 2021 to December 2022) and consisted of online and in-person consultations, interviews with CSOs, a survey of citizens, and three public hearings on the draft action plan. The mandate of the Operations Team (OT) – Montenegro's multi-stakeholder forum - expired in July 2022 and was largely inactive during co-creation. The OT has yet to fill several vacancies due to the existence of a caretaker government following elections in August 2022. According to Institut

AT A GLANCE

Participating since: 2012
Action plan under review: 2022–2024
IRM product: Action Plan Review
Number of commitments: 20

Overview of commitments:
Commitments with an open government lens: 20 (100%)
Commitments with substantial potential for results: 5 (25%)
Promising commitments and clusters: 3

Policy areas:

Carried over from previous action plans:

- Public participation in policy-making
- Open data
- Freedom of information
- Whistleblower protection
- Fiscal transparency
- Public service delivery

Emerging in this action plan:

- Youth participation
- Transparency of the Government
- Accessibility of government websites
- Transparency of EU funds
- Integrity plans for public bodies
- Open government at the local level

Compliance with OGP minimum requirements for co-creation:
Acted according to OGP process: Yes

Alternativa, the procedures for joining the OT are overly burdensome, which discouraged them from applying for membership.

Despite these challenges, the IRM noted improvements compared to the previous co-creation process. For example, the citizen survey attracted more responses, due to stronger outreach by the MPA. In addition, Institut Alternativa and NDI organized roundtable discussions in two municipalities outside the capital, which helped promote OGP to new stakeholders. However, Institut Alternativa believes that a lack of political support for OGP in Montenegro and the restructuring of the MPA in 2022 both negatively impacted the co-creation process.⁶ Institut Alternativa found the commitments on anti-corruption (Commitments 12 and 13) and freedom of information (Commitment 6) insufficient in addressing long-standing gaps in these areas.⁷ Institut Alternativa also proposed addressing beneficial ownership transparency, which was not taken up in the action plan.⁸

The IRM has identified two commitments and one cluster of commitments as promising. Commitment 7 could greatly improve the transparency of the work of the government, particularly when it discusses or decides on classified materials, and shed light on the work of the government's advisory bodies. Commitment 11 could provide citizens and civil society with easier access to information on the realization of EU-funded projects in Montenegro. Commitments 1, 2, and 3 could address deficiencies of Montenegro's e-participation portal and improve the quality of public hearings on draft legislation.

It will be important to focus on institutionalizing the reforms within public institutions (both at the national and local levels) and ensuring sustainability of the various trainings, guidelines, and awareness-raising activities focused on the public sector. The IRM recommends strengthening the commitments around anti-corruption (whistleblower protection and public institutions' integrity plans) and addressing gaps in the legal framework for free access to information. Moreover, the IRM recommends responsible institutions consider potential synergies between national and local commitments that address the same topics (i.e., open data and fiscal transparency) for greater consistency and uptake across jurisdictions.

² Open Government Partnership, Montenegro Action Plan 2022-2024, <https://www.opengovpartnership.org/documents/montenegro-action-plan-2022-2024-december/>

³ Open Government Partnership, Montenegro Design Report 2018-2020, <https://www.opengovpartnership.org/documents/montenegro-design-report-2018-2020/>

⁴ Particularly, the Public Administration Reform Strategy 2022-2026, to the Cooperation Strategy of State Administration Bodies and Non-Governmental Organizations 2022-2026, and the Digital Transformation Strategy 2022-2026.

⁵ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.

⁶ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.

⁷ Institut Alternativa readout, December 2022, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>

⁸ Institut Alternativa, December 2022, <https://media.institut-alternativa.org/2023/02/Final-beneficial-ownership.pdf>

Section II: Promising Commitments in Montenegro 2022-2024 Action Plan

The following review looks at the three commitments and clusters that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
Cluster 1 (Commitments 1, 2, and 3): Participation of citizens: The commitments in this cluster aim to improve the functionality of Montenegro’s e-participation portal, standardize the quality of public hearings, and educate the public about participating in policy-making.
Commitment 7. Increase the availability of data on the work of the Government and government bodies: This commitment aims to publish key materials on the Government's agenda, regardless of the format of the session, as well as information about the Government's working and advisory bodies.
Commitment 11. Encouraging transparency and utilization of EU funds: This commitment aims to create a public database on all EU-funded projects in Montenegro, with a focus on green projects.

Commitment cluster 1: Participation of citizens

Lead agencies: Ministry of Public Administration, Parliament of Montenegro

For a complete description of the commitments included in this cluster, see Commitments 1, 2, and 3 in Montenegro’s 2022-2024 action plan [here](#).

Context and objectives:

Under this cluster, the Ministry of Public Administration (MPA) aims to improve the functionality of Montenegro’s e-participation portal, improve public hearings, and educate the public about opportunities to participate in policy-making. Montenegro’s e-participation portal is part of its general e-government portal.⁹ The previous action plan (2018-2021) included a commitment to post at least 60 calls for public consultations on the portal annually. While the targets were largely met, the use of the portal by public institutions remained uneven, and the government’s responsiveness to the public did not noticeably improve.¹⁰ From the IRM researcher’s review of the portal, since the beginning of 2023, public institutions have prepared only six reports out of the 22 consultations and only a small number of citizens participated in these consultations.

Civil society points to underlying reasons for limited public participation in Montenegro, including a lack of trust toward government processes, a lack of government outreach to the public, a lack of public knowledge about available participation opportunities, and a lack of meaningful feedback from the government to citizens that would motivate more participation.¹¹ Stakeholders note that the government often disregards their comments, which disincentivizes

them from using the portal. Moreover, an independent expert says that the e-participation portal is not interactive, and participants cannot see each other's comments during active consultations.¹² The comments, where they exist, are listed in PDF reports.

Under Commitment 1, the MPA will analyze the e-participation portal using international best practices and develop more advanced functionalities based on the findings, including easier submission of comments, and receiving responses from the ministry online. The MPA will also pilot three public hearings using the new functionalities. Commitment 2 involves strengthening the normative framework around public hearings and monitoring user satisfaction with conducted hearings.¹³ The commitment also entails reporting on the steps taken by line ministries to include different social groups on which law or strategy may have an impact, and reporting on the number of women's organizations that took part in hearings. Finally, Commitment 3 aims to increase public awareness of the possibilities of participation in policy-making. Its activities include, among others, a national campaign on the possibilities of public participation, workshops on civic activism, a hub for students to research public policies, and informing the public of the possibilities to participate in decision-making through the Parliament's e-petition platform.

Potential for results: Substantial

By improving the portal's functionalities (Commitment 1), the MPA could facilitate more participation of citizens, civil society, and other actors when adopting public policies. The new functionalities could lead to better information on the results of consultations, including accepted and unaccepted comments, and improve the responsiveness of public institutions to matters of public interest. Ultimately, this will depend on the actual improvements to the portal, whether more public institutions use the portal, and whether their responses to comments improve. The main added value of this commitment is the comparative analysis of international best practices for e-participation. This implies that the MPA plans to take a more strategic approach to improving online consultations compared to the previous action plan. However, Institut Alternativa is skeptical that new functionalities alone will address the reasons for low participation, such as the limited impact of public consultations on policies and unsatisfactory feedback to CSOs and citizens on their comments and suggestions.¹⁴

A major problem for public hearings in Montenegro is the lack of oversight by a central government body. According to Institut Alternativa, less than half of all legal acts underwent a public hearing in 2021, even though there is a requirement for hearings to be open for public consultation between 20 and 40 days before the regulation or act can be adopted.¹⁵ Under Commitment 2, the amendments to the government's Rules of Procedure (initiated at the end of 2022), the MPA will ensure that proposals of ministries that do not comply with the requirements for public hearings are not sent to the government for approval. Given that fewer than half of legal acts currently undergo public hearings, the IRM assesses this commitment as having substantial potential for results. Institut Alternativa believes that this commitment could improve how institutions organize public hearings, potentially making them more impactful on policies.¹⁶ Moreover, the commitment could improve the quality of public hearings, such as through the planned trainings on quality control for state bodies and annual satisfaction surveys of participants. However, annual surveys may not be sufficient to fully understand how satisfied participants were with their involvement in the hearings.

Commitment 3 could improve some of the issues around low public participation in Montenegro, such as digital illiteracy and mistrust of government processes. The sustainability of these activities is difficult to assess, though the modest amount of money allocated to establishing the hub for students may not be proportional to the scope of the activity. A representative of Institut Alternativa mentioned that the MPA previously announced tenders for awareness raising in this area, but these efforts did not lead to lasting results.¹⁷ The representative stressed that the greatest challenge is not a lack of campaigning, but rather the poor functionality of the e-participation portal. Education of citizens alone is unlikely to lead to a rise in participation if it is not accompanied by a cultural shift within public institutions in how they engage citizens.

Opportunities, challenges, and recommendations during implementation

The major challenges to these commitments are the underlying cultural and institutional barriers among citizens and civil servants that have historically limited public participation. While these commitments may not fully reduce these barriers, they are positive steps forward. Learning from international examples of successful e-participation portals could facilitate improvements to Montenegro's portal.

With a view toward implementation and potential future steps, the IRM recommends the following:

- **Consider legally mandating public institutions to use the portal and encourage them to provide adequate responses to comments.** To improve public participation in policy-making, it may be necessary to require public institutions to use the e-participation portal and encourage them to respond to comments and suggestions in a reasonable and timely manner. A good example is Croatia's e-consultation portal, which is legally mandated for state bodies and actively used by citizens.¹⁸ A major deficiency of Montenegro's portal is that citizens cannot access comments posted while a consultation is still in progress, and the final reports do not state what the comments were about or who they came from. On Croatia's portal, users can see each comment in real time, and comments are linked to specific parts of the proposed act. Over 150 consultations have been conducted so far in 2023 on Croatia's portal, most lasting at least one month. Of the closed consultations, most have an accompanying report with the government's responses to the comments. After a consultation process is finished, the comments and the government responses can be downloaded in Excel format, and the entire process remains visible on the portal.
- **Train and educate civil servants on carrying out online consultations.** As mentioned, many underlying reasons for low participation in Montenegro stem from the public administration rather than the public. In addition to educating the public on opportunities to participate, the IRM recommends educating and training civil servants on best practices in carrying out consultations. The MPA could consider partnering with the Regional School of Public Administration (ReSPA) for educating and training Montenegrin civil servants.¹⁹
- **Use the demographic statistics to conduct targeted outreach for future consultations.** Commitment 1 calls for gathering "more advanced statistics" on e-consultations, including gender, age, and location of the user. The MPA should use these statistics to ascertain which demographic groups are underrepresented in consultations and focus its engagement on these groups. In addition, government bodies could use

social media and paid advertising to target specific demographic groups for consultations.

- **Consider a holistic approach to reforming citizen engagement in policy-making, beyond online consultations.** Functional improvements to the e-participation portal and awareness raising, though useful, may be insufficient to increase citizen engagement. Montenegro could consider a broader reform of how public institutions engage citizens, going beyond online consultations toward deliberative co-creation of policies. For example, Estonia is changing how its ministries engage citizens in policy-making, after recognizing its online consultation platforms did not facilitate meaningful participation. Estonia has used multiple OGP action plans to develop a new online tool for citizens to track the status of initiatives across the policy cycle and participate in different stages of policy-making.²⁰ The new system will institutionalize citizen engagement in the policy development process, as active participants or as observers who can track progress and provide comments.²¹ Montenegro could consider a similar reform across several action plans, depending on the interest among citizens, civil society, and public institutions. Any future reform should focus on closing the feedback loop for citizens after the adoption of policies, for example by publishing a report on the reasoning behind the inclusion or rejection of recommendations.
- **Create a “toolbox” with resources, guidance, and models that public institutions can use when engaging citizens.** It may be necessary for public institutions to tailor their methods of consulting citizens, depending on the policy in question or the targeted beneficiaries. The MPA could consider creating a “toolbox” with resources and models of online and offline consultation methods that public institutions can borrow from for their own consultations. For example, Estonia is compiling a toolbox of co-creation methods with guides for implementation (part of its broader reform mentioned above).²² Estonia’s Government Office updates the toolbox regularly, based on lessons learned from implementing the methods in actual policy-making processes. Similarly, in its 2021-2025 action plan, Latvia is encouraging ministries to adopt different formats for public participation to maintain regular dialogue with partners.²³ Latvia’s commitment involves publishing guidance and models of participation with the aim of improving institutional understanding of innovative participation measures.
- **Develop clear guidance for public institutions on meeting the legal requirements for public hearings.** As part of its oversight responsibilities (Commitment 2), the MPA could publish clear guidelines for public institutions to meet the legal requirements for public hearings. The guidelines could cover how much time must be allocated to the process, who must attend, what information they are required to publish in advance, and instructions on how to conduct roundtables, forums, and presentations. As with e-participation, it will also be important to provide guidance to the public on how to submit comments, and to public institutions on how to submit responses to remarks made by the public during hearings.
- **Link the awareness raising and educational activities to ongoing reforms to increase their scope.** Institut Alternativa believes that activities related to educating the public on the possibilities of participating in the creation of public policies (Commitment 3) should be linked to reforms in relevant areas, such as the Cooperation Strategy of State Administration Bodies and Non-Governmental Organizations 2022-2026.²⁴ Regarding youth participation, Institut Alternativa recommends introducing the topic of citizen participation in schools through the country’s educational reform.²⁵

Commitment 7: Increase the availability of data on the work of the Government and government bodies

Lead agency: General Secretariat of the Government

For a complete description of this commitment, see Commitment 7 in Montenegro’s 2022-2024 action plan [here](#).

Context and objectives:

This commitment aims to better inform citizens about the work of the Government. The Decision on Publishing Materials from Sessions of the Montenegrin Government states that the proposal of the agenda, the materials for the agenda and the verified conclusion of the Government must be published online.²⁶ However, there is often insufficient data on the work of the Government available to the public, particularly for closed sessions. This is because of the non-publication of the full agenda of closed Government sessions where materials marked with a certain degree of secrecy (i.e., “internal” or “confidential”) are discussed. In such cases, the public cannot know the agenda of closed sessions, or the actual degree of secrecy of certain acts. There is also a practice of not publishing materials that are decided without holding a session, especially materials that are not required to be published in the Official Gazette.

Under this commitment, the General Secretariat of the Government will publish key materials on the Government's agenda, regardless of the format of the session. It also calls for publishing information about the activities of the Government's working and advisory bodies and developing a database on members of advisory bodies. The database will include summary data on the structure of the advisory bodies in relation to gender, updated on a semi-annual basis. This gender perspective was added based on a suggestion of Institut Alternativa during the co-creation process.²⁷

Potential for results: Substantial

Publishing the complete agendas and minutes of Government sessions, including items marked with the degree of secrecy of individual acts (milestone 7.2), could significantly improve the transparency of the executive branch. When an item marked with a degree of secrecy is discussed at Government’s sessions, the item is excluded from the agenda. As the legal provisions defining data confidentiality are broad, the Government frequently marks items with secrecy, such as government contracts and decisions to redirect funds between state bodies. Based on the minutes from Government sessions obtained by Institut Alternativa in 2021 through freedom of information requests, over 10 percent of agenda items were hidden from the public.²⁸ This commitment will help the public know when the Government is discussing or deciding on classified materials in exceptional cases, the classification of the act, and the level of secrecy that could serve to gain access to them after the expiration of the secrecy period. A representative from Institut Alternativa believes that this commitment will help civil society monitor which agenda items are considered “internal” (e.g., ongoing plans for reorganizing the public administration).²⁹ Moreover, when the Government regularly decides on materials without holding sessions, this can create problems in upholding democratic and transparent procedures. While it is difficult to ascertain how frequently this type of decision-making is used, this commitment (milestone 7.4) could help citizens understand what issues were discussed or decided on without the Government holding a session.

Telephone meetings of the Government are not recorded, and the decisions made during these meetings are not published regularly. Generally, a telephone session is held due to possible urgency, if it is judged to be a more efficient alternative to convening ministers, or if the subject is already known or has been discussed several times. According to an independent expert, telephone sessions increased following the COVID-19 pandemic and after a major hacker attack targeting Montenegrin government websites in August 2022.³⁰ The expert believes this commitment could improve transparency and accountability around such meetings.

Currently, Government sessions are published in PDF format as scanned documents. They are difficult to use, unless they are retyped by hand, or other technological solutions are used to extract recognized text and information (graphs, pictures, etc.). For anyone following the work of the Government in general or a topic of interest, this poses burdensome costs. Therefore, this commitment's aim to publish materials in a machine-readable format (milestone 7.3) could help improve accessibility.

Lastly, the Government's Rules of Procedures include basic information on scope of work and decision-making procedures for the Government's four permanent commissions.³¹ However, there is no information on the sessions or activities of these commissions or of the Government's permanent and temporary advisory bodies. Moreover, there is no information on the composition of these bodies, except by searching individual Government sessions for new appointments. These bodies influence the work of the Government and have the authority to make important decisions, such as appointing persons to higher levels of Government (e.g., deputy ministers, agency directors, etc.) or to managerial boards of public companies owned by the Government, as well as allocating funds to individuals and legal entities. A database on members of advisory bodies (milestone 7.6) could shed light on who the members are and on their roles in decision-making. According to Institut Alternativa, this information could lead to easier access to members (by publishing contact information), monitoring potential conflicts of interest for members, and using information on members (gender, political affiliation, etc.) for socio-demographic analysis.³²

Opportunities, challenges, and recommendations during implementation

This commitment could greatly increase the transparency of the Government. However, a representative of Institut Alternative notes a larger challenge of knowing whether Government agenda items will be fully opened to public, in line with these planned changes.³³

For this commitment to achieve strong results, the IRM recommends the following:

- **Work with the civil society and data users to improve the quality of the information.** Although this commitment was well-received by civil society, the activities are internal to the General Secretariat.³⁴ During implementation, the General Secretariat could consult the main users of data on Government sessions to determine what information should be prioritized for publication. This could improve the quality and usability of the information, and result in new data added to the Government's web portal beyond what is listed in this commitment. To support its re-use, the General Secretariat could link the data on Government sessions to Montenegro's open data portal.
- **Ensure the information published on the Government's portal is easy to use and find.** Materials from Government sessions could be an important source of

information for the public on the work of the Government. Publishing these materials as open data could improve the usability of this information. The IRM recommends publishing both the signed versions in PDF format and the machine-readable versions in open text format. The General Secretariat could also improve the search function on the Government portal for the minutes of sessions and the meetings of commissions and working bodies.³⁵ For example, the General Secretariat could allow searching of meeting minutes and agendas by general keyword, draft acts, documents, and discussion topics.

- **Publish information on Government sessions in a consistent and timely manner.** It will be important for the General Secretariat to avoid long delays and inconsistencies in the publication of materials on Government sessions. For example, in Estonia's 2018-2020 action plan, the Estonian Parliament (Riigikogu) made its minutes available on average within three days after a sitting. As a result, delays in publishing data on the work of the Riigikogu are no longer common.³⁶
- **Publish the minutes of the meetings of Government commissions and advisory bodies.** This commitment's aim of publishing the composition of Government commissions and advisory bodies is a good start toward greater transparency. Publishing the minutes of their meetings is a critical next step because actual Government decisions are often made in these bodies. A representative of Institut Alternativa notes that the minutes of Government bodies' meetings are often denied to CSOs in their freedom of information requests.³⁷ The representative believes that access to this information would give CSOs an opportunity to respond to important Government decisions before they are made.
- **Explore the possibility of publishing audio recordings of closed Government sessions.** The previous Government extended the practice of classifying audio recordings of Government sessions as "confidential" in December 2021 for another five years.³⁸ The secrecy of audio recordings of Government sessions changed from "internal" to "confidential" in 2016, after a harm test was carried out to determine the consequences of making these recordings publicly available. The Government can reject freedom of information requests for information classified as "confidential". For this commitment, the General Secretariat could explore the possibility of making the full audio recordings of sessions available.

Commitment 11: Encouraging transparency and utilization of EU funds

Lead agencies: Ministry of Ecology, Spatial Planning and Urbanism, Ministry of Economic Development and Tourism, Ministry of European Affairs

For a complete description of this commitment, see Commitment 11 in Montenegro's 2022-2024 action plan [here](#).

Context and objectives:

This commitment aims to strengthen the transparency of EU-funded projects in Montenegro. The EU is the largest provider of financial assistance to Montenegro.³⁹ According to Europe House (EU Delegation to Montenegro), since 2007, the EU has allocated more than €610 million in grants to improve the lives of Montenegrin citizens.⁴⁰ EU grants partly come through the Instrument for Pre-Accession Assistance (IPA). For the period 2021-2027, IPA III funding for the whole enlargement region is €14.162 billion.⁴¹ For 2014-2020, IPA II funding for Montenegro amounted to €269.2 million.⁴² In addition, Montenegro officially opened negotiations with the EU in environment and climate change in 2018.⁴³ The EU has invested €40

million in environmental protection in Montenegro, such as improving waste management, air quality, habitat protection, and upgrading the sewage network.⁴⁴

Under this commitment, the Ministry of European Affairs will establish a database on the implementation of EU-funded projects in Montenegro. This commitment came from a proposal from an environmental CSO during the co-creation process to create a database on EU-funded green projects.⁴⁵ During discussions, stakeholders agreed that data on all EU-funded projects should be published, regardless of area. In addition, the commitment involves trainings on EU green policies (including the European Green Deal), monthly “EU info days” for small and medium-sized entrepreneurs (SMEs), and trainings for SMEs on applying for EU funds.

Currently general data on the implementation of EU projects is available at www.eu.me, which includes information, reports, and announcements. Europe House also has a database which provides an overview of EU-financed projects in Montenegro.⁴⁶ Projects can be searched by topic and area, date, budget, and user, but the database does not include all projects or aggregated data on these activities. Each EU-funded project must also have its own website, but there is no general list of all projects and no visualization of how EU funds are spent across the country or across funding areas. The new database will include basic information on goals, activities, and financial resources, as well as visualizations of the location of projects, the degree of their implementation, and the degree of utilization of funds. The database will cover all previous (to the extent this information is available), current, and future projects in Montenegro that receive funding from the EU.

Potential for results: Substantial

The IRM assesses this commitment as having substantial potential for results. Until now, there has been no aggregated data on EU funding or projects that received EU assistance in Montenegro. According to Institut Alternativa, the main value of this commitment is the possibility to monitor the utilization of funds compared to the planned allocation.⁴⁷ Institut Alternativa recently participated in IPA programming, where 20 projects were planned for EU funding in 2022, and only five were ready to begin in the planned period. This demonstrates a significant lack of capacity in Montenegro to absorb the allocated funds and/or poor planning. The database would give CSOs a better insight into what projects were planned and implemented in the past, which will allow them to better understand Montenegro’s current absorption capacity for new projects. EU funding usage also affects Montenegro’s national funding practices (i.e., the projects that are co-financed from the national budget). Lastly, according to NDI, this commitment could improve public trust in the EU accession process, as there is ambiguity around the spending of EU funds in Montenegro.⁴⁸

Opportunities, challenges, and recommendations during implementation

A major challenge to implementation could be collecting the necessary data for the database, as they span over a decade and include various sources of funding (IPA, EU programs, cross-border projects, Adriatic-based projects, etc.) from many institutions. A representative of Institut Alternativa noted that while the Ministry of European Affairs should have the data on IPA use, the burden of collecting the data for the database should not fall entirely on that ministry, as part of these programs are/were decentralized.⁴⁹

During implementation, the IRM recommends the following:

- **Support public institutions in providing necessary information to the Ministry of European Affairs for the database.** This support could involve clarifying the scope of information to be published for each project on the database.
- **Ensure easy searching of projects by different criteria and include an interactive map of projects.** For the database to reach its potential of helping citizens understand the goals, scope, and results of EU-funded projects, the Ministry of European Affairs should ensure that projects can be easily searched, based on key criteria. Also, to enhance both the search and visualization of projects, the ministry could include an interactive map of the country where users can search projects by region or locality. For example, the Czech Republic’s database of EU Structural and Investment Funds includes an interactive map and allows searching by project name, region, city, project topic (i.e., transport, tourism, regional development, etc.), program period (i.e., 2014-2020), and the amount of the subsidy (by range).⁵⁰
- **Make the information on the database available in open data format.** The commitment does not specify if the database will allow users to download data on EU-funded projects in bulk or if it will be available in open format. Providing the information in open and reusable format can help users understand broader trends in EU-funded projects in Montenegro. The Ministry of European Affairs could also link the information from this database to the national open data portal, particularly if the portal has a section on Montenegro’s relations with the EU added to it. The ministry could also learn from the example of Italy’s OpenCoesione portal.⁵¹ OpenCoesione allows the public to monitor and use high-quality data on the level of implementation of projects funded by the EU’s Cohesion Policy and by Italian national funds.
- **Raise awareness of the database among citizens.** As the Ministry of European Affairs prepares the database, it could raise awareness among local communities and train civil society on how to integrate the information into its advocacy and accountability work. A potential example is “A Scuola di OpenCoesione”, OpenCoesione’s school program, which educates Italian students on using OpenCoesione to monitor EU-funded projects in Italy.⁵²

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments. The IRM has organized the commitments by theme according to where they appear in the action plan. Some commitments from the theme “openness of local governments” are clustered with national commitments that address the same topic. These include open data (5 and 16), accessibility of government websites (9 and 17), budget transparency (10 and 14), and integrity and ethics (13 and 18).

Citizen participation

Commitment 4 aims to encourage youth participation in green policies. It was included in the proposal of a CSO interested in seeing youth and green policies addressed in the action plan.⁵³ Its activities include, among others, creating guides to support youth involvement in environmental protection and organizing workshops with young people on developing green policies at the local level. The commitment does not promise direct influence of young people in decision-making in green policies at either the national or the local levels. It also does not

mention if young people will be consulted on any specific laws. Institut Alternativa recommends linking this commitment to other related reforms.⁵⁴

Open data and free access to information

Commitments 5 and 16 focus on open data at the national and local levels. Montenegro was classified as a “beginner” in the 2022 Open Data Maturity report, ranking 31 out of 34 EU+ countries.⁵⁵ Commitment 5 involves creating promotional visuals and videos about the portal, awarding innovative open data projects, holding an annual “Open Data Day”, and consulting citizens on publishing new datasets. It also entails adopting mandatory annual open data plans by and calendars for public institutions.

The annual plans could help the MPA and CSOs learn which public institutions are not publishing open data in line with their plans. In addition, interested organizations could influence data publication (i.e., businesses, women's organizations, and organizations representing people with disabilities).⁵⁶ The open data portal (data.gov.me) portal is back online following a hacker attacks on Montenegrin government websites in August 2022. The IRM recommends the MPA focus on publishing key categories of data that Montenegro is lacking, such as air quality, administrative boundaries, election results, and land ownership.⁵⁷ In the long-term, the IRM recommends developing a national open data strategy to set targets and benchmarks for open data publication. Lastly, Institut Alternativa highlighted the need to address the issue of cybersecurity across the action plan by taking appropriate protective measures when improving websites and publishing open data.⁵⁸

Commitment 16 focuses on open data from local self-government units (LSGUs). It involves organizing workshops for staff in LSGUs on open data disclosure and organizing an “open data caravan” with civil society in three regions. According to the Ministry of Finance, many LSGUs do not meet the provisions in the Law on Free Access to Information which require them to publish certain information in open format.⁵⁹ The activities to support the staff of LSGUs could benefit from the involvement of civil society and data users during implementation. For example, CSOs could support LSGUs in developing their own open data plans. Peer learning among LSGUs could also be encouraged.

Commitment 6 aims to increase public oversight of the implementation of the Law on Free Access to Information. It involves holding public consultations on the annual report and publishing information on the implementation of the sanctions envisaged in the law. However, crucially, the commitment does not address the limitations in the legal framework, such as tax and trade secrets, introduced into the law in 2017. The government drafted amendments to this law which would abolish or narrow these restrictions in December 2021, but withdrew them from parliamentary procedures. The government withdrew the draft amendments again in December 2022, ostensibly due to lack of support in Parliament, but in January 2023, put them back on the table.⁶⁰ During the co-creation process, Institut Alternativa highlighted backsliding in the legal framework of access to information as a major barrier to citizens' participation in decision-making. The European Commission has called on Montenegro to adopt and implement the amendments in line with the “principles of good public administration.”⁶¹

Commitment 8 seeks to increase openness in the obligation of public institutions to exchange data under the Law on Administrative Procedure. There were active discussions during the co-

creation process around excessive administrative burdens for citizens when obtaining services from the public administration.⁶² The Law on Administrative Procedure states that public institutions should not ask for information from citizens that they already have. Institut Alternativa believes this is an important commitment because particular legal acts do not comply with the Law on Administrative Procedure and no institution has monitored compliance until now.⁶³ This commitment largely consists of preparatory measures, such as reporting on data exchanges between officials. Future commitments could focus on reducing unnecessary administrative burdens for citizens in their interactions with the state.

Commitments 9 and 17 aim to improve the accessibility of government websites for people with disabilities. Commitment 9 calls for training civil servants on accessibility standards and improving the accessibility of information on government websites (particularly the government and the Parliament). The MPA noted that the training will raise awareness among officials on the importance of the accessibility of documents published on the websites of state bodies.⁶⁴ However, the trainings alone do not guarantee actual improvements to government websites. During implementation, the IRM recommends consulting organizations that represent the targeted groups to understand what information and services they frequently seek. The IRM also recommends working toward complying with relevant EU legislation, including the Web Accessibility Directive.⁶⁵

Commitment 17 takes a similar approach but for the websites of LSGUs. The Union of Municipalities of Montenegro noted that many LSGU websites are not accessible for people with disabilities, often due to technical difficulties and limited funds.⁶⁶ As with Commitment 9, it will be useful to consult groups representing people with disabilities when re-designing LSGU websites. A possible example for Montenegrin LSGUs to follow is the Georgian municipality of Kutaisi.⁶⁷ Kutaisi's municipal website will have audio reading software, subtitles, and sign language components to texts and videos describing public discussions of the mayor's activity reports, of the draft municipal budget, and of issues of high public interest.

Fiscal transparency

Commitments 10 and 14 will improve budget transparency at the national and local levels. Commitment 10 will publish a "citizens' budget" of the national budget: an easy-to-understand visualization on its content and execution. Although the action plan only mentions the fiscal years of 2023 and 2024, the Ministry of Finance confirmed that this will become a permanent obligation.⁶⁸ The Ministry of Finance publishes information on budget transactions on its website, but according to Institut Alternativa, this information is difficult to find and is not machine readable.⁶⁹ The Ministry of Finance believes this commitment could help the public better understand the contents of the budget, where there is often misinformation of government activities.⁷⁰ NDI noted that the MPA is interested in amending this commitment, as they are still negotiating with potential donors to support the work.⁷¹

The IRM recommends the Ministry of Finance provide information on every item of spending, in machine-readable format, and on a regular basis. Institut Alternativa recommends developing gender-responsive budget programs.⁷² The Ministry of Finance could learn from North Macedonia's database on budgetary expenditure, launched during its 2018-2020 action plan.⁷³ The database is updated every 15 days and contains information on the spending of state-

funded institutions administered through the Treasury and national and local-level data from 2010 onwards.⁷⁴

Commitment 14 focuses on budget transparency at the local level. It involves creating guidelines and conducting training for publishing data on local budgets in open format and as simple visual presentations (citizens' budgets). There is a database on the website of the Union of Municipalities of Montenegro showing the total budget, revenues, expenditures, and debts of all LSGUs. However, the data is only available in web format and in aggregate (not by individual LSGU).⁷⁵ The impact of this commitment will depend on the increase in the number of municipalities that publish their budget information as open data and publish citizens' budgets. The IRM recommends supporting LSGUs in adopting a unified format for citizens' budgets, possibly by using the guidelines from this commitment.

Fight against corruption

Commitment 12 aims to improve the regulations of whistleblower protection. Montenegro does not have a separate whistleblower protection law, instead whistleblowers are covered by the Law on Prevention of Corruption. Improving Montenegro's whistleblower protection has been a priority for civil society since the previous action plan. It is currently unknown if the Ministry of Justice intends to amend the existing law or introduce a separate legal act.⁷⁶ This will depend on the results from a forthcoming analysis of the Law on Prevention of Corruption by the Council of Europe and international experts.⁷⁷ While this commitment aims to comply with the relevant EU Directive (2019), Institut Alternativa noted that it might not represent an improvement to the existing legal framework.⁷⁸ The Regional Anti-Corruption Initiative recommends Montenegro explicitly define in its law "legal person" and "natural person" and clarify how whistleblower protections, compensation and other provisions apply to people outside the workplace, and to institutions such as corporations or CSOs.⁷⁹

Commitments 13 and 18 aim to improve the understanding of civil servants of ethics and integrity standards. Commitment 13 focuses on publishing annual reports on the implementation of integrity plans by state institutions. According to the Agency for Prevention of Corruption's 2021 Integrity Plans Report, 723 institutions were obliged to submit integrity plans to the Agency.⁸⁰ The Agency reports only in aggregate on the number of submitted reports and presents the findings without reference to individual institutions or institutions that have not complied with the obligation. Institutions are obliged to report on the implementation of their integrity plans to the Agency but not on their own websites.⁸¹ During implementation, Montenegro could revisit a proposal from Institut Alternativa during the co-creation process to require public institutions to publish their integrity plans on their own websites, in addition to the website of the Agency.⁸²

Commitment 18 entails training the staff of LSGUs on ethics and integrity and forming councils to monitor the implementation of integrity plans of each LSGU. The Union of Municipalities of Montenegro noted that the awareness raising is already included in its training of local public officials.⁸³ During implementation, LSGUs could publish their assessments for their integrity plans on a single platform (such as the website of the Union of Municipalities of Montenegro) so they are easy to access.

Openness of local governments

Commitment 15 aims to allow the public to follow the sessions of LSGU assemblies more easily. It includes an analysis of the current state of transparency of assemblies (and creating guidelines for improvement) and an assessment of the necessary technical changes and financial resources for broadcasting public sessions of local parliaments. The documents that LSGUs are required to publish are already specified in legal provisions, but the guidelines will create minimum standards for their collection and publication. At least three LSGUs will participate in a pilot program and the MPA plans to extend this project to all LSGUs.⁸⁴ According to the Union of Municipalities of Montenegro, the priority information for LSGUs to publish are parliamentary sessions and short overviews of important decisions and acts.⁸⁵

Commitment 19 aims to improve citizen participation in local decision-making by preparing guidelines for participation and promoting examples of good practice. The Union of Municipalities of Montenegro will help create the guidelines and carry out the promotional activities. LSGUs could look to the example of the Georgian municipality of Ozurgeti. In Georgia's 2016-2018 action plan, the Ozurgeti Assembly introduced a feature on its website that allows citizens to monitor and participate in discussions on budget spending, petitions, debates on new initiatives, and progress of socio-cultural projects.⁸⁶

Commitment 20 focuses on improving e-services at the local level. Using an analysis of the existing situation and a survey of citizens about e-services, five new e-services will be created.⁸⁷ The Union of Municipalities of Montenegro believes this commitment could improve local services, but noted it might be challenging to complete it within the action plan's timeframe.⁸⁸ Montenegro could look to examples of other e-service platforms, such as Albania's e-Albania portal, Croatia's Central State Portal, and Ukraine's "Diiia" portal.⁸⁹ Montenegro could also consult vulnerable groups to ensure e-services account for the needs of a wide range of citizens. For example, in its 2021-2023 action plan, North Macedonia is creating coordination bodies for local CSOs and citizens to influence the design, implementation, and monitoring of important social services.⁹⁰

⁹ E-Government, E-Government Portal of Montenegro, <https://www.euprava.me/en>

¹⁰ Open Government Partnership, Montenegro, E-democracy, <https://www.opengovpartnership.org/members/montenegro/commitments/ME0058/>

¹¹ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.

¹² Igor Vidačak (independent expert), interview by the IRM, 9 March 2023.

¹³ Public hearings are defined in the State Administration Act, <https://www.gov.me/dokumenta/1f353a31-1729-4db3-a378-e8c4610a5b04>, and in the Decree on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and the conduct of public hearings in the preparation of laws and strategies, <https://www.gov.me/dokumenta/1f353a31-1729-4db3-a378-e8c4610a5b04>. Public hearings are different from online consultations in that they entail public discussions in the preparation of specific draft laws and strategies.

¹⁴ Institut Alternativa readout, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>

¹⁵ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.

¹⁶ Institut Alternativa readout, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>

¹⁷ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.

¹⁸ Consultation portal, <https://esavjetovanja.gov.hr/ECon/Dashboard>

¹⁹ ReSPA, Regional School of Public Administration, <https://www.respaweb.eu/>

²⁰ Open Government Partnership, Estonia, Transparent and Inclusive Policy Making, <https://www.opengovpartnership.org/members/estonia/commitments/EE0048/>

²¹ Open Government Partnership, Estonia, Lessons from Reformers: Estonia shifts from online consultation to co-creation, August 2020. <https://www.opengovpartnership.org/stories/lessons-from-reformers-estonia-shifts-from-online-consultation-to-co-creation/>

- ²² Open Government Partnership, Estonia, Increasing the capacity for co-creative policy-making within government authorities, <https://www.opengovpartnership.org/members/estonia/commitments/ee0054/>
- ²³ Open Government Partnership, Latvia, Strengthen dialogue with the public in decision-making processes, <https://www.opengovpartnership.org/members/latvia/commitments/LV0048/>
- ²⁴ See <https://wapi.gov.me/download-preview/cc6fef07-782f-4b78-8b15-fa851ccc3abf?version=1.0>
- ²⁵ Institut Alternativa readout, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>
- ²⁶ Government of Montenegro, Document library, <https://www.gov.me/dokumenta/b76b4c37-f011-47dd-ba09-ec580651cc7b>
- ²⁷ Nikoleta Pavićević and Milena Muk, Gender perspective of open administration: Gender analysis of national action plan for the implementation of the Open Government Partnership Initiative in Montenegro 2023-2024, with recommendations for improvement, Alternative Institute, December 2022.
- ²⁸ Institut Alternativa, Initiative: Increase transparency of the government's work, 29 April 2021, <https://institut-alternativa.org/en/initiative-increase-transparency-of-the-governments-work/>
- ²⁹ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ³⁰ Igor Vidačak (independent expert), interview by the IRM, 9 March 2023.
- ³¹ The Commission for Political System, Internal and Foreign Policy; the Commission for Economic Policy and Financial System, the Commission for Personnel and Administrative Affairs; and the Commission for Allocation of Funds from Budgetary Reserve.
- ³² Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ³³ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ³⁴ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ³⁵ Government of Montenegro, Gov.me search, <https://www.gov.me/en/search>
- ³⁶ Open Government Partnership, Estonia, Riigikogu transparency, <https://www.opengovpartnership.org/members/estonia/commitments/EE0050/>
- ³⁷ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ³⁸ Mans, <https://mans.co.me/tonski-zapisi-sa-sjednica-vlade-crne-gore-i-dalje-tajna/>
- ³⁹ Montenegro on its European path, https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/factograph_montenegro.pdf
- ⁴⁰ Europe House, EU projects, <https://evropskakuca.me/euprojects/>
- ⁴¹ IPA assistance is based on EU thematic priorities rather than predefined country allocations, hence the total amount for the enlargement region.
- ⁴² Montenegro on its European path, https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/factograph_montenegro.pdf
- ⁴³ Ecoportal.me, 20 September 2021, <https://www.ecoportal.me/ekoloska-drzava-crna-gora-da-li-cemo-to-i-postati/>
- ⁴⁴ Europe House, Environment and climate change, <http://evropskakuca.me/environment-and-climate-change/>
- ⁴⁵ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ⁴⁶ <https://evropskakuca.me/me/euprojekti>
- ⁴⁷ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ⁴⁸ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ⁴⁹ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ⁵⁰ DotaceEU, Maps of projects, <https://www.dotaceeu.cz/cs/statistiky-a-analyzy/mapa-projektu?search=&Theme=10®ion=0&period=0&city=0&program=0&priorAx=0&Grant=0&rok=0&KODSTR=0>
- ⁵¹ OpenCoesione, <https://opencoeseione.gov.it/it/>
- ⁵² At the School of Open Cohesion, <https://www.ascuoladiopencoeseione.it/en>
- ⁵³ Marija Janković (International Republican Institute), interview by the IRM, 16 February 2023.
- ⁵⁴ These include the National Strategy for Youth 2022-2026 and the Cooperation Strategy of State Administration Bodies and Non-Governmental Organizations 2022-2026, as well as introducing the topic of citizen participation (including in green policies) in schools https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-12/factograph_montenegro.pdf
- ⁵⁵ Open Data Maturity, 2022, Montenegro, https://data.europa.eu/sites/default/files/country-factsheet_montenegro_2022.pdf
- ⁵⁶ Ljiljana Novović and Anka Dabanović (Ministry of Public Administration), correspondence with the IRM, 24 February 2023.
- ⁵⁷ Ministry of Public Administration, Information on Open Data Management, January 2022, <https://www.google.com/url?q=https://wapi.gov.me/download/7a211a06-401c-426c-9d98-85b8f1ae9d88?version%3D1.0&sa=D&source=docs&ust=1679780268134775&usg=AOvVaw1NYnsLopIQavl-tBD59N-C>
- ⁵⁸ Institut Alternativa, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>
- ⁵⁹ Bojana Bajić (Ministry of Finance), interview by the IRM, 21 February 2023.
- ⁶⁰ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ⁶¹ European Commission, Montenegro 2022 report, p 16, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Montenegro%20Report%202022.pdf>
- ⁶² Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ⁶³ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.

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- ⁶⁴ Ljiljana Novović and Anka Dabanović (Ministry of Public Administration), correspondence with the IRM, 24 February 2023.
- ⁶⁵ European Commission, Web accessibility, <https://digital-strategy.ec.europa.eu/en/policies/web-accessibility>
- ⁶⁶ Ivana Nedović and Danijela Nedeljković Vučković (Union of Municipalities of Montenegro), interview by the IRM, 20 February 2023.
- ⁶⁷ Open Government Partnership, Georgia, <https://www.opengovpartnership.org/members/kutaisi-georgia/commitments/gekts0001/>
- ⁶⁸ Bojana Bajić (Ministry of Finance), interview by the IRM, 21 February 2023.
- ⁶⁹ Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ⁷⁰ Bojana Bajić (Ministry of Finance), interview by the IRM, 21 February 2023.
- ⁷¹ Maka Meshveliani (NDI Montenegro), interview by the IRM, 10 February 2023.
- ⁷² Instituta Alternativa readout, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>
- ⁷³ See <https://open.finance.gov.mk/mk/home>
- ⁷⁴ Open Government Partnership, North Macedonia, Open treasury, <https://www.opengovpartnership.org/members/north-macedonia/commitments/mk0126/>
- ⁷⁵ Union of Municipalities of Montenegro, <http://uom.me/baze-podataka/opstinske-finansije/>
- ⁷⁶ Marija Janković (International Republican Institute), interview by the IRM, 16 February 2023. Lidija Ljumović (Ministry of Public Administration), current point of contact to OGP, interview by the IRM, 14 February 2023.
- ⁷⁷ The sixth meeting of the Steering Committee of the second phase of the "Project to fight economic crime in Montenegro" was held on 21 June 2022 in Podgorica. The second phase of the project is financed by the EU and the Council of Europe and is implemented by the Department for Economic Crime and Cooperation of the Council of Europe. The project will support implementing specific recommendations of the Group of States against Corruption (GRECO) and the Committee of Experts for the Evaluation of Measures Against Money Laundering and Terrorist Financing (MONEYVAL).
- ⁷⁸ Institut Alternativa readout, <https://media.institut-alternativa.org/2023/02/Final-OGP-priorities.pdf>
- ⁷⁹ Regional Anti-Corruption Initiative, Breaking the Silence, p 65, https://rai-see.org/php_sets/uploads/2021/10/RAI-GAP-Analysis-English.pdf
- ⁸⁰ See https://www.antikorupcija.me/media/documents/Izvestaj_o_donosenju_i_sprovođenju_planova_integriteta_u_2021._godini_pgNIU4I.pdf
- ⁸¹ Law on the Prevention of Corruption, https://www.antikorupcija.me/media/documents/Law_on_Prevention_of_Corruption_uhpeSyH.pdf
- ⁸² Milena Muk (Institut Alternativa Podgorica), interview by the IRM, 8 March 2023.
- ⁸³ Ivana Nedović and Danijela Nedeljković Vučković (Union of Municipalities of Montenegro), interview by the IRM, 20 February 2023.
- ⁸⁴ Ljiljana Novović and Anka Dabanović (Ministry of Public Administration), correspondence with the IRM, 24 February 2023.
- ⁸⁵ Ivana Nedović and Danijela Nedeljković Vučković (Union of Municipalities of Montenegro), interview by the IRM, 20 February 2023.
- ⁸⁶ Open Government Partnership, Georgia, Transparency of Ozurgeti municipality assembly meetings, <https://www.opengovpartnership.org/members/georgia/commitments/ge0064/>
- ⁸⁷ These e-services will be integrated with other systems, such as the national electronic identification and authentication system and the electronic payment of fees. Ljiljana Novović and Anka Dabanović (Ministry of Public Administration), correspondence with the IRM, 24 February 2023.
- ⁸⁸ Ivana Nedović and Danijela Nedeljković Vučković (Union of Municipalities of Montenegro), interview by the IRM, 20 February 2023.
- ⁸⁹ Open Government Partnership, E-Albania, <https://www.opengovpartnership.org/members/albania/commitments/AL0040/>, Open Government Partnership, Croatia, Central State Portal, <https://www.opengovpartnership.org/members/croatia/commitments/HR0036/>, Open Government Partnership, Ukraine, Diia <https://www.opengovpartnership.org/members/ukraine/commitments/UA0081/>
- ⁹⁰ Open Government Partnership, North Macedonia, Citizen Involvement in Employment Policy, <https://www.opengovpartnership.org/members/north-macedonia/commitments/MK0153/>

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP’s thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM’s International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Ivona Mendeš Levak and was reviewed by Andy McDevitt, an IRM external expert. The IRM methodology, quality of IRM products, and review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.⁹¹

⁹¹ IRM Overview: <https://www.opengovpartnership.org/irm-guidance-overview/>

Annex 1. Commitment by Commitment Data⁹²

Commitment 1: Improve the functionality of the e-participation portal

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Participation of citizens (Commitments 1, 2, and 3 of the action plan)
- Potential for results (cluster): Substantial

Commitment 2: Improve the monitoring of public hearings

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Participation of citizens (Commitments 1, 2, and 3 of the action plan)
- Potential for results (cluster): Substantial

Commitment 3: Educate the public about the possibilities of participation in the creation of public policies

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Participation of citizens (Commitments 1, 2, and 3 of the action plan)
- Potential for results (cluster): Substantial

Commitment 4: Encourage the participation of young people in the implementation of green policies

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 5: Promote and improve open data

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open data (Commitments 5 and 16 of the action plan)
- Potential for results (cluster): Modest

Commitment 6: Improve participatory monitoring of the Law on Free Access to Information

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Increase the availability of data on the work of the Government and government bodies

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 8: Participatory monitoring of data exchange by official duty

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 9: Improve digital accessibility standards for people with disabilities

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Digital accessibility (Commitments 9 and 17 of the action plan)
- Potential for results (cluster): Modest

Commitment 10: Increase the transparency of data on the content and execution of the state budget

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Budget transparency (Commitments 10 and 14 of the action plan)
- Potential for results (cluster): Modest

Commitment 11: Encourage transparency and utilization of EU funds

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 12: Establish a legal framework for the protection of whistleblowers

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 13: Improve the quality of application of ethics and integrity standards in state administration

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Ethics and integrity in public administration (Commitments 13 and 18 of the action plan)
- Potential for results (cluster): Modest

Commitment 14: Improve the transparency of data on budget execution of local self-government units

- Verifiable: Yes
- Does it have an open government lens? Yes

- This commitment has been clustered as: Budget transparency (Commitments 10 and 14 of the action plan)
- Potential for results (cluster): Modest

Commitment 15: Improve the transparency of local parliaments

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 16: Promote open data at the local level

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Open data (Commitments 5 and 16 of the action plan)
- Potential for results (cluster): Modest

Commitment 17: Improve the digital accessibility of municipal websites

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Digital accessibility (Commitments 9 and 17 of the action plan)
- Potential for results (cluster): Modest

Commitment 18: Improve the awareness of local officials about standards of ethics and integrity

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Ethics and integrity in public administration (Commitments 13 and 18 of the action plan)
- Potential for results (cluster): Modest

Commitment 19: Strengthen the role of local communities in the participation of citizens in local decision-making

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 20: Improve e-services at the local level

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

⁹² **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.

2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Montenegro's action plan: <https://www.opengovpartnership.org/documents/montenegro-action-plan-2022-2024-december/>.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.⁹³ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.⁹⁴ However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation ?
<p>1.1 Space for dialogue: The co-creation process for the third action plan took place from October 2021 to December 2022. The Ministry of Public Administration (MPA) held various consultations with government and civil society stakeholders, both online⁹⁵ and in person.⁹⁶ In addition, the National Democratic Institute (NDI) organized a roundtable discussion in Podgorica (23 November 2022)⁹⁷ and Institut Alternativa organized two consultations in municipalities Bar⁹⁸ and Bijelo Polje.⁹⁹ The MPA published information on how to participate in the consultations and communicated directly to stakeholders via email and public call.¹⁰⁰</p> <p>Information on the Operations Team (OT) - the multi-stakeholder forum - is available on the national OGP website, including its composition and mandate.¹⁰¹ The OT was formed in 2018 during the second action plan. Following the expiration of the OT's mandate in June 2022, the MPA launched consultations on the composition and role of a new OT.¹⁰² By the adoption of the third action plan (December 2022), there were still vacancies for government and civil society members on the OT, so membership has not officially been renewed.</p>	Yes	<i>To be assessed in the Results Report</i>
<p>2.1 OGP website: Montenegro has a publicly accessible website for OGP that contains the latest action plan.¹⁰³</p>	Yes	<i>To be assessed in the Results Report</i>
<p>2.2 Repository: The national OGP website has a repository of documents.¹⁰⁴ It is updated at least twice a year. At the time of writing this report (March 2023), the website has information on the co-creation of the third action plan, but not yet on its implementation.¹⁰⁵</p>	Yes	<i>To be assessed in the Results Report</i>
<p>3.1 Advanced notice: The co-creation of the third action plan officially began with a public call for interested stakeholders to participate in the process, open from 26 October to 20 November 2021.¹⁰⁶ The MPA sent invitations to interested stakeholders on 6 December 2021 to join the co-creation process and submit proposals. The invitation was open to anyone interested and posted on the OGP website.¹⁰⁷ The MPA published a calendar of Montenegro's OGP activities on 27 June 2022 on</p>	Yes	Not applicable

<p>the OGP website.¹⁰⁸ The calendar included activities that were already completed as well as activities for the remainder of 2022.</p> <p>OGP’s Co-creation and Participation Standards require that the co-creation timeline and overview of the opportunities to participate be available at least two weeks before the start of the co-creation process. The updated standards took effect in January 2022, after Montenegro’s co-creation process had officially begun. The IRM assessed the initial public call (open from 26 October to 20 November 2021) and the invitation on 6 December 2021 as sufficient advanced notice to join the co-creation process. Therefore, the IRM assesses Montenegro as having met the minimum requirement under this standard during the third action plan.</p>		
<p>3.2 Outreach: The MPA, NDI, and Institut Alternativa carried out multiple outreach activities with information on the OGP process and on the opportunities to participate in the co-creation of the action plan. For example, the MPA conducted a survey of citizens asking for their priorities for the action plan¹⁰⁹ and held interviews with interested stakeholders to define priorities for the action plan.¹¹⁰ NDI organized a conference on Montenegro’s participation in OGP on 7 June 2022 with the participation of the United States Ambassador to Montenegro.¹¹¹</p>	Yes	Not applicable
<p>3.3 Feedback mechanism: The MPA held a public hearing on the draft action plan from 28 October to 28 November 2022.¹¹² NDI and Institut Alternativa (with support of the MPA) organized roundtable consultations in Podgorica (22 November 2022), in Bar (30 November 2022) and in Bijelo Polje (5 December 2022). These roundtables aimed to collect additional proposals on the draft action plan and provided opportunities for additional communication between stakeholders.</p>	Yes	Not applicable
<p>4.1 Reasoned response: The MPA documented stakeholder input on the OGP website, including the results of online consultations, the interviews with civil society stakeholders, and the citizens’ survey.¹¹³ The MPA published responses to comments submitted during the final public hearing of the draft action plan (28 October to 28 November 2022).¹¹⁴ Information on some of the in-house consultations with government bodies in charge of commitments is not available on the OGP website but the MPA reported to them directly. The MPA also reported back to stakeholders during the public consultations and the two regional roundtables.</p>	Yes	Not applicable
<p>5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.</p>	Not applicable	<i>To be assessed in the Results Report</i>

⁹³ 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

⁹⁴ IRM Guidelines for the Assessment of Minimum Requirements: <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>

⁹⁵ NDI Facebook, https://m.facebook.com/story.php?story_fbid=267309765440474&id=100064843562480&__entstream_source=timeline

⁹⁶ Public call for consultations, 26 October 2021, <https://www.gov.me/clanak/javni-poziv-za-konsultovanje-zainteresovane-javnosti-o-izradi-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori>

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- ⁹⁷ Open Government Partnership, Montenegro, 24 November 2022, <https://www.otvorenauprava.me/novosti/odrzan-okruglisto-o-nacrtu-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori-2023-2024/>
- ⁹⁸ Open Government Partnership, Montenegro, 1 December 2022.
- ⁹⁹ Open Government Partnership, Montenegro, 7 December 2022 <https://www.otvorenauprava.me/novosti/odrzana-tribina-u-bijelom-polju-otvorena-uprava-za-sve-ka-zajednickim-prioritetima/>
- ¹⁰⁰ Open Government Partnership, Montenegro, 26 June 2022, <https://www.otvorenauprava.me/novosti/budite-ko-kreator-novog-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori/>
- ¹⁰¹ Open Government Partnership, Montenegro, Documents, <https://www.otvorenauprava.me/dokumenta/>
- ¹⁰² Open Government Partnership, Montenegro, <https://www.otvorenauprava.me/operativni-tim/>
- ¹⁰³ Open Government Partnership, Montenegro, <https://www.otvorenauprava.me/>
- ¹⁰⁴ Open Government Partnership, Montenegro, Documents, <https://www.otvorenauprava.me/dokumenta/>
- ¹⁰⁵ Open Government Partnership, Montenegro, Consultations, <https://www.otvorenauprava.me/konsultacije/>
- ¹⁰⁶ Public call for consultations, 26 October 2021, <https://www.gov.me/clanak/javni-poziv-za-konsultovanje-zainteresovane-javnosti-o-izradi-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori>
- ¹⁰⁷ Open Government Partnership, Montenegro, 6 December 2021, <https://www.otvorenauprava.me/novosti/ko-kreiranje-novog-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori/>
- ¹⁰⁸ Open Government Partnership, Montenegro, 27 June 2022, <https://www.otvorenauprava.me/novosti/kalendar-aktivnosti-za-izradu-novog-nacionalnog-akcionog-plana-2022-2024/>
- ¹⁰⁹ https://forms.office.com/pages/responsepage.aspx?id=DQSIkWdsW0yxEjajBLZtrQAAAAAAAAAAAAAAAAAQ_rkC5UMkQwTINWUKpFS1Y0V0Q0SzBSQkRXVktJRy4u&web=1&wdLOR=c8C28914D-5FC7-6548-890A-4440A9CD5BEB
- ¹¹⁰ <https://www.gov.me/clanak/ko-kreiranje-novog-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori>
- ¹¹¹ <https://www.gov.me/clanak/novi-nacionalni-akcioni-plan-za-partnerstvo-za-otvorenu-upravu-omogucice-gradanima-bolji-pristup-javnim-uslugama-2>
- ¹¹² Open Government Partnership, Montenegro, 12 December 2022, <https://www.otvorenauprava.me/novosti/izvjestaj-sa-javne-rasprave-o-nacrtu-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori-2023-2024/>
- ¹¹³ Open Government Partnership, Montenegro, Consultations, <https://www.otvorenauprava.me/konsultacije/>
- ¹¹⁴ Open Government Partnership, Montenegro, 12 December 2022, <https://www.otvorenauprava.me/novosti/izvjestaj-sa-javne-rasprave-o-nacrtu-nacionalnog-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-u-crnoj-gori-2023-2024/>