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Parliamentary oversight in the area of security and defence

2013 Monitoring Report
and Impact Assessment



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the rule of law

Podgorica, August 2014

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*The opinions expressed here are the authors' own
and do not necessarily coincide with those of DCAF.*

Introduction

The intention of the authors of the Law on parliamentary oversight of security and defence sector, adopted towards the end of 2010, was to strengthen the control function of the Parliament of Montenegro and to introduce a more efficient oversight of the security and defence sector. After three years of the implementation of this Law, we tried to measure its impact, i.e. the impact of the work of the Committee competent for carrying out the parliamentary oversight of this sector, with a view to providing recommendations to enhance its effectiveness.

Conclusions with recommendations are presented in this report consisting of two parts. Traditionally, the first part concerns monitoring of the implementation of the Law in the third year of its enforcement¹ with comparative data on the implementation of control instruments for at least three last years. In order to present the activities of the Committee in 2013, our researchers attended all sessions of the Committee which were open to public.

The second part of the report relates to the attempt to assess the systemic impact of this Law on state bodies from the security and defence sector which were subject to parliamentary oversight as well as an analysis of the opinions of representatives of state bodies which were subject to parliamentary oversight on effects of this control mechanism.

The impact of the work of the Security and Defence Committee is achieved through: initiating new laws, initiating the use of control mechanisms, adoption of concrete conclusions, adoption of amendments to the Government's draft laws, addressing new issues significant for security and defence policy, proposals for resolution of problems, etc. In other words, its impact is reflected in delivering concrete changes and providing substantive answers to problems identified in the security and defence sector. These are some of the parameters we monitored while carrying out this research. We also analysed the positions and expectations of the representatives of security and defence institutions, their impressions on the results of the work of this Committee, we checked the extent to which conclusions were implemented, we analysed media content on parliamentary oversight, with a special emphasis on MPs' and heads of state bodies' statements.

During the research, we discussed these topics with the representatives of those state bodies which were directly or indirectly the subject of the Committee's oversight or those who participated in its sessions during deliberations on their annual performance reports. We are grateful for the contribution to this report to:

- Chairman of the Committee, Mevludin Nuhodžić,
- Member of the Committee, Suljo Mustafić,
- Minister of Interior, Raško Konjević,
- Chief of Armed Forces General Staff, General Dragan Samardžić,
- Secretary of the Ministry of Defence, Nada Ulićević,
- Director of the Secret Data Protection Directorate, Savo Vučinić,
- Director General at the Emergency Management Directorate, Mirsad Mulić,
- Head of the Administration for prevention of money laundering and terrorism financing, Vesko Lekić,
- Police representatives: Petar Krstajić, Radovan Ljumović, Sead Frljučkić,
- Head of the National Security Agency, Boro Vučinić,
- Expert service of the Security and Defence Committee for delivering material related to the work of the Committee.

As it was the case in previous years, our work in this area, monitoring of the work of the Committee, impact assessment of the Law, as well as the preparation of the report were supported by the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

¹ Monitoring report on the implementation of the Law in 2011 and 2012 is available on the Institute Alternativa website: <http://institut-alternativa.org/publikacije/>

After preparing the draft version of this report, we² held a meeting with the members of the Security and Defence Committee where we discussed our findings on implementation of the Law on Parliamentary Oversight³, with special reference to the problems we had observed. Eight members of the Committee⁴ and two representatives of the Professional Service of the Committee⁵ actively participated in the meeting, during which we gave consideration to various aspects and circumstances of exercise of the parliamentary oversight of the security and defence sector over the past three years. Consequently, some of the evaluations and opinions of the members of the Committee have become an integral part of this report.

Summary – Committee’s work in 2013

In 2013, the Security and Defence Committee held a total of 13 sessions, one joint session with the Anti-Corruption Committee, it discussed 16 thematic items on its agenda (35 with ‘any other business’⁶), it held one control hearing, deliberated on two pieces of information upon request of the Committee, held one consultative hearing, and it deliberated on 5 draft laws. The total duration of all sessions of the Committee is 40 hours and 57 minutes.⁷

The bulk of the Committee’s activities in 2013 were related to the discussion of annual performance reports of security and defence bodies, in line with its legal obligation. The Committee discussed a total of 9 reports (2 of which remained from 2012). For the first time, the Committee discussed the report of the Ministry of Economy on external trade of controlled goods. The total number of conclusions adopted by the Committee in 2013 is 38.

The Committee addressed the budget question of this sector’s institutions and state bodies in 2013 to a great extent.

However, no progress was achieved with regard to a more active use of control mechanisms envisaged by the Law. On the contrary, the number is stagnating at the same level at which it was prior to the adoption of this Law, even though the goal of the Law was to enhance the parliamentary oversight of the security sector. The opposition suggested two topics, in line with the provision allowing for one third of the Committee members to table their own initiatives once during a regular convocation, but none of these two proposed control hearings took place by the end of 2013.

As it was the case in 2012, there were no consultative hearings upon initiative of the Committee in 2013, which would have involved a greater number of interested parties. Since 2010, the Committee has not used a single one of the mechanisms at its disposal with regard to the oversight of the application of secret data collection measures by the National Security Agency. For the first time in its work, the Committee performed oversight of the application of secret surveillance measures by the Police and it faced technical obstacles in establishing facts.

Until the end of the year, the Committee failed to undertake 10 out of 24 activities from its Parliamentary Oversight Plan. In this regard, Committee members pointed out to 2013 as the year of the presidential elections and boycott of the Parliament by the opposition. They stated that this was reflected on the overall work of the Committee, but, nonetheless,

2 Stevo Muk, Dina Bajramspahić, Marko Sošić and Milica Milonjić

3 8 July 2014

4 Chairman of the Committee **Mevludin Nuhodžić**, and the Committee members **Obrad Mišo Stanišić**, **Radivoje Nikčević**, **Snežana Jonica**, **Velizar Kaluđerović**, **Predrag Bulatović**, **Suljo Mustafić** and **Luid Ljubo Škrelja**.

5 Vera Damjanović and Slaviša Šćekić

6 Most frequently related to the adoption of minutes, agreements on participation in conferences, etc.

7 Information from the 2013 Annual Performance Report of the Parliament.

emphasized that the Committee did not neglect any important issue.⁸

The Committee Member from the Opposition underlined that: “It represents a problem that our Parliament works without a work plan, in a general mess. Plus the international activities. This Parliament is not capable of such a serious level of performance as suggested (in this report)”.

2013 in numbers:

14 sessions held	16 items on the agenda discussed	1 control hearing	1 consultative hearing	5 draft laws discussed	9 performance reports discussed	2 appointment proposals discussed	38 conclusions
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Overview of the sessions of the Security and Defence Committee in 2013

January	3rdsession – 30/1 – closed to public – <i>deliberation on the 2011 Performance Report of the National Security Agency and adoption of the Parliamentary Oversight Plan for 2013</i> 4thsession – 31/1 – <i>deliberation on the 2011 Performance Report of the Police Directorate and on the state of play in the security sector for 2011, adoption of the 2012 Annual Performance Report of the Committee</i>
February	5th session – 25/2 – <i>deliberation on the Draft Amendments to the Law on Data Secrecy</i>
March	6thsession – 18/3 – <i>deliberation on the Proposal to appoint the Head of the Department for Military-Intelligence and Security Affairs at the Ministry of Defence</i>
May	7thsession – 9/5 – <i>deliberation on three reports: 2012 Performance Report of the Ministry of Defence, 2012 Report on the state of play in the Military of Montenegro, 2012 Report on participation of Montenegrin soldiers in international forces, peacekeeping missions and other activities abroad</i> 8thsession – 10/5 – <i>deliberation on the 2012 Performance Report of the Ministry of Interior and 2012 Report on the state of play in the protection and rescue system in Montenegro</i> 9thsession – 24/5 – closed to public – <i>deliberation on the 2012 Performance Report of the National Security Agency</i>
June	10thsession – 17/6 – <i>deliberation on the Proposal to appoint the Head of the Police Directorate</i>
July	11thsession – 22/7, 25/7, 19/11 – closed to public – <i>control hearing of the acting Supreme State Prosecutor, Minister of Interior, Head of the National Security Agency, with regard to the case of murder of Duško Jovanović, discussion on the information regarding the ‘Listing’ affair in light of the arrest of Naser Kelmendi, and on the state of security in the Municipality of Bar.</i> 12th session – 25/7 – <i>deliberation on the Draft Law on Border Control</i>
October	13thsession – 3/10, 9/12, 16/12 – <i>deliberation on the Draft Law on protection of persons and property and deliberation on the 2012 Annual Report on external trade with controlled goods</i>
November	Continuation of the 11th session.
December	14thsession – 9/12 – <i>deliberation on the Draft Law on the Final Account of the 2012 Budget of Montenegro, with an accompanying Audit Report on the Final Account of the Budget of Montenegro in 2012 in part related to the following spending units: Ministry of Defence, Ministry of Interior and National Security Agency.</i> First joint session with the Anti-Corruption Committee – <i>deliberation on the Draft Law on the 2014 Budget of Montenegro in part related to the following spending units: MoD, Mol, NSA.</i> 15thsession – 18/2 – <i>consultative hearing of the military-diplomatic representative of Montenegro, Lieutenant Colonel Hajrudin Đerekarac, before taking up office.</i>

8 Statement of one MP expressed during the meeting with the IA representatives.

Deliberation on Annual Performance Reports

Deliberation on annual performance reports represents one of the most significant regular activities of the Committee which continued in 2013 when a total of nine such reports were discussed. Institutions and state bodies are bound by the Law to deliver their reports by the end of the first quarter of the current year for the previous year, i.e. in this year's case, by the end of March 2013 for their work in 2012.

In January 2013, the Committee deliberated on the 2011 annual report of the National Security Agency⁹ and the 2011 annual report of the Police Directorate¹⁰ – these were the legal obligations of the Committee which remained from 2012.

In 2013:

9 reports discussed
2 from 2011
7 from 2012
1 for the first time
6 not discussed

In line with the legal dynamics, i.e. in a timely manner, in May 2013¹¹ the following reports were discussed:

- 2012 Annual Performance Report of the Ministry of Defence,
- 2012 Report on the state of play in the Military of Montenegro,
- 2012 Report on the participation of Montenegrin soldiers in international forces, peacekeeping missions and other activities abroad,
- 2012 Annual Performance Report of the Ministry of Interior,
- 2012 Report on the state of play in the protection and rescue system in Montenegro,
- 2012 Annual Performance Report of the National Security Agency.

In line with the obligation stemming from the conclusion of the XI Cetinje Parliamentary Forum of 2010¹², the Committee deliberated on the 2012 Annual report of the Ministry of Economy on external trade of controlled goods (weapons, military equipment, double-use goods) for the first time.¹³

In line with the 2013 Parliamentary Oversight Plan, (adopted by the Committee in line with its legal obligation¹⁴), the Committee failed to meet the following six activities:

- Deliberation on the information of the Inter-Agency working group of the Government of Montenegro for the establishment of an integrated system of control, oversight and protection of the sea with the optimal solution for enhancing maritime safety in Montenegro, with a particular emphasis on advantages and disadvantages of establishing the coast guard, cost benefit analysis, etc.¹⁵
- Deliberation on the report submitted by the Military of Montenegro to the Government, which addresses the question of efficient integrated system of maritime safety,¹⁶
- Deliberation on the report on progress of Montenegro in the Membership Action Plan (MAP),
- Deliberation on the Report of the European Commission on monitoring of results in the fight against corruption and organised crime, in line with the benchmarks contained in Chapters 23 and 24¹⁷ for negotiations with the EU, in the role of an interested Committee,

9 Session held on 30 January.

10 Session held on 31 January.

11 Three sessions held on: 9 May, 10 May and 24 May 2013

12 Conclusion from the XI Cetinje Parliamentary Forum 'Role of the Parliament in controlling the system of export and import of armaments', held on 8 November 2010. All conclusions available at: http://skupstina.me/images/dokumenti/medjunarodna-saradnja/CPF/XI_CPF.pdf

13 At the 13th session held on 3 October 2013

14 In line with Article 12, paragraphs 1 and 2, of the Law on parliamentary oversight.

15 During its 37th session of the 24th convocation, held on 31 October 2011, the Committee organised a consultative hearing on the topic of maritime safety and security in Montenegro and requested the information from the Inter-Agency Working Group.

16 Ibid.

17 Chapter 23 – Judiciary and Fundamental Rights and Chapter 24 – Justice, Freedom and Security.

- Deliberation on special reports of the police on activities in the fight against drug crime, prostitution and trafficking in human beings, usury, extortion and other forms of crime with a high degree of social threat,
- Deliberation on a special report of the Administration for the prevention of money laundering and terrorism financing on threats to the economic interests of Montenegro (money laundering, capital outflow and alike).

It needs to be emphasized that the above mentioned reports and information had not been submitted to the Committee¹⁸ by the competent authorities, although the Plan of Parliamentary Oversight, which stipulates the activity of deliberation on these reports, was submitted to the authorities over which the Committee exercises supervision, in January 2013. Nevertheless, the Committee did not remind these authorities during the course of the year (in writing) in relation to this issue.

Despite several announcements, the Committee is yet to introduce the practice of segmented, thematic discussion of institutions' performance reports, which is why the discussion on these reports, albeit informative, due to its comprehensiveness often lacks focus and does not lead to the identification of problematic issues and formulation of concrete recommendations for urgent questions in the security and defence sector. However, one of the fruitful discussions of the Committee in 2013 was the one dedicated to the deliberation on the report on the state of play in the protection and rescue system because it ended with an adoption of very concrete and measurable conclusions which reflect the identification of substantive problems of the Directorate (e.g. the need for urgent establishment of the Operational-Communication Centre 112, etc.).

1 Strategic Defence Overview outside the Committee's focus

In July 2013, the Government of Montenegro adopted the Strategic Defence Overview¹⁹, a key strategic document for further reform of the defence system which establishes further development steps for the Ministry of Defence and for the Military of Montenegro. Although the process was inclusive,²⁰ the Security and Defence Committee did not participate in the preparation of this document, nor did it deliberate on it or provide an opinion.²¹

Control Hearings

In 2013, one control hearing was held, while two pieces of information were deliberated upon the request of the Committee. These three activities were realized during the eleventh session of the Committee:²²

18 Interview with the representative of the Professional Service of the Security and Defence Committee.

19 Adopted at the 28th sitting of the Government, held on 4 July 2013

20 'The process of preparation of this document was preceded by a several-month long period of consultation which included representatives and experts of the Ministry of Defence (hereinafter: Ministry) and of the Military of Montenegro (hereinafter: Military) and representatives of other state bodies, NGOs, academic community and other interested parties. In parallel with the national consultation, there were regular consultations with international partners, especially representatives of the defence sector of NATO member states.' – Strategic Defence Overview, page 1.

21 In line with Article 7, paragraph 1, item 5 of the Law on parliamentary oversight: the Committee 'deliberates on the draft and proposal of the national security strategy and the draft and proposal of defence strategy and provides its opinion.'

22 11th session of the Committee was closed to the public and took place on 22 July 2013, 15 July 2013 and 19 November 2013.

- Case of murder of Duško Jovanović,
- State of security in the Municipality of Bar,
- 'Listing' affair in light of the arrest of Naser Kelmendi.²³

Decision on the control hearing of the acting Supreme State Prosecutor, Minister of Interior and Head of the National Security Agency, with regard to the murder of Duško Jovanović, was adopted unanimously and the hearing took place on 22 July. Duško Jovanović was the founder and editor-in-chief of the opposition daily newspaper 'Dan' and was murdered in 2004. Nine years later, the prosecution and the police did not make any progress in revealing the ordering parties of Jovanović's murder although the statements of those who are familiar with that period point out to the fact that it was a politically motivated murder. One of the motives for the control hearing was the statement delivered by the Prime Minister Milo Đukanović who implied that the former Serbian PM, Vojislav Koštunica, was responsible for the murder of Jovanović.²⁴

Following the discussion behind closed doors, seven members of the Committee from the ruling coalition voted in favour of the proposed conclusions, while five MPs from the opposition voted against. Conclusions expressed the view that the state bodies undertook all necessary activities with a view to identifying the perpetrators and that the Committee would continue monitoring this case.²⁵

Two months after the Committee's session, acting Supreme State Prosecutor, Veselin Vučković announced a re-opening of the case and continuation of the investigation. His statement to the press was that 'we've reached some new findings at the session of the Security Committee and began interrogating police officials who were involved in the investigation on the murder of Jovanović.'²⁶

Statement by the acting SSP on new findings at the session of the Security and Defence Committee is a confirmation of a concrete, positive outcome of a control hearing which produced a change, thus making this one of the most successful activities of the Committee in 2013.

Deliberation on the information upon the request of the Committee

The second part of the eleventh session took place on 25 July when the Committee deliberated on the information on the state of security in the Municipality of Bar. This item of the agenda was proposed by the Ministry of Interior and Committee member Borislav Banović of SDP, due to intensified criminal activities on the territory of that municipality in the first half of 2013. Conclusions of the Committee at the end of the discussion aimed at supporting the MoI and the Police Directorate in suppressing organised crime in the Municipality of Bar and encouraging them in identifying the perpetrators of all crimes.²⁷ During this session, the Committee was informed about the case regarding the underage son of a member of the Committee from the Democratic Front, Andrija Mandić, in relation to a fight of secondary school pupils in front of the Grammar School 'Slobodan Škerović'.

The third part of the session, whose discussion was dedicated to the 'Listing' affair in light of the arrest of Naser Kelmendi, included the presence of the Head of Police Directorate

23 This initiative was delivered by the Committee members from the Socialist People's Party, Vasilije Lalošević and Velizar Kaluđerović.

24 Media article: 'Even Lekić knows who murdered Duško Jovanović', Independent Daily Vijesti, available at: <http://www.vijesti.me/vijesti/dukanovic-i-lekic-zna-ko-je-ubio-duska-jovanovica-clanak-118760>

25 Report of the Committee available in its entirety at: http://skupstina.me/~skupcg/skupstina/cms/site_data/24/izvjestaj%20sa%20jedanaeste%20sjednice%20-%20odbor%20za%20bezbjednost.pdf

26 Portal Analitika, 20 September 2013, see: <http://www.portalanalitika.me/drustvo/vijesti/116028-vukovi-ponovo-otvaramo-istragu-o-ubistvu-jovanovia>

27 Report of the Committee available in its entirety at: http://skupstina.me/~skupcg/skupstina/cms/site_data/25%20saziv%20ODBORI/ODBOR%20ZA%20BEZBJEDNOST%20I%20ODBRANU/izvjestaj%20sa%20jedanaeste%20sjednice%20-%20odbor%20za%20bezbjednost.pdf

and the Basic State Prosecutor. The third part took place on 19 November. The session was closed to the public and after the discussion, most members of the Committee voted against the conclusions proposed by the representatives of the ruling Democratic Party of Socialists²⁸, considering such conclusions unsatisfactory (six in favor, three against, with three abstentions). The proposed conclusions were a confirmation that the state bodies achieved progress with the need for further efforts in solving the case.²⁹

Number of control hearings per year:

2006/7	2008	2009	2010	2011 ³⁰	2012	2013
1	1	1	1	2	2	1

(In)ability of the opposition to push through its own initiatives?

Three initiatives for control hearings, delivered by the Committee members from among the opposition in line with the formal procedure, which did not take place by the end of 2013, are the following:

- On 22 July, six members of the opposition³¹, pursuant to the possibility foreseen by the Law on parliamentary oversight³², proposed one item on the agenda – control hearing of the Head of NSA with regard to the implementation of the Law on national security agency, Chapter II, item 3 ‘*Record-keeping and data storage*’ with a special emphasis on Article 18 in cases involving MANS, a journalist, Dr Vladimir Božović, Gojko Raičević, Dr Velibor Džomić, Milenko-Miško Jovanović, and others. By the end of 2013, the control hearing did not take place.³³
- On 2 October, three opposition members³⁴ delivered an initiative which was subsequently (on 6 November) delivered again by six opposition members pursuant to Article 12 of the Law on parliamentary oversight, to hold a control hearing of 6 officials³⁵ with regard to the statement made by Veselin Veljović in a court proceeding³⁶ about the allegations that information against him were fabricated by people with ties to criminal structures, against whom the NSA and PD launched proceedings, and that the evidence against him were delivered unlawfully, as well as that the lists of phone calls may be falsified. Due to technical shortcomings, the opposition representatives withdrew the initiative with the goal of correcting it, but the initiative was not delivered for the third time. The control hearing did not take place.
- On 6 November, members of the Committee from the Democratic Front delivered

28 According to the reporting of the daily newspaper Vijesti, available at: <http://www.vijesti.me/vijesti/bez-zakljucaka-feri-listing-najava-kontrolnih-saslusanja-vezi-crnih-trojki-clanak-161370>

29 Portal Vijesti, available at: <http://www.vijesti.me/vijesti/bez-zakljucaka-feri-listing-najava-kontrolnih-saslusanja-vezi-crnih-trojki-clanak-161370>

30 The year when the Law on parliamentary oversight entered into force.

31 Committee Members: Andrija Mandić, Nebojša Medojević, Predrag Bulatović, Zoran Miljanić, Velizar Kaluđerović, and Vasilije Lalošević.

32 Article 12, paragraph 3, ‘Once during the regular sitting of the Parliament, the Committee shall hold a session convened upon request of one third of its members, with one item on the agenda.’

33 Held in April 2014.

34 Members of the Committee from the Democratic Front: Nebojša Medojević, Andrija Mandić, and Predrag Bulatović.

35 Deputy Prime Minister and Minister of Justice Duško Marković, Deputy Prime Minister and Minister of Foreign Affairs and European Integration Igor Lukšić, Minister of Interior Raško Konjević, Head of the National Security Agency Boro Vučinić, Advisor to the President of Montenegro on national security issues Veselin Veljović, (former Head of Police Directorate), and Head of the Customs Administration Vladan Joković (former Head of NSA).

36 Statement delivered on 29 September 2013, published in the daily Vijesti on 30 September 2013.

an initiative to hold a control hearing of the acting Supreme State Prosecutor, Veselin Vučković, with regard to the documents delivered by the judicial bodies of the United States in relation to alleged corruption in the privatisation of Montenegro Telekom³⁷. The control hearing did not take place.³⁸ The Committee members reached a consensus for the above mentioned proposal to be deliberated by the Committee, after the Supreme Prosecutor's Office translates the text from the English language and informs the Committee on this issue.

It should be noted that in reality there was a greater number of oral initiatives and proposals of the Committee members. However, for a certain number of cases, proposals were not delivered to the Registry Office of the Parliament in line with the formal procedure. Hence, we may not state the total number of rejected, i.e. neglected proposals.

An illustrative example is the proposal made by Predrag Bulatović, member of the Committee: 'to request information from the NSA on whether the National Security Agency of the U.S. carried out surveillance over the internet and other communication of Montenegro citizens.'³⁹ The Chairman of the Committee initially accepted this although it was not discussed as a separate item on the agenda. However, it remains unknown whether the information on this topic was ever discussed in the Committee.

Consultative Hearings

At its fifteenth session, held on 18 December, the Committee organised a consultative hearing of the military-diplomatic representative of Montenegro, lieutenant colonel Hajrudin Đerekarac, prior to taking up office of the defence attaché in the Federal Republic of Germany (in Berlin), and simultaneously on a non-residential basis in the Republic of Poland, Kingdom of the Netherlands and Kingdom of Denmark. The decision on his appointment, pursuant to the Law on Military⁴⁰, was adopted by the Defence and Security Council, while the Committee unanimously endorsed it.

Bearing in mind the 2013 Parliamentary Oversight Plan, the Security and Defence Committee failed to hold a consultative hearing on the topic of 'state of play in the area of air traffic and air space safety', while the Committee members did not submit any other initiatives for control hearings to the Parliament.

Failure to hold consultative hearings in the real sense of this word, upon initiative of the Committee itself, with respect for the fundamental principles of this mechanism (wide consultation on specific questions with a large number of interested parties outside the Parliament involved) reduced the degree of cooperation of the Committee with the civil society in 2013. The same is evident in 2012 since the Committee failed to hold the previously planned consultative hearing on the topic of 'private security sector in Montenegro'. In contrast, in 2011, two significant consultative hearings took place with a large number

37 This activity would have been a continuation of the work of the Committee on the 'Telekom' case since the Committee held two sessions in 2012 with regard to the work of state bodies on this matter. This affair was also subject to a parliamentary inquiry.

38 Anti-Corruption Committee and Security and Defence Committee are discussing the possibility of holding a joint session on this matter, i.e. organising a control hearing of the acting Supreme State Prosecutor and Head of the Administration for the prevention of money laundering. For more details, see Antena M 'Anti-Corruption Committee re-launches the story of Telekom affair in the Parliament', <http://antenam.net/web/index.php/politika/5843-odbor-za-antikorupciju-pokrece-u-parlamentu-opet-pricu-o-aferi-telekom> (10 April 2014)

39 Extraordinary activity pursuant to Article 15, paragraph 2, item 1 of the Law on parliamentary oversight.

40 Article 13, item 3, Law on the Military of Montenegro.

of civil society representatives present.

Number of consultative hearings per year:

2006/7	2008	2009	2010	2011 ⁴¹	2012	2013
2	0	0	0	2	1	1

Deliberation on proposal of candidates to be appointed to hold managerial positions in the security and defence sector⁴²

The Security and Defence Committee participated in two appointment procedures in 2013:

- For the Head of the Department for Military-Intelligence and Security Affairs at the Ministry of Defence,
- For the Head of Police Directorate.

At the sixth session of the Committee⁴³, the proposal of the Prime Minister for the appointment of the Head of the Department for Military-Intelligence and Security Affairs at the Ministry of Defence was discussed. Members of the Committee from among the opposition voted against the positive opinion on the appointment of Goran Poleksić, holding it against the candidate that he spent several years in the National Security Agency which they characterised as a repressive instrument of the governing structure. The opinion was supported by the votes of the ruling majority.

At its tenth session⁴⁴, the Committee deliberated on the proposal of the Prime Minister to appoint the Head of the Police Directorate. Pursuant to the Law on internal affairs, stipulating that the Minister of Interior submits a proposal for the appointment of a candidate, upon previous public call, to the Prime Minister who then forwards the proposal to the Parliament for its opinion, the Committee deliberated on the candidate Slavko Stojanović. Seven members of the Committee voted in favour of this candidate, three were against, while three abstained.⁴⁵

Oversight of the application of secret surveillance measures

SSM applied by the Police Directorate

For the first time in its work, during 2013, the Committee performed oversight of the application of secret surveillance measures (SSM), implemented by the Police Directorate (PD) since 2007, as stipulated in the Criminal Procedure Code.

At its fifth session⁴⁶, the Committee discussed the initiative of the members of the Commit-

41 Year when the Law on parliamentary oversight entered into force.

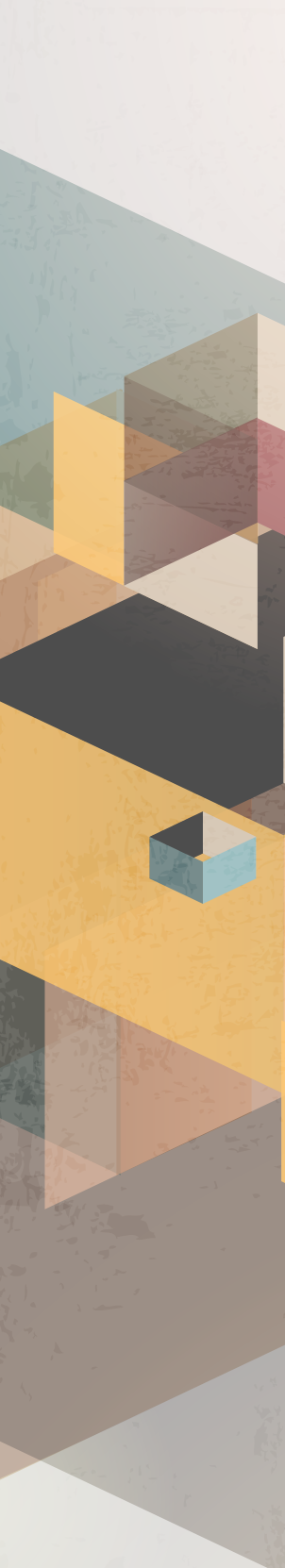
42 Competence of the Committee stemming from Article 7, paragraph 1, item 13 of the Law on parliamentary oversight: the Committee 'deliberates on proposals of candidates to be appointed to hold managerial positions in the security and defence area, for which *lex specialis* prescribes that the Parliament provide an opinion.'

43 Held on 18 March 2013

44 Held on 17 June 2013

45 Abstained: Velizar Kaluđerović, Vasilije Lalošević, and Zoran Miljanić.

46 Held on 25 February 2013



tee from the Democratic Front⁴⁷ to hold a control hearing of the Minister of Interior and the Special Prosecutor for the suppression of organised crime, corruption, terrorism and war crimes, with regard to media allegations on journalists and editor of the daily newspaper 'Dan' being subject to unlawful secret surveillance measures undertaken by the PD. Following the discussion, the Committee unanimously decided to organise a control hearing and adopted a unanimous Decision on a visit⁴⁸ to the Department for special checks of the Police Directorate, which took place on 28 February. The visit to the Department was the only control visit undertaken by the Committee in 2013. The control hearing was initially planned for 11 March, but formally it never took place.

After the visit and performed oversight, impressions of the Committee members from the ruling majority and the opposition minority on their findings during the visit, were diametrically opposed. Committee members from the ruling majority stated that their insight into the application of SSM in ongoing cases showed that there was no abuse of law in their implementation. They expressed their belief that the procedure and law were entirely respected, adding that 'attention is paid not to violate constitutionally guaranteed human rights'. They further noted that on the basis of what they found out, there was no wiretapping of 'Dan' journalists. On the other hand, opposition members claimed that it was technically impossible to carry out oversight of the closed cases, adding that some of the information from the server was automatically deleted which is a cause for concern. They repeated their doubts on abuse of SSM especially against opponents of the Government, journalists, NGO sector and opposition.⁴⁹

Even before the media allegations which launched this affair, according to the Minister of Interior, the Internal Control Department of the Police had initiated an investigation in this case and ran this investigation in parallel with the visit of the Committee to the Department for special checks. On the basis of the investigation, a report was prepared whose findings were that no abuse existed in this concrete case. The Committee did not discuss this report of the Internal Control.

Although this visit, bearing in mind that it is the first of a kind, has an exceptional importance, the control procedure of oversight of the implementation of SSM by the Committee, is in itself underdeveloped. Lack of experience and of expert and technical knowledge is an obstacle for carrying out efficient oversight. The Committee must enhance its capacity in this area in order to enforce its duties. This is confirmed by the member the Committee from the ruling political party, who says: "I cannot engage in the discussion because I do not understand the topic. We saw what we saw and believed it to be OK."

The Committee did not adopt a special report on this visit, or the conclusions which would have an impact on improving conditions in this area. It is certain that oversight is objectively impossible, as noted also in the report on 'Assessment of the state of play in the area of organised crime in Montenegro', prepared by Maurizio Varanese, European Commission expert⁵⁰ which says that:

47 MP Predrag Bulatović presented the initiative during the session, with the proposal to expand the agenda.

48 Pursuant to Article 15 of the Law on parliamentary oversight

49 Portal Analitika, 28 Februar 2013, available at: <http://www.portalanalitika.me/drustvo/vijesti/92267-razliite-o-cjene-nakon-posjete-odsjeku-za-posebne-provjere.html>

50 Mission took place between 22 and 26 April 2013.

'Department for special checks possesses a specific apparatus and technical capability to mirror and replicate all data of Montenegrin providers, including data on itemised telephone bills, SMS/MMS and localization of telephone users. This means that the Department has the technical possibility to intercept telephone communication and e-mails of any of the users of the local providers with a simple 'click', potentially without any court order. Moreover, it is stressed that this apparatus does not record LOGs and therefore, the Department might abuse the entire system and elude whatsoever control. Thus, the various existing commissions randomly controlling the legality of interceptions can be easily fooled as the apparatus does not generate system's LOGs. In fact, phones intercepted are registered in a paper register. It is obvious that if an illegal interception is performed, the telephone number will not be listed in the register since the apparatus does not record the LOGs and the illegal interception can be simply executed for issues very much distanced from investigative purposes.'

Visit as a control mechanism should be used by the Committee to identify such problems and to concretely act upon them. The Committee as a legislator has the responsibility to enhance legal framework, and besides this one, there are numerous other problems with regard to this topic, as well as the obligation to influence the improvement of the practice of application of SSM.

SSM applied by the NSA

In 2013, the Committee did not perform systemic oversight of the measures of secret data collection by the National Security Agency, nor did it request a special report on SSM. The Committee did not visit the NSA with a view to performing oversight of the use of SSM through the insight into the procedure for the enforcement of such measures, which is a possibility foreseen in the Law on National Security Agency. This is a particular cause for concern if we recall that the control mechanisms at disposal of the Committee have not been used in 2012 and 2011 either. In fact, the last time the Committee requested a special report on SSM enforced by the NSA and that it carried out a visit, was in March 2010 – i.e. before the adoption of the Law on parliamentary oversight.

Number of visits with the goal of performing oversight of the use of SSM per years:

	2010	2011 ⁵¹	2012	2013
<i>Police Directorate</i>	0	0	0	1
<i>National Security Agency</i>	1	0	0	0

SSM for the needs of the counter-intelligence service

Amendments to the Law on Defence, adopted in 2012, stipulate that the NSA shall collect military-intelligence, counter-intelligence and security data by applying the resources and methods of secret data collection for the needs of the newly formed counter-intelligence service. Automatically, pursuant to Article 7 of the Law on parliamentary oversight, the Committee was granted the competence to control the legality of the application of these measures. The efficiency of such an oversight depends on the quality of the NSA's and Ministry of Defence's reporting (to be expected in the first half of 2014) on activities undertaken and measures implemented.

⁵¹ Year when the Law on parliamentary oversight entered into force.

Budget control

Unlike other aspects of the oversight of the security and defence sector, the Committee's dealing with the budgets of institutions and state bodies belonging to this sector is at a relatively high level.

As in previous years, in 2013, the Committee was ahead of other standing committees of the Parliament when it comes to dealing with the budgets of institutions and state bodies subject to its oversight. In terms of oversight of the budget in 2013, the Security and Defence Committee discussed the *Draft Law on final account for 2012* and the *Draft Law on Budget for 2014*. Both sessions took place in the last month of 2013, which is partly due to the budget calendar prescribed by the systemic Law on Budget, according to which the final account of the budget is delivered to the Parliament by the end of September, while the proposal of the budget for the subsequent year by the end of November.

Deliberation on the final account

The Security and Defence Committee is the only standing committee, besides the parent Committee for Economy, Finance and Budget, discussing the Draft Law on the final account of the budget, with an accompanying audit report prepared by the State Audit Institution (SAI). The Committee deliberated on these documents in part related to the spending units subject to its oversight: Ministry of Defence, Ministry of Interior and National Security Agency, with presence of the SAI representative (whose participation in sessions is also an exception compared to other standing committees, besides the parent committee in charge of budget), as well as of the Ministry of Finance.

Members of the Committee expressed objections with regard to the insufficient time for deliberation (1h30m) as well as about the short notice for the organisation of the session which prevented members from being well prepared.

During the session, representatives of the institutions presented the execution of the budget during the previous year, while some of the representatives mentioned problems with which they are faced in terms of their institutions' budgets. Representative of the Ministry of Interior had the most comprehensive exposé which included activities taken to fulfil recommendations SAI provided in its audit report.

The session was marked by a comment that this Committee should not discuss the final account of the budget from the point of view of transparency and accountability in the execution of the budget – the way it is done at the parent Committee for Economy, Finance and Budget – instead, that it should deliberate on the achievement of goals in the security and defence sector and on 'how the lack of resources was an obstacle in that regard.'⁵²

Following the deliberation, the Report on deliberation of the act⁵³ was adopted and forwarded to the Parliament for adoption.

52 Exposé by Nebojša Medojević (Democratic Front) at the Security and Defence Committee, 14th session, held on 9 December 2013.

53 Available at:
http://skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVJESTAJI/287/287_2.PDF

Deliberation on the budget proposal

The Committee deliberated on the 2014 budget proposal at a joint session with the Anti-Corruption Committee. The initiative to hold a joint session came from the Chairman of the Anti-Corruption Committee. Five members of the Anti-Corruption Committee (including the chairman) are simultaneously members of the Security and Defence Committee, while the Anti-Corruption Committee itself intended to invite representatives of the same institutions and bodies as it was the case with the Security and Defence Committee.

During the deliberation on the budget proposal, the position of representatives of spending units subject to oversight by the Committee was that the proposed funds are sufficient for fulfilling their obligations and goals for the next year. Hence, the discussion did not target the need for introducing amendments by the Committee members in order to adjust the proposed budget to the needs of the institutions, since the representatives of the spending units expressed satisfaction with the funds they were awarded.

This is not surprising having in mind the fact that the budgets of all three spending units whose representatives participated in the deliberation have been increased compared to 2013. This was not the case with the Police Directorate only, which is an integral part of the Ministry of Interior. Although the total budget of MoI was increased, the budget of the Police Directorate is now more modest compared to the previous year. However, there were no representatives of the Police Directorate at the deliberation, whose budget was represented by the Minister of Interior. Bearing in mind the fact that the Minister of Defence and a high representative of the Military of Montenegro, whose budget was also one of the programmes within the total budget of the Ministry of Defence, participated in the session, it is unclear why there was no participation from the Police Directorate representatives, since the Police is one of the key bodies in the security system.

During the deliberation, some MPs asked questions which pointed to their preparedness, previous insight into the material discussed at the Committee, and the analysis of trends in the financing of security and defence sector. These MPs also asked explanation for the amounts envisaged for specific budget items. On the other hand, there were questions that had no connection with the topic of the session and the budget proposal.

The service of the Committee prepared informative overviews, both for the final account and for the budget proposal, whereby the Committee members were offered an overview of these two acts through the prism of spending units subject to this Committee's oversight. The informative overview for the budget proposal contains a table of comparison between the funds awarded in 2013 and envisaged for 2014, per spending units and their programmes. This way, members of the Committee were able to discern trends in the planned funds for the next year compared to the current year.

The Security and Defence Committee submitted an initiative to the Ministry of Finance to leave a certain percentage of funds collected from the traffic rules infraction fines to the Ministry of Interior for the purpose of modernising its equipment. According to the Chairman of the Committee, the Ministry of Finance accepted this possibility and is looking for a model for its implementation.

After the deliberation, a joint opinion of the two committees on the budget proposal was adopted. The opinion suggests that 'the foreseen funds have been realistically established, they allow for performing the duties of these institutions in line with the Constitution and the Law as well as for implementing the policies that fall under the competences of these two committees.'⁵⁴

54 Document available at: http://skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVIJESTAJI/338/338_6.PDF
Last accessed on 14 April 2014

Amendments to the budget proposal

The Security and Defence Committee did not table any amendments to the 2014 Draft Law on Budget, because the representatives of the spending units from this sector agreed with the awarded funding at the session of the Committee. However, during the deliberation in other committees, various caucuses submitted several amendments which touched upon the budgets of institutions belonging to the security and defence sector. The substance of all proposed amendments is to reduce the planned amount of funds for spending units belonging to the security and defence sector, and to increase the budgets of institutions from the education sector, for rights of persons with disabilities and workers' rights.

Democratic Front MPs (including the Committee member Predrag Bulatović) submitted an amendment⁵⁵ whose goal was to reduce the amount for salaries in the Ministry of Defence and to increase the budget line for the Ministry of sustainable development and tourism for the construction and reconstruction of education and scientific institutions. The intention was to significantly reduce the funds intended to finance the salaries of troupes sent to peacekeeping missions (with an explanation that the participation of the Military of Montenegro in NATO missions is a wrong decision), thereby redirecting funds for the construction and reconstruction of educational facilities, primarily kindergartens. The amendment was rejected, both by the drafting authority and during the vote in the plenary.

Positive Montenegro MPs submitted an amendment⁵⁶ whose goal was to reduce the amount intended for official travel of Police Directorate officials and to redirect those funds to the Red Cross and the Library for the Blind Persons of Montenegro. The amendment was rejected.

DPS MPs submitted an amendment⁵⁷ whereby the budget item *representation* would be reduced by 30% for all spending units, while at the Ministry of Defence this same item would be reduced by additional EUR 50.000, in order to increase the budget of the Labour Fund, i.e. to increase the possibility for severance and redundancy payments. This amendment was accepted by the drafting authority at the session of the Committee for Economy, Finance and Budget and therefore became an integral part of the budget proposal.

Legislative role of the Committee

In 2013, the Committee deliberated on five draft laws, four of which were prepared by the Government while one was drafted by a group of MPs.

- 1) At its fifth session⁵⁸ the Committee deliberated on the draft amendments to the Law on data secrecy. Nine MPs from the Socialist People's Party submitted to the Parliament a set of amendments whose goal was to allow the Anti-Corruption Committee members to have access to secret data without permission for accessing secret data. The Committee unanimously supported the initiative and proposed to the Parliament to adopt the draft amendments.⁵⁹

55 Available at: http://skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVJESTA-JI/338/338_55.PDF

56 Available at: http://skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVJESTA-JI/338/338_22.PDF

57 Available at: http://skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVJESTA-JI/338/338_45.PDF

58 Held on 25 February 2013

59 Positive Opinion on the draft Law was expressed by the Government too, in line with the rules of procedure.

- 2) At its twelfth session⁶⁰ the Committee deliberated on the draft amendments to the Law on border control. After discussing the Government's draft law in a shortened proceeding⁶¹, the Committee proposed to the Parliament to adopt the draft amendments. The proposed amendments aim at better defining of conditions for easier and more efficient performance of border control duties, removing shortcomings identified in the implementation of the Law on border control and achieving alignment with the Council Directive 2004/82/EC on obligation of carriers to disclose data on passengers.
- 3) At its thirteenth session⁶² the Committee deliberated on the draft Law on protection of persons and property, also prepared by the Government. The majority of Committee members voted in favour of the draft and proposed to the Parliament to adopt it. Amendments to the draft Law were submitted by:
 - MPs Borislav Banović and Draginja Vuksanović (SDP) – nine amendments of which 6 were accepted by the drafting authority and adopted by the Committee and hence became an integral part of the draft Law meaning that the Parliament does not discuss them separately.
 - Group of MPs⁶³ from the Positive Montenegro submitted 5 amendments which were rejected by the drafting authority. The majority of Committee members proposed to the Parliament not to accept these amendments.
 - Group of MPs⁶⁴ from the Democratic Party of Socialists submitted 7 amendments, of which the Committee modified 2 and submitted them to the Parliament as its own amendment, while two were endorsed by the drafting authority. The other three amendments were withdrawn by the MPs.
 - Group of MPs⁶⁵ from the Positive Montenegro submitted three additional amendments (2+1) which were rejected.

The Bank Association of Montenegro also submitted an initiative to the Committee to amend an article of the law which would stipulate an obligation for the Ministry to prepare a Methodology for the plan preparation, not just its contents and format.
- 4) At its fourteenth session, the Committee deliberated on the draft Law on the final account of the budget of Montenegro for 2012.
- 5) At the first joint session with the Anti-corruption Committee, the Committee deliberated on the draft Law on the Budget of Montenegro for 2014.

For all five legislative proposals, the Expert Service of the Committee prepared informative overviews on these pieces of legislation.

Legislative role of the Committee per year⁶⁶

		2011	2012	2013
Number of draft laws discussed ⁶⁶		5	6	5
Number of amendments discussed		18	<i>No statistics</i>	24
Number of adopted amendments	<i>Accepted by the drafting authority</i>	<i>No statistics</i>	6	8
	<i>rejected</i>	7	3	2

To better understand the legislative role of the Security and Defence Committee, we should bear in mind the context of the annual performance of the Parliament of Montenegro. In 2013, all standing committees of the Parliament deliberated on a total of 355 draft laws

60 Held on 25 July 2013

61 Pursuant to provisions contained in Article 151 of the Parliament's Rules of Procedure

62 Held on 10 October, 9 and 16 December 2013

63 MPs Azra Jasavić, Srđan Perić, Darko Pajović, Mladen Bojanić, Goran Tuptionja, Dritan Abazović.

64 MPs Zorica Kovačević, Saša Perić, Radovan Obradović, Marta Šćepanović.

65 MPs Azra Jasavić, Srđan Perić, Darko Pajović, Mladen Bojanić.

66 Including the draft Law on Budget and the draft Law on final account.

and 2 071 amendments, while the Parliament adopted 113 laws. All standing committees submitted a total of 406 amendments to the Parliament, while the Security and Defence Committee submitted two.

Composition of the Committee, transparency of its work and interaction with interested parties

In 2013, two new members joined the Committee: Darko Pajović, who replaced the hitherto representative of Positive Montenegro in the Committee, Zoran Miljanić; and Snežana Jonica, who replaced the long-time member of the Committee, Vasilije Lalošević, from the Socialist People's Party. She is the only female MP present in the Committee which was a first step in achieving gender equality in the Committee.

In 2013, the Committee continued its work without the deputy Chairman, which should have been selected from among the opposition parties, in line with the parliamentary Rules of Procedure. The opposition has been unsuccessful in reaching an agreement on this matter since 2009.

The Committee continued with the good practice of transparency in its work. Of the total of 14 sessions, 3 were closed to the public⁶⁷. In February 2014, the Committee published minutes of all its sessions held in 2013 for the first time⁶⁹ which is a step forward in terms of enhancing transparency of this Committee.

Yet, in 2013, there was no participation of civil society representatives (including academia, national and international NGOs) in the work of the Committee. Furthermore, cooperation with representatives of other oversight institutions dealing with security and defence sector (in terms of joint work or common activities following the example of cooperation with the State Audit Institution), has not been established yet with the internal control of the police, ethics board of the police, council for civic control of the police, personal data protection agency, the Ombudsman, etc.

Parliamentary oversight planning

The 2013 Parliamentary Oversight Plan was adopted at the first session of the Committee held in January 2013⁷⁰ which was closed to the public since the first item on the agenda was the deliberation on the Performance Report of the National Security Agency. There was no public call for the interested parties to deliver suggestions in relation to the work and activities of the Committee, which is the practice of other parliamentary committees, e.g. the Committee for Economy, Finance and Budget.

67 Article 67 of the Rules of Procedure, paragraphs 1 and 2: 'Representatives of the drafting authority and authors of amendments to the text discussed at the session shall participate in the work of the Committee. Otherwise, deliberation on the draft law shall be postponed. Upon invitation, representatives of the Government, representatives of scientific and expert institutions, other legal entities and non-Governmental organisations, as well as expert and scientific workers, may participate in the work of the Committee without decision-making rights.'

68 These were the 3rd, 9th and 12th sessions of the Committee when the annual report of the National Security Agency was discussed and a control hearing took place.

69 Available at: <http://skupstina.me/index.php/me/odbor-za-bezbjednost-i-odbranu/sjednice>

70 Third session of the Committee held on 30 January 2013

The Parliamentary Oversight Plan is not harmonised with the work dynamics of the Government as defined in the Government’s work plan, although the Government largely shapes the agenda of the Committee – primarily by submitting draft laws for deliberation, through appointment proposals, etc. The Plan lacks the list of Government’s draft laws to be discussed, which would allow the Committee members to be better prepared and therefore to give a greater contribution for enhancing different pieces of legislation. Furthermore, there is no practice in the Committee to identify strategic documents, action plans and analyses from the Government’s work plan, for which the Committee could express interest for deliberation or participation in the drafting stage (via comments or guidelines for regulating a certain matter).

Two activities which were not fulfilled in 2012 and which were not incorporated in the new Plan are:

- Deliberation on the information about the role of Customs Administration in the security sector and the visit to this institution;
- Consultative hearing on the topic of ‘Private security sector in Montenegro’.

The visit to the Emergency Management Sector, which remained as an obligation from the first quarter of 2012, did not take place until the end of 2013.⁷¹

Most activities of the Committee, as defined in the Plan, are identical to those defined in 2012, since these are mostly legislative obligations. Out of the five ‘new’ tasks and initiatives (compared to the previous Plan), only one was met: deliberation on the information about the execution of budget for 2012 in part relating to the funds intended for the work of bodies and institutions from article 3 paragraph 1 of the Law on parliamentary oversight in the security and defence sector.

10 activities from the 2013 Parliamentary Oversight Plan were not addressed.

Overview of the implementation of the Parliamentary Oversight Plan in 2013

Table legend: I – implemented, N – not implemented.

Monitoring of the activities of security and defence state bodies and institutions with a view to checking the accomplishments of the established policies in this area and requesting information on activities and measures with regard to all matters that fall under the competence of these bodies.	I
Oversight of the adherence to political, ideological and interest neutrality in the work of state bodies and institutions	I
Deliberation on 2012 performance reports of the Ministry of Defence and of the Military of Montenegro	I
Deliberation on 2012 performance report of the National Security Agency	I
Deliberation on 2012 performance report of the Ministry of Interior	I
Deliberation on 2012 report on the state of play in the protection and rescue system	I
Deliberation on the 2012 Annual report on external trade of controlled goods	I
Deliberation on the report on the deployment of members of the Military of Montenegro in international forces and participation of civil protection members, police and employees of state administration in peacekeeping missions and other activities abroad.	I
(new) Deliberation on the Information on the execution of 2012 budget in part relating to funding intended for the work of state bodies and institutions	I
Deliberation on special reports of the State Audit Institution for 2012 about financial activities of state bodies and institutions	No reports.
Deliberation on the 2014 budget proposal.	I

71 Implemented in January 2014

Deliberation on reports on the application of secret surveillance measures	N
Organisation of consultative and control hearings and launching of a parliamentary inquiry	I I N
Holding of a Committee session upon request of one third of its members, with one item on the agenda	N
Deliberation on proposal of candidates for appointment in managerial duties in the security and defence sector	I
Visit to the Emergency Management and Civil Security Sector	N
(new) Deliberation on the state of play in the area of air traffic and air space safety	N
Deliberation on information of the Inter-Agency Working Group of the Government of Montenegro for the establishment of a system of integrated control, oversight and protection of sea.	N
Deliberation on reports submitted by the Military of Montenegro to the Government with regard to the efficient integrated system of maritime safety.	N
Deliberation on report on progress of Montenegro in the Membership Action Plan (MAP)	N
International cooperation: visit to security and defence committees in the region, EU and USA	Cannot be considered as parliamentary oversight activity.
(new) Deliberation on the report prepared by the European Commission on monitoring of results in the fight against corruption and organised crime, in line with benchmarks set in Chapters 23 and 24.	N
(new) Deliberation on special reports of the police on activities in the fight against drug crime, prostitution and trafficking in human beings, usury, extortion and other forms of crime with a high degree of social threat.	N
(new) Deliberation on special report of the Administration for the prevention of money laundering and terrorism financing on threats to economic interests of Montenegro (money laundering, capital outflow and alike).	N

Part II – Analysis of the systemic impact of the implementation of the Law on parliamentary oversight of the security and defence sector

Regular assessments of the European Commission about the need for a stronger fight against corruption and organised crime, better coordination and further reforms of security services, improvement in the rule of law area, demonstrate the serious challenges before the security and defence institutions and point out to the need for achieving results in this field. These state bodies and institutions are essential in addressing the most demanding challenges stemming from Chapters 23 and 24 during the negotiations with the European Union. However, this sector is still burdened with unresolved issues, which is why the stronger participation of the Security and Defence Sector is needed in creating a better framework for the functioning of the institutions in this sector. The hitherto successes and failures in this area are a result of the work of all stakeholders from this institutional framework, including the Security and Defence Committee.

Need for the re-positioning of the Committee

There are two basic (direct) ways in which the Committee operates vis-à-vis the institutions: control function whose primary goal is to hold the representatives of the executive branch accountable, while its secondary goal is to identify problems which need to be solved; and the legislative function, whereby the Committee participates in shaping the legal framework for this sector. In the previous part, we addressed the dynamics of the enforcement of competences of the Committee, as defined in the Law on parliamentary oversight, and we demonstrated that the control mechanisms and oversight instruments are not frequently used. We also showed that the legislative role of the Committee is insufficiently used for enhancing the work of these institutions. The approach of the Committee is, therefore, reactive vis-à-vis the Government's dynamics, even when the Committee initiates sporadic control hearings and when it deliberates on reports and draft laws. In that sense, there is room for better positioning of the Committee as the initiator of reforms and also for a more proactive approach of the ruling majority, and especially the opposition, for which the Parliament is the most important instrument to influence the Government's policy.

In the following part of the Report, we will analyse the positions of the representatives of the executive branch in the field of security and defence with regard to the parliamentary oversight and the work of the Committee.

Positive stance on the Law

All representatives of the institutions that were interviewed by the Institute Alternative researchers expressed a positive opinion on the parliamentary oversight of the security and defence institutions.⁷² The general stance is that the Law on parliamentary oversight is good and necessary and that it 'had an impact on closer cooperation between the ministries and the Parliament'⁷³ as well as that 'the very awareness of the institutions that someone is watching them has an impact on them in a sense that they do their jobs better.'⁷⁴

Basic level of trust, dialogue and cooperation has been established between the Committee and the institutions, which is confirmed by the majority, although there are members of the Committee who believe that the information is 'given in certain amounts' and 'filtered' to the Committee, while some issues remain 'foggy and insufficiently clear', as well as that the sector is still to a certain extent 'closed and self-sufficient'.⁷⁵

Different understanding of the role of the Committee

Understanding of the role of the Committee by different institutions varies and may be categorised in two basic groups. The first group includes those who do not recognise sufficiently the competences of the Committee, nor do they understand the contemporary tendency of parliamentary oversight and the diminished monopoly of the Government on decisions regarding the security sector. The most 'extreme' representative of this group of respondents completely denies the constructive role of the Committee, whose function is perceived as that of an actor receiving informative reports, and not as a subject which should contribute to a better functioning of the sector, noting that the 'political assessment of performance reports' is sufficient as regards the role of the Committee.⁷⁶


⁷² Interviews took place during February and March 2014.

⁷³ Statement from an interview.

⁷⁴ Statement from an interview.

⁷⁵ Statement from an interview.

⁷⁶ Statement from an interview.



The other group calls for a more active approach of the Committee towards reforms, it is not satisfied with the effects of the Committee's work, does not see any changes in the way institutions work as a consequence of the parliamentary oversight, and the most ardent representative of this group openly criticises the lack of involvement of the Committee in solving concrete problems. Out of the eight institutions, representatives of four of them openly expressed their opinion and expectation that the Committee takes a more active role in addressing problems faced by these institutions.

One of the views was that there is a 'verbal support to the Committee, understanding and stimulus for its work; however, there is a lack of concrete initiatives and interventions in line with the Committee's conclusions. For example, there are no amendments to budget pursuant to the previously adopted conclusions.'⁷⁷

Representatives of the Ministry of Defence and of the Military expressed their view that neither the Committee nor the Parliament have been sufficiently involved in solving the problem with regard to the space used for armaments' surplus which represents a question of high security risk. They also noted the example of the Albanian Parliament which adopted a *lex specialis* with regard to this matter and explained that the Committee should be involved in raising awareness on this problem, by communicating with citizens and interested parties on the effects of this problem and models for solving it.

Examples of other problems identified by the institutions and which should be of interest to the Committee:

- Directorate for the protection of secret data performs oversight of the Ministry of Defence in the area of the implementation of the Law on data secrecy, and the Ministry performs administrative oversight of the Directorate.
- Although one of the conclusions of the Committee was to support the Ministry of Defence and the Military in their efforts to 'rejuvenate' its staff, the adoption of the amendments to the Law on political party financing reduced the possibility of the Military to employ contracted soldiers and none of the Committee members had in mind the specificity of the Military when voting on this law, nor the policy of the Committee with regard to this matter.
- The constitutional role of the Council for security and defence hampers the efficiency of the Military.
- Administration for the prevention of money laundering and terrorism financing lacks an adequate software; instead all cases are archived in a paper version which hampers the work.
- Representatives of the Police expressed dissatisfaction with the Law on internal affairs.
- The Committee should deliberate on the Public Administration Reorganisation Plan, as one of the key documents for the reorganisation of the Police.

These problems were not explained in detail on purpose, because this is not the topic of this research. They only serve as indicative examples of different institutions' views on the need for greater involvement of the Committee in concrete issues.

The question of timely response of institutions to the Committee's requests

Although the Law on parliamentary oversight introduced the obligation of delivering information to the Committee, the response of institutions varies – reports of the Military and of the Ministry of Defence, for which the Committee adopted a decision in 2011 to be

delivered – have not yet been discussed.⁷⁸ Reaction of the State Prosecutor’s Office is also problematic since the Committee waits for the delivery of its reports longer than those of the Ministry of Interior, Police and the National Security Agency.⁷⁹ The ‘forgotten’ control hearings took place in 2012, when the continuation of the control hearing with regard to the Telekom affair was delayed for two months.

Although the state bodies and institutions’ employees may inform the Committee in writing about the matters that fall under their competence, in cases when they believe there were illegal proceedings in these bodies and institutions⁸⁰, there have been no such cases so far.

Passive approach of members as an obstacle for a stronger role of the Committee

In practice, another disputable issue is the timely response of the Committee members as regards the implementation of their own initiatives. In this regard, special responsibility is with the opposition which failed to organise the two control hearings for which it had the right in 2013. Despite all expectations, the Law on parliamentary oversight failed to stimulate the Committee members to actively use control mechanisms for direct oversight; instead, the use of these mechanisms remained at the same level as before the adoption of the Law.⁸¹

Furthermore, the opposition is not sufficiently active in using the media for exercising pressure on the parliamentary majority with regard to more frequent use of control mechanisms which would have an impact on further reform of the sector. A positive practice is reflected in the fact that the largest number of initiatives in the Committee are adopted either unanimously or are not adopted at all. Yet, we are not talking about a significant number of adopted initiatives, judging from the total number of the Committee’s activities.

After analysing the parameter of delivered, discussed and rejected⁸² initiatives in the Committee, it may be noted that the political will, i.e. the position of the ruling majority representatives in the Committee vis-à-vis the use of control mechanisms and holding representatives of the executive accountable, is at a moderate level. The majority does not block the initiative submitted by the minority by default, but it rarely pushes for its own initiatives, while the opposition failed to recognise sufficiently the possibilities it has through the Law on parliamentary oversight.

Number of Committee sessions held per year:⁸³

2006/7	2008	2009	2010	2011 ⁶	2012	2013
13	15	13	13	16	13	14

As a special feature of the work of this Committee, the MPs point out to the regular attendance of the majority of the Committee members at the sessions. However, the fact that the leaders of the opposition and of the ruling majority are the members of this Committee can sometimes affect the intensity of its work, which, according to all parameters, is

78 These are: Information of the Inter-Agency Working Group of the Government of Montenegro for the establishment of an integrated system of control, oversight and protection of sea for the optimal solution for the improvement of maritime safety in Montenegro, with a special focus on advantages and disadvantages of the establishment of coast guard, cost benefit analysis, etc., and the reports submitted by the Military to the Government, with regard to the issue of efficient integrated system of maritime safety.

79 Example: delivery of the information on assaults against journalists.

80 Article 17, paragraph 1 of the Law on parliamentary oversight.

81 Detailed data may be found in the first part of the report for all mechanisms.

82 Detailed data may be found in the first part of the report for all mechanisms.

83 Year when the Law on parliamentary oversight entered into force.

not increasing after the adoption of the Law. “The structure of the Committee is such that it includes the most influential people from the parties, who have a lot of commitments, while the practice is to require the presence of all, that it to work in full capacity.”⁸⁴

Committee members also believe that this is “one of the best Committees, not because of the atmosphere that is created, but the really difficult issues we deal with, at closed sessions.”⁸⁵

The issue of secret data

Not all heads of state bodies are familiar with the fact that the Committee may have insight into secret data. Discussions in closed sessions are assessed by the Committee members and the representatives of various institutions as dynamic and even more constructive than those in open sessions, when ‘many issues are politicised due to the presence of media.’⁸⁶

However, there is a problem of an entirely opposite interpretation of secret data by the ruling majority and by the minority in the Committee, which is a ‘form of manipulation which harms state bodies in possession of this information’⁸⁷ which also creates confusion in the public. Public statements of the Committee members with diametrically opposed views after the closed sessions does not contribute to the citizens’ trust in the constructive work of the Committee.

Status of conclusions

One of the most important instruments for exercising direct influence on the security and defence institutions is via the Committee’s conclusions. The Law on parliamentary oversight does not define the status of conclusions separately and they are not legally binding for the institutions. Yet, there is a necessary level of political culture for the conclusions of the parliamentary standing committees to be at least in principle binding for all state bodies and that they should be implemented *bona fide*.

Reporting on conclusions is another area which is not precisely defined. Although article 13 of the Law on parliamentary oversight stipulates that the ‘state and other bodies, institutions, legal and natural persons, are required to deliver data and information from their area of competence with regard to the parliamentary oversight and to *inform the Committee on measures undertaken to implement the conclusions and recommendations of the Committee and/or the Parliament*’ – part of the provision related to the reporting on conclusions is not automatically enforced; instead it is enforced exclusively upon the Committee’s request which is not good practice. Lack of clearly defined deadlines for reporting on all conclusions is a problem, and besides, many conclusions fail to include clearly defined body in charge of implementing it.

Some institutions’ representatives believe that the implementation of the Committee’s conclusions should not be binding; instead, the conclusions should be broadly defined since the Government represents the executive branch that implements various policies. Other respondents labelled these conclusions as ‘Committee’s proclamations’ which reveals the Government’s perception of the Committee’s conclusions.

The problematic status of conclusions is evident in the following example: when formulating the 2014 budget, the Police Directorate submitted an initiative to the Ministry of Finance,

⁸⁴ Statement of one MP expressed during the meeting with the IA representatives.

⁸⁵ Ibidem.

⁸⁶ Statement from an interview.

⁸⁷ Statement from an interview, with regard to the Report on progress in the Membership Action Plan (MAP)

recalling the Committee's conclusion from its 8th session – *'with regard to the fact that the traffic police activities have significantly reduced the number of traffic accidents and their consequences, the Committee considers it necessary to adequately equip the traffic police and recalls the suggestion submitted to the Ministry of Finance of the Government of Montenegro from the fourth session of the Committee, held on 31 January 2013, within the framework of Conclusion number 5.'* The Ministry of Finance did not take this conclusion into account.

Such examples leave a negative impression about the authority the Committee enjoys vis-à-vis the institutions which should implement its conclusions.

This Committee is also characterised by a frequent practice of expressing separate opinions by opposition members during the decision-making process, as well as the practice of individual vote on conclusions used to achieve consensus of all Committee members on certain topics. Representatives of the ruling majority and the opposition specifically highlight the positive tendency of the Committee to adopt conclusions by consensus. However, that often affects the concreteness and quality of conclusions. Since the conclusions are often declarative, it is difficult to monitor their implementation, thus reducing the contribution of the Committee to the resolution of a particular problem or its impact on this sector. On the other hand, the bulk of concrete conclusions are not implemented.⁸⁸

Example of overview of the implementation of the Committee's conclusions vis-à-vis a particular institution

From the table presented below, it is possible to see the dynamics of the interest the Committee has shown with regard to the work of the NSA in the past three years (since the entry into force of the Law), what topics were addressed with regard to the work performed by the NSA, the format of conclusions, impact achieved and the NSA's assessment of the implementation of these conclusions.⁸⁹

88 Examples of conclusions which were not implemented: a) begin modernising the helicopter unit through the procurement of modern helicopters; b) equip and modernise the engineering unit of the Military of Montenegro, c) Having regard to the question of organisational-formational structure and lack of the planned number of officers and contracted soldiers, with a special focus on age structure, the Committee recommends to the Government to address this issue as soon as possible.

89 Letter of the Head of the National Security Agency, No. 250/14-01-4244, Podgorica, 04 April 2014

Overall parliamentary oversight of the NSA (December 2010 – December 2013)

Committee session:	Committee conclusions:	Implementation of the conclusions or commentary on the activities delivered by the NSA:
<p>18 July 2011</p> <p>35th session – Deliberation on the 2010 Performance Report of the NSA</p>	<p>4. The Committee assessed it necessary to continuously enhance technical and staff capacity;</p> <p>5. The Committee proposes to the competent state bodies in the security and defence sector to additionally strengthen their cooperation, by clearly delineating responsibilities at the strategic and operational-tactical level, while ensuring efficient coordination and civilian control.</p>	<p>4. As part of the reform process within the Agency, continuous training of officials is carried out, with a view to strengthening overall staff capacity and achieving the highest standards in this area. Furthermore, to the extent possible, technical resources of the Agency are being enhanced, in line with the budgetary funds available.</p> <p>5. NSA pursues intensive cooperation with other state bodies, institutions and NGOs. Intensive exchange of data with the PD/MoI is in place, primarily as regards suppression of organised crime. There is a continuous cooperation with the Prosecution, MoD, MFAEI and APMLTF, in line with the obligation of mutual exchange of available data which are relevant for the security sector, as well as with the Directorate for the protection of secret data, in order to implement the law in this area.</p>
<p>14 November 2011</p> <p>38th session – control hearing of the Head of NSA on the organisation and activities of the Wahhabi movement in Montenegro</p>	<p>(no conclusions were adopted)</p>	
<p>23 December 2011</p> <p>42nd session – control hearing of the Head of NSA, Special Prosecutor and Head of the Police Directorate as regards the ‘Saric’ and ‘Kelmendi’ cases.</p>	<p>1. The Committee assesses it necessary that the competent state bodies continue their activities in order to identify the persons responsible in the ‘Listing’ cases of ‘Saric’ and ‘Kelmendi’;</p> <p>2. The Committee encourages cooperation and coordination of the competent state bodies in this case;</p> <p>3. Having in mind that the proceedings of the state bodies in these cases are still ongoing, the Committee demands from the participants of the control hearing to keep the Committee members informed in a timely manner about the results of further activities in this case, in order to assess the need for another control hearing.</p>	<p>In line with its competences, the NSA continued its activities with regard to these cases. The collected data were continuously exchanged both at the national and at the international level.</p>

<p>6 February 2012</p> <p>43rd session – control hearing of the Head of NSA and Minister of Foreign Affairs and European Integration with regard to the NATO assessment on Montenegro's progress in the Membership Action Plan (MAP) in 2011.</p>	<p>(no conclusions were adopted)</p>	
<p>26 December 2012</p> <p>2nd session – deliberation on the audit report of the SAI on the financial report of the NSA for 2011.</p>	<p>With respect to the warrant issued to the National Security Agency instructing the Agency to inform the State Audit Institution, within six months, about the activities undertaken to fulfil the previously received recommendations, the Committee assesses it particularly important that the Agency informs this Committee about the results of the undertaken measures, prior to the deliberation on the 2012 performance report of the NSA.</p>	<p>Implemented.</p>
<p>30 January 2013</p> <p>3rd session – deliberation on the 2011 annual performance report</p>	<p>3. There is a need for continuous strengthening of the security system in Montenegro and for efficient and intensive cooperation of state bodies, as a strong tool for the fight against all illicit activities;</p> <p>4. With respect to the context of efficient suppression of organised crime and corruption, the Committee assesses it particularly important to achieve a high level of international cooperation with intelligence and security services of other countries and international organisations, and insists on the continuation of these activities;</p> <p>5. The Committee assesses it necessary to hold consultative hearings on topical questions in the area of security policy in line with the field of activities of the NSA.</p>	<p>3. The continuous reforms carried out by the NSA aim at creating an integrated security system at the national level, which includes continuity in the communication between the Agency and law-enforcement bodies, with regard to the common targets and interests.</p> <p>4. NSA is continuously committed to achieving NATO standards and to the intensive cooperation with partner services from the collective security system and all international organisations.</p>
<p>24 May 2013</p> <p>9th session – deliberation on the 2012 annual performance report</p>	<p>3. Having regard to the increasingly frequent occurrence of cybercrime and the significance of the economic security of the country, the Committee assesses it necessary that the National Security Agency staff is provided with intensive training in order to build capacity in this area through intensive cooperation with partner services;</p> <p>4. The Committee assesses it important that the regular annual control of the security procedures for the protection of NATO data resulted in a positive evaluation, whereby Montenegro showed once again that it is a serious and credible NATO partner;</p> <p>5. The Committee shall continue monitoring the activities of the National Security Agency through the parliamentary oversight, within the framework of the 2013 Parliamentary Oversight Plan, and extraordinarily upon need, in line with the established procedures.</p>	<p>The Agency pays special attention to contemporary security threats and challenges such as cybercrime and economic/energy security, which is why it performs organisational and staff adjustments and continuous education of its personnel in these areas.</p>

Professional support to the Committee

Committee members from the ranks of the ruling majority, as well as from the minority parties, agreed that it is necessary to improve professional capacities of the Committee. Committee member from the ruling Democratic Party of Socialists (DPS) pointed out that it is realistic that the Government has more capacity for highly technical matters in this area: “We are not self-sufficient, it may only be the support for us. Lack of this technical, competent team, given the challenges we encounter, it needs to be present more than in other committees.”

Members of the Committee from the opposition agreed with this opinion, pointing out to the need for a politically neutral professional service the opposition will have confidence in. One of the members expressed the following opinion on the implementation of the parliamentary oversight:

“We are not competent to perform such tasks in an adequate way, nor is the Parliament. We visited “the room”, and to anyone there it was clear that unauthorized wiretapping can be preformed. We deal with a number of issues - military, defense system, weapons, National Security Agency (NSA), a large number of issues, alongside the budget. We do what we can to carry out these tasks and the progress is evident. It is necessary to put emphasis in this report on the need for professional and neutral service, which will have practical knowledge, and will not be loyal to any political party, nor the NSA or Police Administration.”

Key achievements, key weaknesses

One of the most well-known to the public and one of the most important sessions of the Committee was dedicated to the police operation dubbed ‘Balkan warrior’ in 2010. During that session, the Committee noted insufficient coordination between security services and insufficient communication and exchange of information. A series of Committee sessions ensued with regard to this question and concrete case in which progress was made in the judicial system. Yet, although success was achieved in this case, the Committee did not pay sufficient attention to the systemic resolution of this problem and neither did the Government. Hence, four years later, the same problem remains to be addressed: preparation of a *lex specialis* on the Special Prosecutor’s Office based on the Croatian ‘USKOK’ model, preparation of the Protocol of cooperation between the State Prosecutor’s Office and the Police Directorate, as well as the adoption of a special Law on intelligence-security sector, etc.

Adoption of the Law on parliamentary oversight ‘conquered’ a certain, important level of oversight:

- Regular deliberation of annual performance reports⁹⁰ contributed to greater transparency of the institutions accountable for their work to the Committee and allowed for the opening of a discussion on important questions;
- By legally obliging the institutions to deliver information, the Committee is informed about problematic matters during the control hearings⁹¹;

However, the Committee stagnates with regard to the use of more complex control mechanisms envisaged by the Law. The Committee does not contribute sufficiently to the resolution of problems – this is confirmed in the large number of conclusions of the Committee

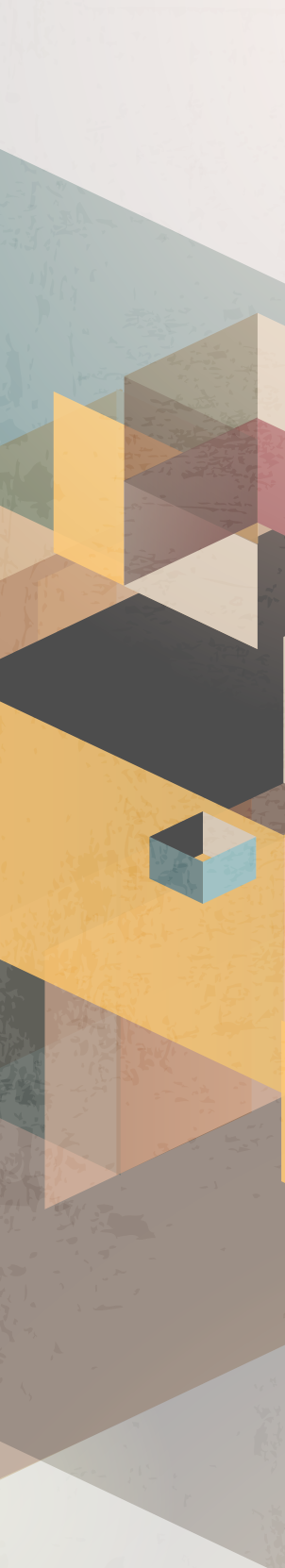
90 Deliberation on reports is not a novelty in the work of the Committee introduced by the adoption of the Law. However, the Law established the obligation for institutions and for the Committee, which contributes to regular and relatively timely implementation of this activity.

91 Control hearings are not a novelty introduced by the Law, they are also prescribed by the parliamentary Rules of Procedure, but the existence of a *lex specialis* regulating this question had an impact on institutions to seriously address it.

which are declarative in nature and do not propose concrete solutions. Such is the opinion of many institutions' representatives too. Furthermore, the Committee is not sufficiently using the independent expertise of civil society to deliberate on questions that have no easy or quick solution and which should be addressed from several different aspects.

Recommendations:

- It is necessary for the Committee to use its legislative role more frequently as a response to the security and defence sector problems.
- It is necessary to avoid the practice of holding joint deliberations on different reports submitted by the institutions subject to the Committee's oversight, in order to pay thorough attention to each report. Furthermore, it is necessary to introduce thematic discussions on the work of different institutions, per different items falling under their competence.
- It is necessary for the Committee to establish cooperation with independent institutions, such as the Ombudsman and the Personal Data Protection Agency, when performing oversight of the security and defence institutions.
- The Committee should, together with the annual performance report of the Police Directorate, receive information/report of the Council for civic control of the Police, on cases, complaints and activities in that year, in order to have a more objective and comprehensive idea of the work of the Police. Similarly, the Committee should establish contact with the Board of Ethics of the Police and the Department for internal control of the Police at the Ministry of Interior. The reports would not necessarily have to be deliberated in the course of a single session.
- Amendments to the Law on parliamentary oversight should prescribe as obligatory the reporting on implementation of the Committee's conclusions by different institutions (automatically, not by subsequent request of the Committee), within the deadline set by the Committee. Although it would only have a symbolic meaning, these amendments should introduce the practice of regular delivery of conclusions in writing to the relevant institutions following the session of the Committee.
- It is necessary to establish a systemic oversight of the application of secret surveillance measures and to frequently use the numerous mechanisms that the Committee has at its disposal.
- The visit mechanism should be defined more precisely. Information on visits to institutions should be prepared in the form of a report, along with the conclusions, measures or recommendations, and publicly available at the Parliament's webpage.
- Reach a 'gentlemen's agreement' in the Committee about the minimum number of sessions to be held in a month, as a measure which would stimulate more active work of the Committee.
- It is necessary to plan the work of the Committee for the following year at the end of the current year, in a timely manner and in line with the Law. The process of adoption of the Parliamentary Oversight Plan should be made more inclusive by inviting all interested parties to deliver suggestions. It is necessary to take into account the Government's work plan when drafting the Plan. Furthermore, it is necessary, at least once in a year, to discuss the degree of implementation of planned obligations, as a separate item on the agenda, in order to make the necessary changes to the plan.
- It is necessary to appoint the deputy Chairman of the Committee from among the opposition ranks without further delay.

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- It is necessary to use the mechanism of consultative hearing more frequently, for deliberation on questions that are relevant for the oversight of the security and defence sector. Cooperation with civil society should be improved through this and other mechanisms.
 - During the third quarter of the year, at special sessions or under a special item on the agenda, the Committee should deliberate on analytical reports on the execution of the budget for the current year, delivered by the institutions subject to its oversight, in line with the conclusions of the Committee.
 - Members of the Committee should initiate changes to the Law on data secrecy (Article 26, paragraph 1) to allow members of the SAI Senate to access secret data without previously obtained permission, thereby allowing for smooth control of all financial aspects of work of the security and defence institutions.
 - It is necessary for the Committee members to deliberate on the performance report of the unit for internal audit of the National Security Agency, which is delivered to the Parliament of Montenegro in line with the Law on the system of public inter-financial control (Article 32). Internal audit reports of other institutions subject to the Committee's oversight should be requested from the Ministry of Finance which is the only body receiving them.
 - Given that the entire security and defence sector was under scrutiny by the SAI in the previous period, the Committee should submit a proposal (non-binding advisory opinion) to the SAI to include control audits of the institutions subject to the Committee's oversight in the regular audit plan.
 - Deliberations on the final account of the budget should be used more as an occasion for the Committee to check what has been done by the institutions subject to its oversight in terms of meeting the recommendations of the State Audit Institution, based on the audit reports of the final account of the budget.
 - Increase the number of participants in the Committee's sessions dedicated to budgetary questions, by inviting more representatives of institutions, including representatives of organisational units, especially those which are directly accountable for their work (Police Directorate, Emergency Management Directorate, etc).

About us

Institute Alternative (IA) is a non-Governmental organization, established in September 2007 by a group of citizens with experience in civil society, public administration and business sector.

*Our **mission** is to contribute to strengthening of democracy and good governance through research and policy analysis as well as monitoring of public institutions performance.*

*Our **strategic objectives** are to increase the quality of work, accountability and transparency, efficiency of public institutions and public officials; to encourage open, public, constructive and well-argument discussions on important policy issues; raising public awareness about important policy issues, strengthening the capacity of all sectors in the state and society for the development of public policies.*

*The **values** we follow in our work are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.*

We function as a **think tank** or a research centre, focusing on the overarching areas of good governance, transparency and accountability. Our research and advocacy activities are structured within five main programme strands: i) public administration, ii) accountable public finance, iii) security and defence, iv) parliamentary programme and v) social policy.

On the basis of our five programmes, we monitor the process of accession negotiations with the EU, actively participating in working groups for certain chapters. Our flagship project is the Public Policy School, which is organized since 2012.

In our hitherto work, we had joint projects with Center for monitoring and research (CEMI), Centre for Civic Education (CGO) and European Movement in Montenegro. When it comes to international partners, we have cooperated with Centre for Control of Armed Forces (DCAF) from Geneva, Support for Improvement in Governance and Management (SIGMA), a joint initiative of the OECD and the European Union, European Policy Center from Brussels, Center for International Studies (CESPI) from Rome, Center for Study of Democracy – Sofia, etc.

Managing of the organization is divided between the Assembly and the Managing Board. President of the Managing Board is Stevo Muk. Research Coordinator is Jovana Marović, PhD.

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