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RHETORIC OR REALITY?
eGovernment and the reconceptualisation of service delivery in Montenegro

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SUMMARY

In Montenegro, the citizens' right to good administration is jeopardized due to overly complex administrative procedures and the lack of possibilities to use services in the most cost-effective manner – electronically. Although the eGovernment portal was created in 2011 and the Law on Electronic Government was adopted in 2014, there are numerous problems in the implementation of the electronic systems of service delivery. Civil servants sometimes do not accept changes in the workflow and refuse to start using the electronic systems of service delivery while many public authorities are not interested in setting up services on the eGovernment portal. Additionally, weak coordination mechanisms result in authorities' failure to respect prescribed deadlines under the Law on Electronic Government. Whereas the budget for IT equipment and incentives for IT staff are meagre. Finally, e-services for businesses are more developed than those for citizens. The majority of e-services for citizens offer only general information and forms which can be downloaded while the digital certificate needed for completing electronic servicesrequests is too costly for the Montenegrin living standard.

In the forthcoming period, the Ministry for Information Society and Telecommunications should establish reporting mechanisms for the institutions covered by the Law while joint meetings should be organised periodically in order to track progress in fulfilling legal obligations as well as clarifying any misunderstandings regarding those obligations.In close cooperation with the Ministry of the Interior, it should provide necessary conditions for establishing one-stop-shops in accordance with the Law on the General Administrative Procedure. The Ministry of the Interior should create a catalogue of all the services provided by the Montenegrin public administration both at the national and local level, in order to make it easier to identify services which can be provided electronically and to track progress in the development of the eGovernment portal. All public administration bodies should work to make their services available at the portal at least at the level of providing information in order to make the use of services in a traditional manner easier for citizens.

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FOURTEEN YEARS OF MODERNISATION OF PUBLIC SERVICES: WHERE DO WE STAND?

The increasing use of information and communication technologies (ICTs) by the governments around the world aims at improving government processes in a way that would benefit citizens, businesses, and the governments alike. It involves rethinking and transforming the way public institutions operate, with the citizens' benefits and expectations at the core of such reconceptualisation. The use of ICTs has proven to create more efficient, effective, and accessible public services, allow greater public access to information, as well as promote social inclusion, particularly of the disadvantaged and vulnerable groups. The use of e-government helps combat corruption by making government processes more open and transparent, as well as by modernising and simplifying outdated bureaucratic procedures. It is also a number one tool for the fight against administrative silence, which occurs when administrative bodies do not express its decision within the legal deadline. Additionally, the introduction of ICTs should bring considerable savings in both time and money for citizens, businesses, and the public administration alike.

The Policy Framework

The process of introduction of e-government falls under the scope of public administration reform, which aspires to transform authoritative and non-transparent government structures into service-oriented ones. Montenegro began reforming its public administration by adopting the Strategy for Administrative Reform back in 2002[1]. Some of its main objectives were identified as organising public services around the needs of citizens and using modern technologies in doing so. Fourteen years and numerous strategies afterwards, citizens still need to visit several institutions, wait in lines, and act as couriers between different administrative bodies in order to obtain permits, licences, certificates, and other documents issued by the authorities at central and local levels of government.

The Government of Montenegro has continuously pledged its commitment to creating modernised, open, and barrier-free institutions. In 2011, it created the eGovernment portal intended to become a single point of access to all public services provided electronically[2] and, subsequently, adopted the required strategic and legislative framework. It also became part of the Open Government Partnership (OGP) Initiative in 2011 under which it has taken up to implement the reforms "not for the sake of fulfilling the assigned conditions, but for the sake of improving the quality of life of Montenegrin citizens"[3]. Under the auspices of the Regional Cooperation Council (RCC), Montenegro has pledged to implement the reforms envisaged in the framework of the South East Europe 2020 Strategy[4], including the ones related to creating more efficient public services through e-governance.

Under the EU accession process, progress in the area of e-government is measured within Chapter 10: Information Society and the Media, but is mostly limited to technical preconditions only. However, with the adoption of the new Enlargement Strategy and the "fundamentals first" approach, the concept of good administration gained significant momentum and service delivery was recognised as one of its six key areas, with a special focus on effectiveness, while ensuring the protection of individuals during administrative proceedings[5].

1   Strategy for Administrative Reform 2002-2009, March 2003, available in Montenegrin only at: http://www.mup.gov.me/biblioteka/strategije?pagerIndex=3. More information about the Strategy is available in English in: Marovic, Jovana (ed.), State Administration Reform in Montenegro: Between ambitious plans and real possibilities, Institute Alternative, Podgorica, Montenegro, 2012, p. 12-17, available at: http://media.institut-alternativa.org/2013/03/state-administration-reform-in-montenegro.pdf

2   The eGovernment portal is available at: https://www.euprava.me

3   Montenegro's letter of intent to join the Open Government Partnership Initiative, 2011, available at: http://www.opengovpartnership.org/country/Montenegro

4   South East Europe 2020 Strategy is modeled after EU's Europe 2020 Strategy. Available at: http://www.rcc.int/pubs/20/south-east-europe-2020-strategy

5   The European Commission (EC) published The Principles of Public Administration, which define what good governance entails in practice and outline the main requirements to be followed by countries during the EU integration process. The six key reform areas defined under the Principles are: Strategic Framework of Public Administration Reform, Policy Development and Co-ordination, Public Service and Human Resource Management, Accountability, Service Delivery, and Public Financial Management. The Principles are available here: http://www.sigmaweb.org/publications/Principles-Public-Administration-Nov2014.pdf

Two documents – the Public Administration Reform Strategy 2016-2020 and the Strategy of Information Society Development until 2020 – which re-emphasised the need for improving the quality of service delivery through modernisation of administrative procedures were recently adopted. These strategies focused on improving the quality of services available at the eGovernment portal, the level of interoperability of registers, the level of usage of electronic services by citizens and businesses, as well as customers' satisfaction with the services provided. Although the strategies have recognised problems and priority areas fairly well, they largely lack baseline measurements which would enable monitoring the progress achieved over an indicated period of time.

Current State of Play

However, despite all the commitments listed above, provision of electronic services is not at a satisfactory level. This is backed by opinion polls suggesting that almost half of Montenegrin citizens believe that administrative procedures in the public institutions are in general inefficient, while around 10% of Montenegrin citizens use government services by electronic means[6].
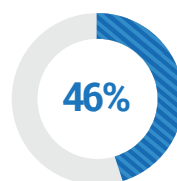
46% of Montenegrin citizens believe that administrative procedures in the public institutions are inefficient

Although the Law on Electronic Government obliges authorities at the central and the local level of government alike, so far only central government authorities have put services at the eGovernment portal. When it comes to ministries as the leading institutions of reform, 10 out of 16 (62.5%) have placed one or more services at the portal.
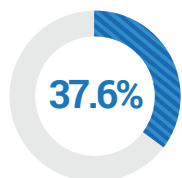
37.6% of authorities at the national and local levels provide services at the eGovernment portal

Out of 181 currently available at the portal[7], only five services are fully available online, which means that they can be completed without any additional paperwork. Direct payments of fees through the portal are still not possible.

When assessing the quality of e-services available at the eGovernment portal, the Benchmarking Digital Europe 2011-2015 conceptual framework created by the European Commission recognises five levels of service delivery:

1. information – providing necessary information on the procedure of obtaining public services in a traditional manner;

2. one-way interaction – offering forms to download;

3. two-way interaction – offering electronic submission forms;

4. transaction – the user applies for and receives the service online without any additional paperwork, also known as full electronic case handling;

5. targetisation – services are delivered proactively.

The fourth and fifth levels are jointly referred to as "full online availability."[8]

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6   Balkan Barometer 2015, Public Opinion Survey, Regional Cooperation Council, Sarajevo, 2015, available at: http://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2015.pdf

7   As of 12 October 2016.

8   ICT for Local Governments: Standards, principles and best practices, NALAS, 2011, available at: https://skupnostobcin.si/wp-content/uploads/pulikacije/2228/ICT_for_Local_Governments_ISBN_9789989292859.pdf
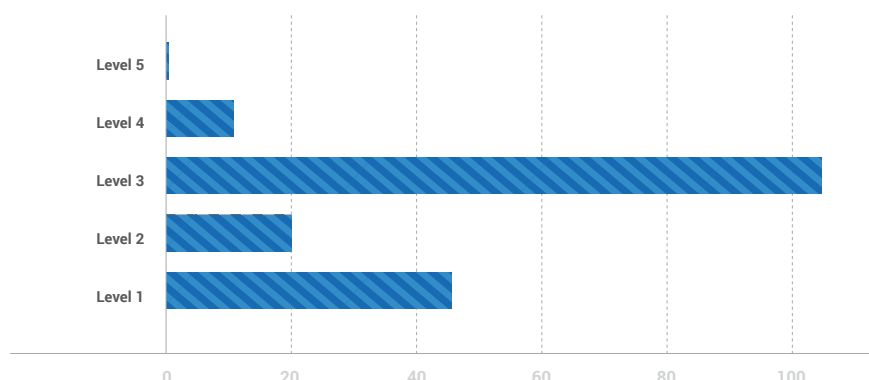
Figure 1: Services available at the eGovernment portal presented according to their level of sophistication[9]

A majority of e-services at the eGovernment portal, 60.2% of them are at level 3 (interaction) which allows for filling out and submitting forms electronically with electronic identification (authentication). On the other hand, 37% of services (levels 1 and 2) offer only information on the procedures and forms which can be downloaded, but not submitted online.

When it comes to 20 priority e-services benchmarked by the EU presented in the Figures 2 and 3, only six of them are available at the eGovernment portal, which significantly impedes the efforts in establishing the portal as a single point of access to all services provided by the government. If we examine sophistication level of these services, we could conclude that Montenegro is lagging behind the EU since only seven out of 20 priority services have reached the level of full online availability (35%).

The level of sophistication of priority services also demonstrates the gap between e-services offered to businesses and those made for citizens. Namely, only two out of 12 priority services for citizens are fully available online while, on the other hand, five out of eight priority services for businesses have reached full online availability.
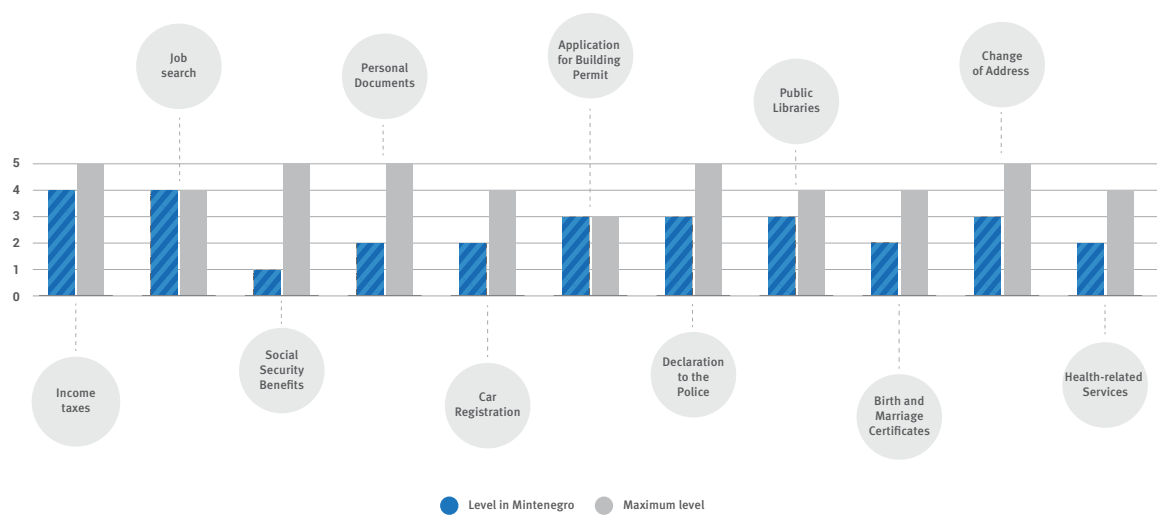

Figure 2: 12 priority e-services for citizens benchmarked by the EU and their level of sophistication in Montenegro vs. maximum attainable level[10]

There are several reasons why services for businesses are more developed. First, there is the financial trigger – effective services would facilitate investments, both domestic and foreign. Furthermore, citizen services may require more organisational effort in order to reach the whole population effectively. eIDs which are costly and difficult to use for a great majority of citizens do not function as an incentive but rather as an obstacle towards greater development and sophistication of

9   Data obtained through analysis of the eGovernment portal.

10   Data obtained from: Analysis of the eGovernment state of play in 2015, Ministry of Information Technology and Telecommunications, Podgorica, 2015.

these services. Additionally, e-services for citizens are mostly optional and almost never obligatory whereas for businesses they are common practice (e.g. relating to tax, registrations, etc.).[11] Nonetheless, developing effective services for citizens is equally important and can easily be achieved provided that the right services and adequate target groups are chosen.
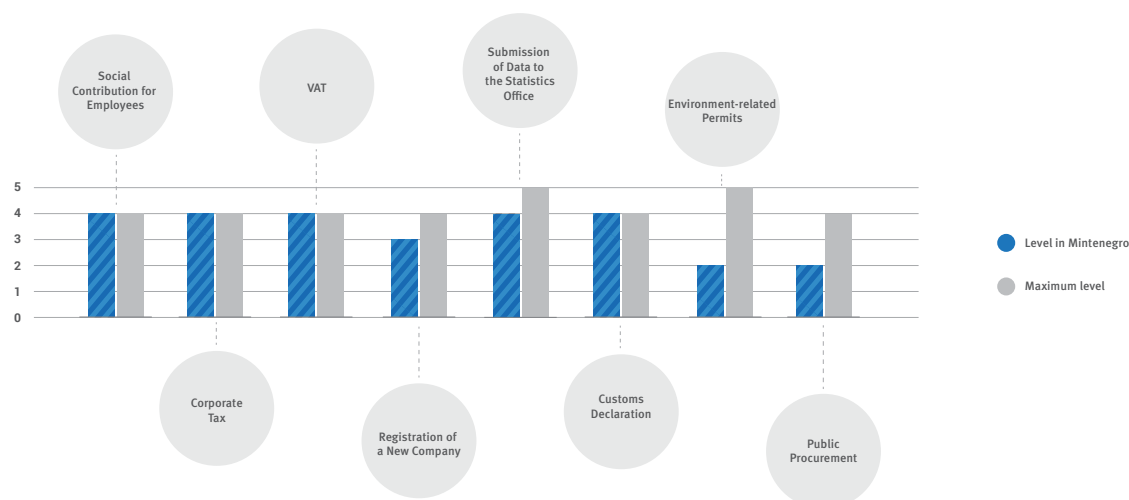

Figure 3: 8 priority e-services for businesses benchmarked by the EU and their level of sophistication in Montenegro vs. maximum attainable level[12]

A good example of a successfully implemented e-service for citizens is the Government internship programme for recent graduates. Recent graduates without prior work experience who are registered in the Employment Agency are paired with government bodies, NGOs, and companies seeking interns. The service is intended for both citizens and businesses and links up several government institutions: the Ministry of Education, the Employment Agency, the Human Resources Management Authority, and the Ministry of Information Society and Telecommunications. It was particularly successful because of its target groups – both university graduates and businesses are likely to possess necessary IT skills, but also because there was no other way of submitting the applications. Considering that more than 15,000 graduates applied during four years of the programme implementation, savings for the Government in processing these applications are significant.

An additional precondition which has guaranteed a favourable outcome of this e-service's implementation is that graduates did not need a digital certificate to complete the service since authentication was done via e-mail. If it were a requirement, accessibility of this service to citizens would have been brought to question.
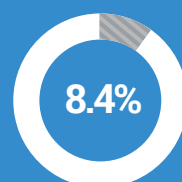
8.4% of currently valid digital certificates are issued to citizens and entrepreneurs as natural persons

Namely, the price of a digital certificate in Montenegro ranges from 30-110€[13] depending on the type and period of validity. Currently, there is only one certification body issuing digital certificates – the Montenegrin Post Office, which is a state-owned company. When compared to the average income in Montenegro amounting to 480€[14], the price of a digital certificate could make e-services inaccessible to some citizens. Furthermore, the number of digital certificates issued to legal entities is much higher than the number issued to citizens and entrepreneurs as natural persons – 6990 as opposed to 640.

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11 Delivering on the European Advantage? 'How European governments can and should benefit from innovative public services', eGovernment Benchmark, European Commission, 2014.

12 Data obtained from: Analysis of the eGovernment state of play in 2015, Ministry of Information Technology and Telecommunications, Podgorica, 2015.

13 The price of the certificate delivered on a smart card is 110€ and is valid for the period of three years while the price of certificate issued without a smart card is 30€ and is valid for the period of one year.

14 As measured in 2015.

IMPLEMENTATION:
DO DEADLINES SERVE ANY PURPOSE?

Two of the most important laws regulating this area were both adopted in 2014 – the Law on Electronic Government and the Law on General Administrative Procedure, but only the first one is being implemented since the deadline for implementation of the second was postponed three times. The deadlines envisaged under the Law on Electronic Government are not respected by the government authorities.

The Law on Electronic Government was adopted with the aim of eliminating administrative barriers and making communication with the government faster and easier for citizens. The Law recognises the eGovernment portal as a unique contact point and a single point of access to government services. It stipulates concrete deadlines for implementing obligations listed below, as well as appropriate fines in case of non-compliance.

Obligation	Deadline
Ensure document exchange between government authorities is conducted electronically	July 2014
Make all services provided in the traditional form available electronically via eGovernment portal	February 2016
Ensure data exchange from public registries between government authorities is conducted electronically	August 2016

Figure 4: Obligations envisaged under the Law on Electronic Government

None of the deadlines listed above was met and there are several reasons for it. Primarily, a considerable number of civil servants and managerial staff do not recognise introduction of electronic services as a novelty that will facilitate service delivery and improve the efficiency of office management, but as an additional burden to an already busy schedule[15].

Secondly, public authorities do not have catalogues where all public services they provide would be listed. This prevents them from identifying services which could be provided electronically. During the interviews with the representatives of ministries conducted for the purpose of this research, some interviewees stated that the services their ministries provide could not be delivered through the eGovernment portal. Nonetheless, their counterparts from the countries from the region offer up to 15 services electronically.

Third, the financial impact of the Law has not been adequately foreseen. The budget envisaged for the implementation of the law covers only the implementation of the obligation related to data exchange between the registries. Namely, when preparing the draft law, the competent ministry envisaged the budget for the establishment of the Unified Information System for the Electronic Data Exchange among State Authorities and Public Administration Bodies[16]. However, for the implementation of the other two obligations mentioned above, no funds were deemed required although the obligation of appointing a coordinator for electronic services and for electronic documents in each institution was foreseen.

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15   Information obtained from the interviews conducted in June and July 2016 with representatives of nine ministries.

16   The project will be implemented with the UNDP in Montenegro.

Fourth, coordination and monitoring mechanisms of the Law implementation are not specified, which poses considerable difficulties bearing in mind that the Law encompasses 47 authorities at the level of the central government only. Bearing also in mind not only a vast number of authorities at the level of the central government but also local self-governments, public offices and legal persons exercising public authority, mechanisms of coordination and monitoring currently implemented are not sufficient.

Fifth, the legal provisions regulating this area are not harmonised which creates additional difficulties for the authorities in implementing the legislation. The new Law on Administrative Procedure (LAP) which regulates electronic communication among government authorities and calls for the establishment of one-stop-shops suffered three extensions of the deadline for beginning of implementation. The final decision taken in this matter is that it will take effect in July 2017. There are more than 150 laws which need to be harmonised and the slowness of the process largely inhibits full application of the Law on Electronic Government.

Namely, one of the interviews stated that the Ministry in question was not able to provide e-services thus far because the laws governing the work of this Ministry were not in line with the new LAP while the Law on Electronic Government alone did not provide enough basis for e-services provision. Similarly, some ministries which fully implemented system for electronic document management experienced problems with the Administrative Inspection which requested them to keep documents in both electronic and paper format.

Finally, the capacities of the IT staffs within government bodies are not sufficient. Scarcity of well-trained IT staff, low salaries and benefits in the public sector, and lack of IT training programmes are some of the key barriers to a successful implementation of e-government.
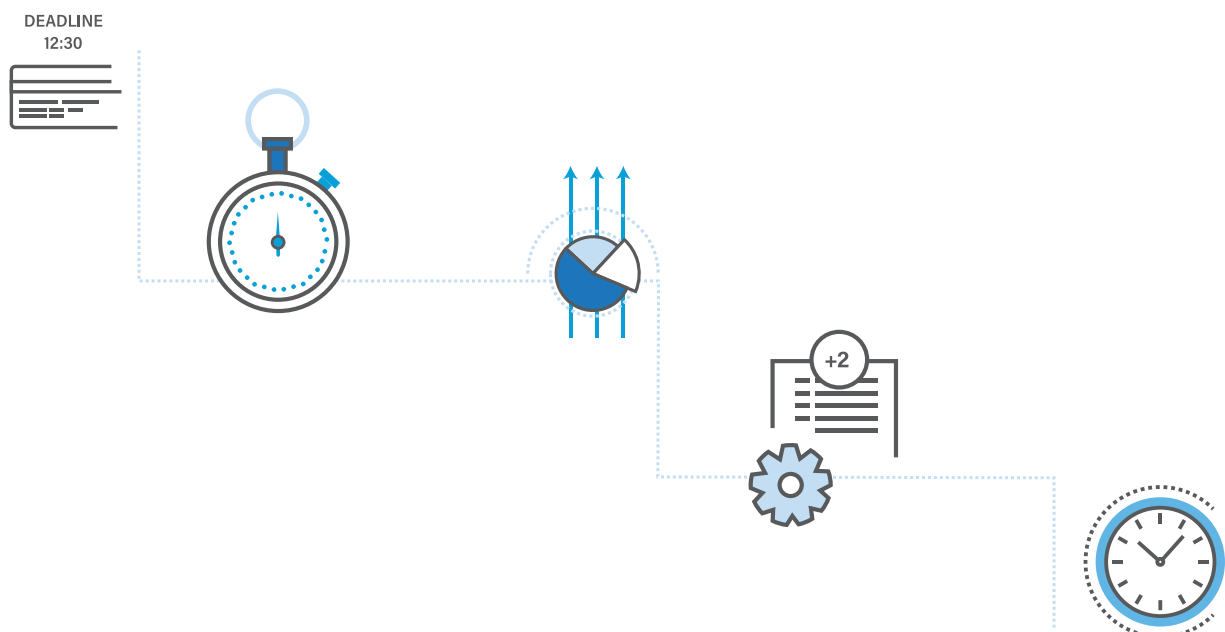
DEADLINE
12:30

Collaboration between the Montenegrin government's departments and agencies at making a united effort toward a shared goal of establishing effective electronic services is sporadic and insufficient. The "once-only principle" which implies that the necessary information from citizens would be collected only once is not implemented while documents needed to complete public services are not obtained by civil servants through cooperation of different government authorities.

The first step towards introduction of the e-government came with the Electronic Document Management System (eDMS) in 2011. eDMS is the information system which should be used when receiving, sorting and submitting documents between public administration bodies and the General Secretariat of the Government of Montenegro. Its implementation would save time and money and facilitate service delivery.

Although a great majority of civil servants received training and manuals with clear instruction on how to use this information system, five years later only quarter of ministries[17] have completely substituted traditional for electronic document management system while the majority of them uses both systems simultaneously. In three ministries the electronic system is not being used at all[18].
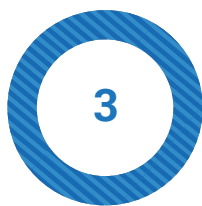
3 ministries do not use **Electronic Document Management System (eDMS)**

The sentiments of civil servants towards the introduction of electronic documents differ from institution to institution while the level of acceptance of changes in the workflow often depends on the attitude of the managerial staff. Although it could bring considerable savings in time and money and enable delivery of electronic services, Electronic Document Management System (eDMS) is often seen as an additional burden. Civil servants coming

from the ministries already implementing the system state that the refusal to accept eDMS occurs because the system easily shows progress and effectiveness in completing the tasks assigned by the superiors. On the other hand, several others believe that eDMS brings only additional burden and raise concerns regarding privacy issues. Some even believe that they need to keep documents in the paper format as a sort of back-up.[19]

When it comes to registries, a significant number is still kept in the manner which is not appropriate for the new information age. Namely, the data entry is done by hand and, thus, does not support the electronic exchange and processing. In addition to gathering data within their jurisdiction, public administration authorities collect huge amount of additional data which originally comes under the jurisdiction of other authorities. Currently, the public administration possesses vast amount of data which is not being exchanged among different authorities. Re-use of public sector information is not regulated by law while interoperability of registers is not achieved.

In a nutshell, the Montenegrin administration currently operates as a collection of different public bodies functioning for themselves and not as a whole. This puts citizens in a position where they need to act as couriers between different authorities carrying documents issued by one institution to another all the while providing the same data to several different administration bodies.

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17 Ministry of Information Society and Telecommunications, Ministry of Education, Ministry of Labour and Social Welfare and Ministry of Agriculture and Rural Development. Data obtained during the interviews conducted.

18 Ministry of Economy, Ministry of Transport and Maritime Affairs, Ministry of Finance, Ministry of Defence, Ministry of Justice. Data obtained from: Report on the implementation of eDMS, Ministry of Information Society and Telecommunications, Podgorica, 2016.

19 Data obtained during the interviews conducted.

CONCLUSIONS AND RECOMMENDATIONS

Improving the quality of life of citizens is the main purpose of electronic government, as is the public administration reform as a whole. The benefits of modernising the public administration for citizens are plentiful: saving time and money, the possibility of submitting requests at any time of the day, obtaining a higher quality of services, increasing transparency of public administration, as well as ensuring greater opportunities for involvement in the decision-making process.

The Government of Montenegro has invested a fair amount of efforts to incorporate ICTs in its work in order to create better services for citizens and businesses. It was one of the first countries in the region to adopt the Law on Electronic Government in 2014. It has also established the eGovernmentportal which currently offers 181 public services in total. However, the implementation of the Law is not at the satisfactory level and the electronic service delivery has not been taken up by a large number of authorities.

How to ensure better delivery of electronic services in Montenegro?

The Ministry responsible for e – government should:

- Establish clear mechanisms for coordination and monitoring of the implementation of the Law on Electronic Government through organising periodic meetings with the authorities covered by the Law and through introducing obligation for the authorities to submit semi-annual reports on the progress made in the template provided by the Ministry;

- Regularly publish best practice examples in order to encourage all public administration bodies to comply with the provisions of the Law on Electronic Government;

- Focus on attracting a greater number of public administration authorities to provide services through the eGovernment portal. Although a total number of services available at the portal has risen in the past two years, only two additional administration authorities began delivering services through the portal;

- Ensure full online availability of 20 priority services benchmarked by the EU at the eGovernment portal;

- Conduct regular checks of the quality of content available at the eGovernment portal;

- Make electronic services more accessible to citizens by lowering the price of digital certificates and introducing cheaper and more simple eIDs

- Makepaying administrative fees available at the eGovernment portal, in close cooperation with the Ministry of Finance;

- Strengthen the capacities of IT staff working in public administration bodies through providing regular training and opportunities for development, while on the other hand putting them in charge of tasks which are currently being regularly outsourced to private companies;

- Ensure that the bylaws regulating office management in the government authorities are harmonised;

The Ministry of the Interior should:

- Create catalogue of all the services provided by the Montenegrin public administration both at the national and local level, in order to make it easier to track progress on the number of services made available electronically out of the total number of services;

The Ministry of Culture should:

- Regulate the re-use of public sector information by adopting a new version of the Law on Free Access to Information;

- Provide the necessary conditions for the beginning of the implementation of the new Law on Administrative Procedure, gathering information ex-officio and establishment of one-stop-shops;

All public administration authorities covered by the Law on Electronic Government should:

- Make their services available at the eGovernment portal at least by offering information on these services (sophistication level 1 and 2) in order to make it easier for citizens to use the services in a traditional manner;

- Offer electronic services through the eGovernment portal as opposed to creating separate websites. All separate websites which already exist should be linked to the eGovernment portal so as to ensure that the portal is a single point of access to all services provided by the government authorities.

REFERENCES

- The Law on Electronic Government, "Official Gazette of Montenegro", No. 32/14;

- The Law on Administrative Procedure, "Official Gazette of Montenegro", No. 56/14, 20/15, 40/16;

- The 2016-2020 Public Administration Reform, Ministry of the Interior, 2016;

- The Strategy of Information Society Development until 2020, Ministry of Information Society and Telecommunications, 2016;

- Report on the implementation of eDMS, Ministry of Information Society and Telecommunications, Podgorica, 2016;

- Analysis of the eGovernment state of play in 2015, Ministry of Information Technology and Telecommunications, Podgorica, 2016;

- Information on the work of the eGovernment portal, Ministry of Information Technology and Telecommunications, Podgorica, 2016;

- Report on the implementation of the Law on Electronic Government, Ministry of Information Technology and Telecommunications, Podgorica, 2015;

- Information on keeping registers of the state administration and local self-governments, Ministry of Information Technology and Telecommunications, Podgorica, 2015;

- South East Europe 2020 Strategy, Regional Cooperation Council, Sarajevo, 2013;

- Balkan Barometer 2015, Public Opinion Survey, Regional Cooperation Council, Sarajevo, 2015;

- Strategy for Administrative Reform 2002-2009, Ministry of Justice, Podgorica, 2003;

- The Principles of Public Administration, SIGMA, OECD and EU,2014;

- Delivering on the European Advantage? 'How European governments can and should benefit from innovative public services', eGovernment Benchmark, European Commission, 2014;

- Marovic, Jovana (ed.), State Administration Reform in Montenegro: Between ambitious plans and real possibilities, Institute Alternative, Podgorica, 2012;

- ICT for Local Governments: Standards, principles and best practices, NALAS, 2011;

- Wimmer, Maria, A European perspective towards online one-stop government: the eGOV project, Institute of Applied Computer Science, Johannes Kepler University of Linz, Linz, 2002;

- Montenegro's letter of intent to join the Open Government Partnership Initiative, 2011;

- Interviews conducted with the representatives of nine Montenegrin ministries and the Inspection Directorate;

- The eGovernment portal: https://www.euprava.me

About Institute Alternative

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 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.

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