



MONITORING
REPORT:

COMMITTEE ON POLITICAL SYSTEM, JUDICIARY AND ADMINISTRATION

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INTRODUCTION

According to its Rules of Procedure¹, the Parliament of Montenegro establishes committees as its working bodies; in addition to reviewing proposals and proposing acts, the committees are responsible for conducting parliamentary oversight. Since “parliamentary oversight is an essential feature of a system of checks and balances in a democracy”², it is vital that the committees’ work be focused on a comprehensive oversight of the executive. On the other hand, the committee’s legislative function is also critical, particularly in terms of supporting informed and evidence-based discussions on the proposed legislation.

The respective competences of the standing committees are provided in the Rules of Procedure of the Parliament, which define their course of action. The committees of the 27th convocation of the Parliament were established by the Decision on the election of Chairs and members of Standing Committees³ from 17 December 2020. As stipulated in the Decision, the Parliament has 14 standing committees, each composed of a Chair and 12 members.

The oversight mechanisms available to committee members include parliamentary (consultative and control) hearings and parliamentary inquiry. Over the past decade, MPs stepped up the use of these mechanisms; however, the impact remained questionable, given the absence of monitoring of the follow-up on recommendations and conclusions. This was also noted in the European Commission 2020 Report on Montenegro.⁴

At the start of the term of the 27th convocation of the Parliament, MPs initiated amendments to more than 50 articles of the Rules of Procedure aiming to eliminate ambiguities and reinforce the oversight role of the Parliament and its committees. These amendments facilitated a more frequent use of the “minority initiative” mechanism, whereby a committee decides on running a control hearing upon a motion tabled by one-third of its members. This mechanism now allows the committees to pass the decision on a hearing twice, rather than just once during an ordinary meeting, which was the case prior to the introduction of the amendments. The process helped strengthen parliamentary oversight exercised by the committee members from the ranks of the opposition. In addition, the Rules of Procedure provide that the conclusions that follow a hearing are to be proposed by the Chair, and their implementation, following adoption, are to be monitored by the committee. The Rules of Procedure oblige relevant ministers to take part in the work of the committee if they have been designated to represent the entity introducing the proposed act - this is a novelty compared to past practice.

- 1 Rules of Procedure of the Parliament of Montenegro (Official Gazette of MNE 65/21) of 22 July 2021.
- 2 Global Parliamentary Report 2017: Parliamentary oversight – Parliament’s power to hold the government to account, Inter-Parliamentary Union and United Nations Development Programme, available at: <https://bit.ly/3G3B9EC>
- 3 Decision on the Election of the Chairs and Members of the Standing Committees of the 27th Convocation of the Parliament of Montenegro, Parliament of Montenegro, 17 December 2020.
- 4 Montenegro 2020 Report, the European Commission, Brussels, 06 October 2020.

Given the need for strengthening the oversight role of the Parliament, and the major novelties introduced by the Rules of Procedure, this report aims to review the activities of the parliamentary committees, with a particular focus on their oversight and control functions. We focus on monitoring the work of five parliamentary committees⁵ whose remits correspond to the key programmatic areas covered by the Institute Alternative.

This Monitoring Report contains the findings of the analysis of the performance of the **Committee on Political System, Judiciary and Administration**, with a particular focus on the performance of its legislative and oversight roles. The Committee has a wide range of competences for exercising a cross-cutting oversight of the operation and establishment of central- and local-level authorities, and a particularly important role in discussing and proposing the composition of the Prosecutorial and Judicial Councils and selecting the Supreme State Prosecutor. The Committee's importance is illustrated by the fact that the reforms of the judiciary and the public administration, which constitute the backbone of Montenegro's accession to the European Union, fall within its remit. The Committee has plans for major legislative activity in the field of electoral legislation, furthering the process of the comprehensive reform along the lines of the recommendations provided in the European Commission Report, and plans concerning the adoption of the Law on the Parliament.

The findings contained in this analysis come as a result of the monitoring exercise that covered the work of the Committee from its establishment on 17 December 2020 until 1 October 2021 – its meetings, minutes from the meetings, Work Plan and other documents. In-depth interviews were conducted with the Committee Chair,⁶ Committee member from the ranks of the opposition MPs⁷ and Committee Secretary⁸. The interviews covered the pace and quality of the Committee's work and identification of room for improvement.

This Report begins with an overview of the relevant quantitative indicators that can be used to measure the performance, followed by a review of the Committee's oversight activity. The third section of the Report addresses the Committee's legislative activity, while the next one presents its implementation of the obligations stemming from the systemic laws, such as reviews of reports. The fifth section reflects on the administrative capacities of the Committee's Secretariat. The final section presents the recommendations for improving the work of the Committee and its oversight of the executive, stemming from the findings of the analysis.

5 Security and Defence Committee, Anti-corruption Committee, Committee on Political System, Judiciary and Administration, Committee on Economy, Finance and Budget and Committee on Human Rights and Freedoms

6 Interview with Momo Koprivica, Chair of the Committee, held on 16 September 2021.

7 Interview with Boris Mugoša, member of the Committee, held on 29 July 2021.

8 Interview with Slavica Mirković, Secretary to the Committee, held on 28 September 2021.

Status of implementation of the activities of the Committee on Political System, Judiciary and Administration as per its 2021 Work Plan, by October 2021:

Planned activities	Status
REGULATORY ACTIVITIES	
Proposal for the Law on Internal Affairs	REVIEWED
Proposal for the Law Amending the Law on the Registries of Residence	NOT FORWARDED BY THE GOVERNMENT
Proposal for the Law Amending the Law on Public Assemblies and Public Events	NOT FORWARDED BY THE GOVERNMENT
Proposal for the Law Amending the Law on Free Access to Information	NOT FORWARDED BY THE GOVERNMENT
Proposal for the Law Amending the Criminal Code of Montenegro	ENTERED THE PARLIAMENTARY PROCEDURE ON 12 MAY, BUT NOT REVIEWED BY THE COMMITTEE
THE COMMITTEE'S OBLIGATIONS STEMMING FROM THE SYSTEMIC LAWS AND OTHER ACTS	
Annual Report on the performance of the Judicial Council and the overall state of play in the judiciary	REVIEWED, BUT NOT ENDORSED
Prosecutorial Council and State Prosecution Service Performance Report	REVIEWED, BUT NOT ENDORSED
Report on the implementation of the Law on Public Assemblies and Public Events	REVIEWED, BUT NOT ENDORSED
STRENGTHENING THE LEGISLATIVE AND OVERSIGHT FUNCTIONS	
Law on the Parliament	NOT PREPARED
Laws related to the process of comprehensive electoral reform	NOT PREPARED
Committee meetings that will involve representatives of competent ministries and other authorities, to discuss the implementation of laws and policies and the state of play in the relevant fields, to be held at least once in six months	MEETING NOT HELD
Control hearings in accordance with Article 75 of the Rules of Procedure	ONE HEARING HELD
Consultative hearings in accordance with Article 73 of the Rules of Procedure	FOUR HEARINGS HELD
Review of the follow-up on the conclusions passed by the Parliament and the conclusions and/or findings and positions issued by the working bodies	NOT IMPLEMENTED
INSTITUTE ALTERNATIVE PROPOSALS:	
A consultative hearing to be held on the evaluation of public administration reform and drafting of the new 2021-2025 Strategy	NOT HELD
A consultative hearing to be held on the implementation of the Law on Civil Servants and State Employees	NOT HELD
A consultative hearing to be held on amendments to the laws on the State Prosecution Service	THE HEARING WAS HELD
Review the report on the handling of administrative matters for 2020	NOT HELD
Review the analysis on the status of e-services and propose measures for improvement	NOT HELD

THE COMMITTEE'S MEETINGS IN NUMBERS: THE MOST ACTIVE COMMITTEE OF THE 27TH PARLIAMENT

With 24 meetings held and 45 points included in the agendas by October 2021, the Committee on Political System, Judiciary and Administration was the most active one in the 27th Parliament of Montenegro.

A review of the length of the Committee's meetings suggests that the MPs spent **two days**, three hours and 33 minutes working.⁹ Overall, this Committee put in 44 hours more than the Anti-corruption Committee, which was the most passive working body of the Parliament during the observed period. The longest Committee meeting took as long as **18 hours**, stretching over three days, while the **shortest took six minutes**.

Seven Committee members represent the ruling parties and **six represent the opposition**¹¹. The Committee meetings were attended, on average, by **three-quarters of its total membership**, i.e. nine MPs per meeting. Those from the ranks of the opposition had a considerably lower participation rate, due to the boycott exercised by the Democratic Party of Socialists between May and June 2021. Thus, the work of the Committee involved, on average, only **two opposition MPs per meeting**, out of the total of six, which is the number of opposition MPs in each committee of the 27th Parliament.

The lack of precision of the Rules of Procedure provisions on attendance gave rise to different interpretations and conflicting views held by the MPs. The opposition MPs pointed out that Article 65 (2) of the Rules of Procedure provided that – in the cases when a committee had no majority required for it to conduct its business, with members either absent or unable to attend – the MP caucus leader or a caucus member designated by the Committee could attend and vote in their stead. Still, the Committee meetings showed that both the majority and the opposition MPs availed of the option of having a substitute, as regulated by the Rules of Procedure. On average, one substitute attended each of the Committee meetings. The substitutes always participated fully in the work of the Committee and in the decision-making, when such situations occurred, i.e. when the rest of the members voted on the matters at hand.

9 (Available) Minutes from the meeting of the Committee on Political System, Judiciary and Administration and recordings of Committee meetings posted on the Parliament YouTube Channel by 1 October 2021

10 **Momo Koprivica** (Democratic Montenegro), **Slaven Radunović**, **Jovan Jole Vučurović**, **Predrag Bulatović** (Democratic Front), **Branka Bošnjak** (Movement for Change), **Milosava Paunović** (Socialist People's Party), **Srđan Pavićević** (Black-on-White)

11 **Marta Šćepanović**, **Andrija Nikolić**, **Miloš Nikolić**, **Dragutin Papović** (Democratic Party of Socialists), **Boris Mugoša** (Social Democrats of Montenegro), **Draginja Vuksanović-Stanković** (Social Democratic Party)

Representatives of the executive largely responded to the Committee's invitations and attended one-quarter of its meetings. Deputy Prime Minister **Dritan Abazović** took part in the Eighth Meeting, which was devoted to the *Consultative Hearing (Discussion) on the Proposal for the Law Amending the Law on the State Prosecution Service* and was attended also by seven representatives of professional associations and the NGO sector.

The Minister of Public Administration, Digital Society and Media **Tamara Srzentić**¹² attended three of the Committee's meetings, while the Minister of Interior **Sergej Sekulović**¹³ attended four. Three meetings were attended by ministers' co-workers, namely a senior civil servant, a State Secretary and a civil servant holding an expert-managerial position.

On the other hand, despite having been invited to the Committee meeting on the proposed 2021 budget for the Ministry, the Minister of Justice, Human and Minority Rights did not show up or delegate another representative.

The major steps forward in terms of transparency of the work of the Parliament, with the committees' meetings broadcast via the Parliament TV and YouTube Channel, motivated large numbers of citizens to watch the work being done. The public showed a particular interest in the meetings on the Prosecutorial Council and State Prosecution Service Performance Report (13,000 views), gathering of information and facts on the authorities' actions concerning a number of past affairs (12,000 views), and interviews with the renowned legal experts - candidates for the Prosecutorial Council (close to 10,000 views)¹⁴.

Timely preparation and delivery of the materials¹⁵, in particular the meeting minutes, which were posted on the Parliament's website, largely facilitated the monitoring of the Committee's work and citizen and CSO involvement. The Secretariat to the Committee on Political System, Judiciary and Administration published the minutes (18 in total) from 75% of the meetings; the ones from the last six meetings were not available¹⁶.

12 Minister Srzentić took part in the **Fourth Meeting** (Proposal for the Law Amending the Law on Civil Servants and State Employees), **Sixth Meeting** (Proposal for the 2021 Budget Law) and **Seventh Meeting** (Proposal for the Law Amending the Law on State Administration)

13 Minister Sekulović took part in the **Sixth Meeting** (Proposal for the 2021 Budget Law), **Seventh Meeting** (Proposal for the Law on Internal Affairs), **Twelfth Meeting** (amendments tabled by 26 MPs to the Proposal for the Law on Internal Affairs) and **Fifteenth Meeting** ((1) Government amendment to the Proposal for the Law on Internal Affairs)

14 As of 10 October 2021.

15 Minutes, reports on discussions on acts, reports from parliamentary hearings, voting records etc.

16 At the time of accessing the Parliament's website on 10 October 2021, the most recent minutes were those from the 18th Committee Meeting held on 16 July 2021.

THE COMMITTEE'S OVERSIGHT FUNCTION: IMPACTLESS PARLIAMENTARY HEARINGS

The Committee exercised its oversight function by holding one control hearing by October 2021. The Supreme State Prosecutor ad interim **Dražen Burić** attended the hearing devoted to the review of the special performance reports¹⁷. However, despite the announcement that the Committee would formulate proposed conclusions from the hearing at the next meeting, that point was not included in the agenda and the conclusions did not get endorsed at the two subsequent meetings. This delayed the impact of the control hearing on improving the operation of the State Prosecution Service.

Although the Committee's 24 meetings included four consultative hearings, they came as a reflection of the obligations stemming from systemic laws; there were no initiatives to hold consultative hearings to exercise the Committee's oversight function.

The Committee also held hearings of one female candidate from the list of candidates for the post of the Supreme State Prosecutor, as well as candidates for the Prosecutorial Council, which it was required to do under the law. In addition, there was a hearing (discussion) on the amendments to the Law on the State Prosecution Service, which was attended by the Deputy Prime Minister, independent experts and NGO representatives and aimed to improve the legal provisions.

The consultative hearings devoted to specific topics, such as the implementation of the Law on Civil Servants and State Employees, evaluation of public administration reform or amendments to the laws on the Prosecution Service, were among the proposals that we had shared with the Committee ahead of the preparation of the Work Plan for enhanced oversight¹⁸. Those proposals were not followed upon during the period covered by this report.

The reduced participation of the opposition MPs in the work of the Committee manifested itself as a lack of initiatives for the deployment of oversight mechanisms. During the 24 meetings held, the opposition MPs **did not table any initiatives to launch** any of the mechanisms available to the Committee in the exercise of its oversight function.

One option that was available to the opposition under the Rules of Procedure was the **minority initiative**, allowing for a control hearing to be held at the request of one-third of a committee's members. Still, the opposition did not table such an initiative during the period in question. According to the Action Plan for the strengthening of the Parliament's legislative

17 22nd Meeting of the Committee on Political System, Judiciary and Administration, 29 July 2021.

18 *Za Skupštinu, koja se miješa u svoj posao (Fort he Parliament which interferes in its work)*, Institute Alternative, 11 March 2021, available at: <https://bit.ly/2ZhblUG>

and oversight functions, this constitutes a performance indicator measuring the success of parliamentary hearings.¹⁹

Boris Mugoša, a Committee member from the ranks of the opposition Social Democrats²⁰, reported that the inadequate level of the initiative of the opposition had been affected by the fact that four of the Committee's members came from the largest opposition party, as their boycott prevented any minority initiatives, which required endorsement by four MPs.

Furthermore, the insufficiently precise Rules of Procedure provisions on the minority initiative could lead to different interpretations, since the same article states that a Committee **shall decide on the hearings by means of a majority vote of all of its members**. That definition of the minority initiative allows the parliamentary minority to propose a hearing but does not guarantee that it would be held unless backed by a majority.

In accordance with the Action Plan for the strengthening of the Parliament's oversight and legislative role, the Committee stated that it would hold, at least once in six months, meetings that would involve representatives of line ministries and other state authorities, to discuss the implementation of laws and policies and the state of play in the relevant fields. No such meetings have been organised to date.

The Committee exercised a more proactive role and placed emphasis on its oversight over the authorities in the most recent (24th) meeting, when the MPs adopted the Plan to enhance the oversight role, envisaging collection of information and facts on the authorities' actions in the pending affairs and cases.²¹

The Plan, however, gave rise to conflicting views among MPs concerning the Committee's competence for gathering such information and facts, with the opposition MPs arguing that such competence belonged to the relevant state authorities and not the Committee. The parliamentary majority decided to adopt the Plan and reject the proposal concerning the gathering of information in the cases suggested by the opposition.

19 The Action Plan for the strengthening of the Parliament of Montenegro legislative and oversight roles in 2021, Parliament of Montenegro, March 2021.

20 Interview with **Boris Mugoša**, member of the Committee on Political System, Judiciary and Administration, 29 July 2021.

21 24th Meeting of the Committee on Political System, Judiciary and Administration, held on 9 September 2021: <https://bit.ly/311fVHL>

THE COMMITTEE'S LEGISLATIVE ACTIVITIES: THE PACE OF THE REVIEWS OF PROPOSALS DEPENDENT ON THE PACE OF THE GOVERNMENT

Most of the Committee meetings did not refer to oversight, but the legislative activities and the obligations stemming from the systemic laws. During the period covered by this Report, the MPs reviewed **five proposals for laws and 82 amendments**.

Most of the Committee's activities planned for the current year - 90%, refer to the regulatory activities and reviews of amendments to laws or proposals for laws. Thus, the Committee's Work Plan envisages reviews of 22 proposals for laws, such as Proposal for the Law Amending the Law on Free Access to Information, Proposal for the Law on the Origin of Assets, Lustration etc.

However, the Committee's legislative activities are largely dependent on the pace of the Government and the time when the proposed legislation gets included in the parliamentary pipeline. Out of the four planned proposals for laws that the Committee was supposed to review in the first three quarters of 2021 according to the Government Work Programme,²² only two were forwarded by the Government within the envisaged timeline and the Committee reviewed only the **Law on Internal Affairs**. In addition, although the Proposal for the Law Amending the Criminal Code entered the parliamentary pipeline on 12 May 2021, it did not get to be reviewed by the Committee by early October 2021.

The pace of the Committee's work was not conditioned by the annual plan only – it depended also on the intensified legislative activities of the MPs and the Government's newly emerged needs for amendments to legislation. Thus, the Committee reviewed some proposals for laws and amendments to laws that had not originally been included in the Work Plan, but related to the spending units covered by the Committee: **Proposal for the Law Amending the Law on the State Prosecution Service, Proposal for the Law Amending the Law on Civil Servants and State Employees, Proposal for the Law Amending the Law on State Administration and Proposal for the 2021 Budget Law**.

The Committee did not provide a sufficient forum for informed discussions on the legal provisions from its purview. This was manifested most acutely at the meeting on the Proposal for the Law Amending the Law on Civil Servants and State Employees, which took only 25 minutes. The Proposal for the Law with the nine amendments tabled in the meantime was endorsed without any discussion.

22 Government of Montenegro Work Programme for 2021, Government of Montenegro, 28 April 2021, available at: <https://bit.ly/3vWRyV3>

Amendments to the Parliament's Rules of Procedure were adopted in the Third Committee Meeting in less than 30 minutes, with some of the amendments having been tabled just ahead of the meeting. The MPs had no insight into those amendments, which were not accompanied by individual explanatory notes either.

THE COMMITTEE'S OBLIGATIONS STEMMING FROM THE SYSTEMIC LAWS: THE REPORTS DELIVERED BY THE STATE PROSECUTION SERVICE AND THE COURTS WERE NOT ENDORSED, BUT NO SUGGESTIONS FOR IMPROVEMENT WERE SHARED EITHER

A considerably smaller share of the Committee's activities (three) referred to the thematic activities, i.e. the regular activities stemming from the systemic laws and implying reviews of institutions' performance reports. Consequently, the Committee was more successful in implementing those activities as per the Work Plan.

The agenda included the three 2020 performance reports submitted by the authorities for which this was the lead Committee, along with two more "belated" 2019 reports that the Parliament could not review due to the disruption caused by the Covid-19 and the parliamentary election. Out of the five reports reviewed²³, the MPs endorsed and proposed to the Parliament only the Report on Public Assemblies for 2020. During the discussions on the 2019 and 2020 reports on the work of the Prosecutorial Council and the 2020 report of the Judicial Council, the MPs from the ranks of the parliamentary majority stated that citizens' trust in the judiciary had eroded and pointed to the problem of selectivity and performance in the fight against organised crime and corruption. The reports did not get endorsed by the Committee, on those grounds.

The (2019) report on the work of the Judicial Council and the overall state of play in the judiciary was included in the meeting agenda, but could not be discussed because the representatives of the Judicial Council did not show up.²⁴ The Parliament's Rules of Procedure require a committee meeting to be attended by the representatives of the entity introducing an act or submitting an act to be discussed; otherwise, the discussion on the proposal is to be postponed. Still, further procedure is not defined – there is no adequate regulatory response to the situation when the proposing entity fails to show up.

23 The Committee members reviewed the Prosecutorial Council and State Prosecution Service Reports for 2019 and 2020, the Annual Report on the work of the Judicial Council and the overall state of play in the judiciary. They also reviewed the Report on the implementation of the Law on Public Assemblies and Public Events in 2020.

24 The Committee's Report on the review of the Annual Report on the work of the Judicial Council and overall state of play in the judiciary for 2019.

With regard to the reports reviewed by the Committee during the given period, it is important to note that the MPs did not propose specific conclusions, address the substance of the work of the given authorities or provide recommendations for addressing the issues identified in the course of the discussion.²⁵ The previous Committee established the practice of proposing conclusions. Thus, the Prosecutorial Council 2019 Report started with a section on the follow-up to the Parliament's conclusions.²⁶ However, no conclusions concerning the ways to improve the situation were provided this year.

However, the method of monitoring the implementation of such conclusions varies from one committee to the next, and the issue is not clearly defined in the Rules of Procedure, which state that the Committee is required to monitor the implementation but do not specify the relevant procedure.

“The Committee may pass conclusions and monitor them, but it may also issue findings and positions that it directly forwards to the given institution for its consideration and implementation. The Committee may organise a meeting and include implementation of conclusions, findings and positions as a point on the agenda”, stated the Secretary to the Committee on Political System, Judiciary and Administration.²⁷

THE COMMITTEE'S SECRETARIAT: THE NEED FOR ENHANCED ADMINISTRATIVE CAPACITIES

The Secretariats to the parliamentary working bodies play a key role, providing technical support to the MPs in the performance of legislative, oversight and other activities and handling the necessary logistics. It is therefore important to ensure that they have sufficient administrative and technical capacities available. In terms of the former, under the Rulebook, the Secretariat includes four work positions for Independent Advisors and the position of the Secretary; according to the most recent list of employees, all of these positions were filled.²⁸

The tasks performed by the Committee staff include: preparing the meetings of the working body; issuing the minutes from the meetings; studying the material being discussed by the working

25 Reports on the reviews of the above performance reports and state of play reports contain conclusions reduced to “The Report on (not) endorsed”, but no concrete recommendations for improving the work of the institutions.

26 Overview of implementation of the conclusions and recommendations concerning the 2018 Prosecutorial Council and State Prosecution Service Report and Parliament of Montenegro conclusions of 20 June 2019 (1.1), 2019 Prosecutorial Council and State Prosecution Service Report, Podgorica 2020, available at: <https://bit.ly/3Gf98tX>

27 Interview with **Slavica Mirković**, Secretary to the Committee on Political System, Judiciary and Administration, 28 September 2021

28 List of employees, Parliament of Montenegro, 1 October 2021.

body; providing expert opinions; preparing briefing notes and regulatory impact assessments, and assisting in the performance of the working body's oversight role.²⁹ Given the size of the workload, the number of the Committee's meetings and the introduction of programme-based budgeting, the Secretary reported the need for enhanced technical capacities.

“We devote a large share of our times to drafting the minutes and we also need to focus on drafting the briefing notes. Since programme-based budgeting has been introduced as a novelty and the Committee reviews the budgets of the spending units that fall within its remit, I believe that the Rulebook should envisage a job position to be filled by somebody with a degree in Economics,” stated the Secretary to the Committee on Political System, Judiciary and Administration.

29 Rulebook on the organisation and systematisation of the Parliament of Montenegro Service, Parliament of Montenegro, Podgorica, 29 August 2021 No. 00-57-2/21-44/7.

CONCLUSION

The Committee on Political System, Judiciary and Administration adopted the Plan for enhanced oversight at its 24th meeting, ten months after establishment. On the occasion, the majority and the opposition expressed conflicting views on the possibilities for adequate discussions on the selected topics. There was no political will to exercise the oversight function prior to the mentioned initiative, as the Committee held only one control hearing and the opposition did not initiate any hearings during this period.

The implementation of the Committee's Work Plan over the three quarters of 2021 was not satisfactory, with just 40% of planned activities implemented. The fact that the Committee was not working at full speed during this period resulted from the poor implementation of the Government Work Programme and delayed tabling of proposals for laws, as well as the stalled legislative activity of the Parliament, noted also in the European Commission's latest Report on Montenegro.

The reviews of the reports submitted by the institutions and state authorities overseen by this Committee as the lead working body were not used to strengthen the oversight role. This is illustrated by the lack of conclusions proposed to improve the state of play in relation to the reviewed performance reports submitted by the Prosecutorial and Judicial Councils, although the previous Parliament established the practice of such conclusions.

Although this working body performs its tasks with an optimal number of staff at the Secretariat, the administrative capacities need to be strengthened to respond to the new needs. The Committee does not have sufficient capacity to conduct reviews of the budgets proposed for the spending units that fall within its remit. Furthermore, its capacities do not reflect the shift to programme-based budgeting.

RECOMMENDATIONS:

01

Stronger **opposition initiatives** for the performance of the Committee's oversight role, in particular in line with Article 75 (7) of the Parliament's Rules of Procedure, which allows for decisions on control hearings to be passed upon request of one-third of Committee members;

02

Initiate more frequent use of all available control mechanisms for the purpose of **exercising the Committee's oversight role**, in accordance with the Action Plan for the strengthening of the Parliament's oversight role, which envisages holding meetings with representatives of relevant ministries and other state authorities at least once in six months to discuss the implementation of laws and policies and the state of play in the relevant fields;

03

Organise **consultative hearings to discuss the relevant acts from within the Committee's remit**, such as the report on the handling of administrative matters for 2020, analysis of the status of e-services and measures for their improvement, along with a hearing on the implementation of the Law on Civil Servants and State Employees and evaluation of public administration reform;

04

Discussions on the annual performance reports of state authorities (which are required to report to the Committee on the implemented activities and state of play in the relevant areas) should be used to detect shortcomings, **propose conclusions and provide recommendations for addressing the shortcomings and improving the situation;**

05

All Committee members should be given sufficient time to **familiarise themselves with the amendments to the proposed laws** so as to facilitate better and informed discussions;

06

Since the Committee discusses the budgets proposed by the individual spending units that fall within its purview, it should, together with the Parliament's Budget Office, **enhance the technical capacities of the Secretariat staff** to reflect the shift to programme-based budgeting.

SOURCES:

- Action Plan for the strengthening of the legislative and oversight role of the Parliament of Montenegro in 2021, Parliament of Montenegro, March 2021.
- Global parliamentary report 2017: Parliamentary oversight – Parliament’s power to hold the government to account, Inter-Parliamentary Union and United Nations Development Programme, available at: <https://bit.ly/3G3B9EC>
- 2020 Montenegro Report, European Commission, Brussels, 6 October 2020.
- 2019 Performance Reports of the Prosecutorial and Judicial Councils, Podgorica 2020, available at: <https://bit.ly/3Gf98tX>
- Decision on the election of the chairs and members of the Standing Committees of the 27th Parliament, Parliament of Montenegro, 17 December 2020.
- 2021 Work Plan of the Committee on Political System, Judiciary and Administration, available at: <https://bit.ly/311fVHL>
- Rules of Procedure of the Parliament of Montenegro (Official Gazette of MNE 65/21) of 22 July 2021.
- Rulebook on the organisation and systematisation of the Parliament of Montenegro Service, 29 July 2021, available at: <https://bit.ly/30Dkfwl>
- 2021 Government of Montenegro Work Programme, Government of Montenegro, 28 April 2021, available at: <https://bit.ly/3vWRyV3>
- Law on the State Prosecution Service (Official Gazette of Montenegro 011/15 of 12 March 2015, 042/15 of 29 July 2015, 080/17 of 1 December 2017, 010/18 of 16 February 2018, 076/20 of 28 July 2020, 059/21 of 4 June 2021)
- *For the Parliament which interferes with its work*, Institute Alternative, 11 March 2021, available at: <https://bit.ly/2ZhblUG>

WEB:

- Internet pages of the Parliament of Montenegro, available minutes from the meetings of the Committee on the Political System, Judiciary and Administration: <https://bit.ly/311fVHL>

Recordings of the meetings held by the Committee on the Political System, Judiciary and Administration (Parliament YouTube Channel):

- Recording of the 1st Meeting: <https://bit.ly/3Gh5lwf>
- Recording of the 3rd Meeting: <https://bit.ly/2Zje1B3>
- Recording of the 5th Meeting: <https://bit.ly/3vHn1MH>

- Recording of the 6th Meeting: <https://bit.ly/3Ge3TuJ>
- Recording of the 7th Meeting: <https://bit.ly/3B4W1I9>
- Recording of the 7th Meeting (continued): <https://bit.ly/3B4W1I9>
- Recording of the 8th Meeting: <https://bit.ly/3BmbAvf>
- Recording of the 9th Meeting: <https://bit.ly/3Ebgwoh>
- Recording of the 10th Meeting: <https://bit.ly/2ZibwQc>
- Recording of the 11th Meeting: <https://bit.ly/3CnaLmQ>
- Recording of the 12th Meeting: <https://bit.ly/3CcLtrN>
- Recording of the 13th Meeting: <https://bit.ly/3nqs5Bb>
- Recording of the 14th Meeting: <https://bit.ly/3m919GQ>
- Recording of the 15th Meeting: <https://bit.ly/3E9iG7Z>
- Recording of the 16th Meeting: <https://bit.ly/3GkObxF>
- Recording of the 17th Meeting: <https://bit.ly/3jzGOsq>
- Recording of the 18th Meeting: <https://bit.ly/2ZdncDg>
- Recording of the 19th Meeting: <https://bit.ly/3EbsQ89>
- Recording of the 19th Meeting (continued): <https://bit.ly/2Zk7MgF>
- Recording of the 19th Meeting (continued): <https://bit.ly/3b7Dbpe>
- Recording of the 20th Meeting: <https://bit.ly/3pvnmRp>
- Recording of the 21st Meeting: <https://bit.ly/3pG10I4>
- Recording of the 22nd Meeting: <https://bit.ly/3nnttog>
- Recording of the 23rd Meeting: <https://bit.ly/3Bar0Cs>
- Recording of the 24th Meeting: <https://bit.ly/3pzQZBc>

IN-DEPTH INTERVIEWS:

- **Momo Koprivica**, Chair of the Committee on Political System, Judiciary and Administration, 16 September 2021.
- **Boris Mugoša**, member of the Committee on Political System, Judiciary and Administration from the ranks of the opposition MPs, 29 July 2021.
- **Slavica Mirković**, Secretary to the Committee on Political System, Judiciary and Administration, 28 September 2021.

ABOUT INSTITUTE ALTERNATIVE

Institute Alternative (IA) is a non-governmental organisation, 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 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. The areas of our work and influence are structured around the following five main programmes: public administration; accountable public finance; parliamentary programme; security and defence, and social policy.

On the basis of our five programmes, we monitor the process of accession negotiations with the EU, actively participating in working groups Public procurement (5), Judiciary and Fundamental rights (23) and Financial control (32). Our flagship project is the Public Policy School, which is organized since 2012, and in 2018 we organized the first Open Budget School.

So far we cooperated with over 40 organisations within regional networks in the Western Balkans and with over 100 organisations in Montenegro. Institute is actively engaged in regional networks: Think for Europe (TEN), Pointpulse, SELDI, WeBER, UNCAC Coalition, Global BTAP, PASOS and The Southeast Europe Coalition on Whistleblower Protection.

The results of our research are summarised in 129 studies, reports and analyses, and the decisionmakers were addressed 1036 recommendations. Over four thousand times we communicated our proposals and recommendation to the media for better quality public policies.

We started three internet pages. My town is a pioneer endeavour of visualisation of budgetary data of local self-administrations. My Administration followed, which serves as an address for all those citizens that have encountered a problem when interacting with public administration and its service delivery system. The newest internet portal, My Money, provided national budget data visualisation.

Institute Alternative regularly publishes information about finances, projects and donors that support the work of the organisation. For this reason, the Institute have five-stars rating third year in a row, according to a survey conducted by the international non-profit organisation Transparify, which evaluates transparency for over 200 research centers.

President of the Managing Board is Stevo Muk, and our organisation currently has ten members.

www.institut-alternativa.org

www.mojgrad.me

www.mojauprava.me

www.mojnovac.me