

PARLIAMENTARY OVERSIGHT IN MONTENEGRO: A NEW ERA OR JUST NEW RULES?

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Author: Milena Muk, Editor: Stevo Muk

The new parliamentary majority in Montenegro, established after the August 2020 election following three decades of the rule of one dominant party, consists of three coalitions that differ in terms of the number of seats held and political profile. Despite the differences, once the new Parliament was inaugurated on 23 September 2020, all of the constituents of that majority pledged to enhance the role of the Parliament of Montenegro and the legal framework governing its operation. This brief overview of the key indicators of the MPs' oversight function suggests that the new, advanced rules introduced under the Rules of Procedure of the Parliament still have not been translated into tangible steps forward in the practice of parliamentary oversight. Bearing in mind the generally accepted principles and good practices, we analyse parliamentary oversight through the lens of the following three key aspects:

- Provision of the necessary information on the Government's decisions and actions to the MPs;
- Oversight activities of the MPs and the recommendations stemming from such activities;
- Government feedback and follow-up on the Parliament's conclusions and recommendations.¹

The analysis and recommendations presented here come as a result of the Institute Alternative's continuous monitoring of the work of the Parliament and its working bodies which relied on the publicly available sources. The data presented here refer to the first year of the term of the 27th Parliament of Montenegro.

REGULATORY AMENDMENTS PROVIDE A BASIS FOR BETTER PARLIAMENTARY OVERSIGHT

The December 2020 amendments to the Rules of Procedure of the Parliament put in place the preconditions for the strengthening of the Parliament's oversight role.² The amendments allow for more frequent use of the "minority initiative", whereby one-third of a committee's members may launch control hearings on specific issues twice during the

1 [Parliamentary oversight: parliament's power to hold the government to account](#), Interparliamentary Union and United Nations Development Programme, 2018.

2 [Rules of Procedure of the Parliament of Montenegro \(consolidated text\)](#), No. 00-32-1/21-1/15, EPA 134 of 22 July 2021.

ordinary sessions. They also stipulate that at least three chairs of the Parliament's fourteen working bodies are to be selected from the ranks of the opposition. Furthermore, the Rules of Procedure identify the competence of the committee in charge of monitoring the implementation of the adopted conclusions from a hearing and ensure representation of women and national minorities' parties among the Vice-Presidents of the Parliament.

The amendments to the Rules of Procedure introduced the ministerial hour, as a special sitting during which a minister responds to the MPs' questions concerning a specific topic. The MPs from the ranks of the opposition and the majority take turns nominating the topics for such sittings; that practice also provides a sound basis for the strengthening of parliamentary oversight.

THE OVERSIGHT MECHANISMS IN PRACTICE: NO "EPILOGUE"

Despite the latitude for opposition initiatives and the new oversight mechanisms, the quantitative performance indicators related to the Parliament and its working bodies do not suggest a major step forward in the oversight practice. The temporary boycotts by the constituents of both the parliamentary majority and the opposition contributed to that result. The parliamentary committees were not working at full capacity. During the first year of the term, the average number of meetings was 11.7 per committee or slightly more than one meeting per month. In quantitative terms, the Committee on the Political System, Judiciary and Administration, which held **24 meetings**, was the most active, while the Anti-corruption Committee was the most passive, with only **three meetings**.³

CONTROL HEARINGS

The committees of the incumbent Parliament held 11 consultative and 9 control hearings by 23 September 2021 and postponed three. As many as **two-thirds of all control hearings during that period were held before the Security and Defence Committee**. Only two reports on the control hearings contained specific conclusions recommending a certain course of action to the authorities of the executive whose representatives had given evidence in the hearings. Some of the key reasons for that were that the matters addressed in the control hearings were at the same time being processed by the judiciary or the hearing involved some classified documents.

3 Milena Muk, [Analysis of parliamentary work during the first year of 27th convocation: Greater transparency, legislative and control roles need enhancement](#), Institute Alternative, 23 September 2021.

REVIEW OF REPORTS

The committees reviewed 49 performance reports delivered by various institutions. Unlike in the previous years, as many as **44% (22 reports) of the reviewed reports were not endorsed**, chiefly because they referred to the period when the Democratic Party of Socialists (DPS) and its partners were in power, without discussions on the specific details related to the work of the institutions. In the cases when the shortcomings in the work of the institutions were mentioned in the discussions, no specific conclusions or recommendations were provided for improving the situation in the given area. Only five of the reports endorsed by the Human Rights and Freedoms Committee were accompanied by conclusions that addressed the details concerning the operation of the relevant institutions.⁴

Although comparative practice suggests that they constitute a key source of information necessary for efficient parliamentary oversight, the ministries' reports are largely not delivered to the MPs in the Montenegrin Parliament, nor was that a routine practice in the previous period.⁵ The annual report of the Ministry of Defence was reviewed by the Security and Defence Committee in 2021, in line with the obligation stemming from the specific Law on the Parliamentary Oversight of the Security and Defence Sector.⁶ The other committees and ministries were not bound by a similar obligation. The Law on State Administration stipulates only the obligation of the ministries to deliver to the Government the reports on their performance and the state of play in the relevant administrative areas at least once a year. Although the Rules of Procedure provisions are sufficiently broad to imply that any of the standing committees and individual MPs may request delivery of any unclassified information held by the ministries and the Government, the ministries' reports do not undergo review in practice. The MPs tend to review the reports concerning institutions or policies only in the cases where specific laws stipulate that obligation.

MPS' QUESTIONS AND DELIVERY OF INFORMATION BY THE GOVERNMENT

By September 2021, the MPs had more questions for the members of the Government (261) than during the entire 2020 (213), when the coronavirus outbreak impacted a scale-down of Parliament's activities. Still, it is interesting to note that, similarly to 201 and 2020,

4 Infographic: [Ne usvaja se izvještaj, pa šta? \(Reports do not get endorsed -so what\)](#), Institute Alternative, 09 July 2021.

5 According to the report of the Inter-parliamentary Union, around 65 per cent of the parliaments that responded to the questionnaire as a whole indicated that they receive such reports. The annual reports usually contain assessments of fiscal indicators and ministry performance and activity. Some parliaments use the reviews of annual reports to inform the committees' agendas and to launch inquiry committees. See: [Parliamentary oversight: parliament's power to hold the government to account](#), Interparliamentary Union and United Nations Development Programme, 2018.

6 Law on the Parliamentary Oversight of the Security and Defence Sector, [Official Gazette of Montenegro](#) 80/10

20 per cent of the MPs did not ask any questions during the first year of the term of the new Parliament. Two “ministerial hours” were held – this new concept was introduced by the December 2020 amendments to the Rules of Procedure. On those two occasions, the Minister of Health and the Minister of Foreign Affairs responded to the questions on immunisation against coronavirus and diplomatic-consular offices. Unlike the previous years, the opposition was more active than the parliamentary majority in terms of MPs’ questions in 2021, with opposition MPs posing 51% of the questions.

The quality of the responses to the MPs’ questions varied; the MPs frequently alerted to the Government not observing the deadlines for delivering the requested information. Due to the Government’s non-compliance with the 15-day deadline for delivering such information under regular circumstances⁷, the MPs often had to resort to MPs’ questions for the same purpose, which hampered the oversight function of that mechanism. On the other hand, the responses to MPs’ questions, in particular concerning a specific topic, still do not serve as the basis for the MPs’ further activities in the given areas. Furthermore, the practice persists whereby the MPs of the constituents of the parliamentary majority use MPs’ questions to promote some Government members rather than as an oversight mechanism that should help improve their performance.

INTERPELLATIONS AND DISMISSALS OF MINISTERS

Three interpellations were submitted by 23 September 2021:

- For a review of the Government of Montenegro policy in the field of the judiciary and human and minority rights;
- For a review of the Government of Montenegro policy in the field of agriculture;
- For a review of the Government of Montenegro policy in education.

In parallel with the interpellation in the field of the judiciary and human and minority rights, the Prime Minister submitted to the Parliament the motion to dismiss the Minister of Justice and Human and Minority Rights, following the Minister’s controversial statement concerning the genocide in Srebrenica. This brought about a precedent in the Montenegrin parliamentary practice, the “asymmetrical vote” by the MPs of the parliamentary majority and the opposition, and the Minister’s dismissal.⁸ The other two motions for interpellation were submitted in July 2021. The Government used the opportunity to provide a written report with its opinions and positions concerning the interpellation only in the case of the interpellation on agriculture.⁹

7 Article 50, [Rules of Procedure of the Parliament of Montenegro \(consolidated text\)](#), No. 00-32-1/21-1/15, EPA 134 of 22 July 2021.

8 [Decision on the dismissal of the Minister of Justice, Human and Minority Rights in the 42nd Government of Montenegro](#)

9 Prof. Zdravko Krivokapić, PhD, [Report on the allegations made in the Interpellation for a review of the Government policy in agriculture](#)

IMPLEMENTATION OF THE PARLIAMENT'S CONCLUSIONS AND RECOMMENDATIONS

The key indicators of the MPs' oversight activities clearly show that specific conclusions and recommendations to the executive still get generated only rarely. The amendments to the Rules of Procedure provide the committees' obligation to monitor the implementation of the conclusions passed on the basis of a control hearing. However, no detailed methodology of such monitoring was defined, and the roles of the General Secretariat and the Parliament Service in monitoring the conclusions and recommendations were not fully specified.

The quality of formulation of the conclusions and recommendations was not sufficient either to provide a good basis for clear indicators to be used when monitoring their implementation. For instance, in relation to the control hearing of the Minister of Interior on the security situation in the country, which was held on 26 April 2021, the Security and Defence Committee adopted a conclusion saying that, due to the noted slippages in addressing the events that had the potential to threaten public order and peace, the Ministry of Interior and the Police Directorate were required to act "with particular care and in a full professional capacity, in the aim of preserving rule of law, peace and stability, and to ensure full protection of the lives and property of all citizens of Montenegro".¹⁰ Although the conclusions constituted a clear political message, this phrasing did not provide sufficient guidance for further oversight activities and monitoring of the competent authorities' actions in the given field. On the other hand, the consultative hearing of the Minister of Ecology, Spatial Planning and Urbanism before the lead Committee provided a positive example, of conclusions and recommendations formulated with more clarity. Following the hearing, the Committee on Tourism, Agriculture, Ecology and Spatial Planning adopted seven conclusions calling upon the Government to step up the activities towards the development of the Spatial Plan of Montenegro and setting the deadline for the Plan to be delivered to the Parliament. Reference was made also to the stakeholders to be involved in the development of the Plan, the required legislative amendments, the deadline for setting up a database of spatial data, the deadline for delivering information on the ongoing digitalisation of the data required for spatial planning etc.¹¹ Formulation of clear conclusions and demands from the executive is still not a widespread practice; it could be referred to as a series of incidents the outcomes of which have to be monitored in the forthcoming period to assess to what extent the Government has met its obligations.

10 The Security and Defence Committee, [Report on the control hearing of the Minister of Interior Sergej Sekulović on the security situation in Montenegro](#), Podgorica, 26 April 2021.

11 Minutes from the Sixth Meeting of the Committee on Tourism, Agriculture, Ecology and Spatial Planning of the 27th Parliament of Montenegro held on 29 July 2021.

WHAT NEXT?

The amendments to the Rules of Procedure from December 2020 identified the need to strengthen the MPs' role; they also put in place certain regulatory preconditions for a more efficient parliamentary oversight. However, the occasional boycotts by the key constituents of the parliamentary majority and the opposition were not the only reason behind the lack of impact of oversight function – another reason was the hesitance of the MPs to formulate clear conclusions and recommendations for the executive and other institutions they oversee.

The available oversight mechanisms were not evenly used by the different committees and MPs: this is sufficiently illustrated by the data on the “concentration” of control hearings, with a single committee holding two-thirds of all the control hearings organised during the first year of the term of the new Parliament. The Government was not up to the standard in delivering the requested information and materials to the MPs. Review of reports was the parliamentary oversight mechanism that was particularly under-estimated, as illustrated by the fact that the Parliament received only one performance report from a ministry in 2021.

RECOMMENDATIONS

01

To reinforce the obligation of the Government and its ministries to deliver the information requested by the Parliament, regulatory amendments (to the Rules of Procedure or by means of introducing a Law on the Parliament) should ensure that information on the delivery of such information and documents be included under one point of the agenda of the next plenary session. In addition, organisation of urgent ministerial or PMs' hours in the situations when the MPs have not received information from the Government or line ministries within the set deadline and no explanation is provided could be considered and regulated;

02

The MPs should make more use of the opportunities to exercise oversight function as provided in the Rules of Procedure of the Parliament, in particular with regard to proposing conclusions and recommendations to the authorities of the executive on the basis of reviewed reports, obtained feedback on the topic at hand or control hearings organised;

03

Amendments to the Law on State Administration or introduction of a law on the Government should stipulate the obligation of the ministries to deliver to the Parliament and its lead committees their annual performance reports, along with an overview of the fulfilment of key objectives and performance indicators and financial reports;

04

The General Secretariats of the Government and of the Parliament should facilitate a smooth exchange of information between these two institutions by seeking to comply with the deadlines and the provisions of the Rules of Procedure concerning the availability of materials and information to MPs;

05

Either the amendments to the Rules of Procedure or the provisions of the prospective Law on the Parliament should expressly refer to the possibility of conclusions and recommendations following the sittings devoted to specific topics (ministerial hour) and MP questions in general;

06

Amendments to the Rules of Procedure or the Law on the Parliament should stipulate the obligation of the Government to deliver a written report on the positions and allegations made in an interpellation;

07

The MPs should, together with the General Secretariat of the Parliament, develop a methodology for monitoring the conclusions and recommendations issued by the Parliament to other institutions.

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.

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