

GOVERNMENT AND NON-GOVERNMENTAL ORGANISATION IN THE EUROPEAN INTEGRATIONS PROCESS

Partners or adversaries?



Stabilisation and Association Agreement (SAA) and European Partnership both singled out cooperation between the government



by Stevo Muk

and non-governmental organisations as an important area with regard to fulfilling the requirements for accession to European Union. This question is clearly defined in the preamble of the SAA, which stipulates the commitment of both parties to contribute as much as is in their power to the political, economic and institutional stabilisation of Montenegro and the entire region through, among other, development of the civil society, democratisation, institution building and public administration reform.

Memorandum on Cooperation bet-

Cooperation requires openness, readiness to provide the partners

ween the Secretariat for European Integrations and twelve non-governmental organisations was signed in May 2008 in Cetinje. It was an event which accompanied public debate on the draft National Plan for Integration of Montenegro into European Union. This Memorandum came to replace the one concluded between the Ministry for Foreign Economic Relations and European Integrations and a number of non-governmental organisations in June 2004.

The new agreement envisages cooperation in the fields of reform necessary for the implementation of the SAA and association with EU; strengthening of administrative capacities of the country in order to harmonise its legislation with EU acquis; implementation of the Communication Strategy to inform the public about the Montenegro's association process with EU; preparations for EU pre-accession funds, development of economic and social cohesion and preservation of natural and cultural heritage, as well as protection of the

environment and sustainable development. The agreement is open to all non-governmental organisations and civic society organisations that wish to join it.

Those NGOs who expressed their interest in the matter were involved in the creation of the Communication Strategy to inform Montenegro public about the EU accession process.

Secretariat for European integrations, in cooperation with NGOs prepares annual action plans, as well as joint reports on implemented activities, and both these documents need to be subsequently endorsed by the Government.

In spite of this, a significant number of non-governmental organisations believe that Montenegro still lacks sufficient and adequate mechanisms for continuous information and participation of NGOs in the process of Montenegro's association with EU, and that these organisations are frequently left out in the process of consultations and agenda setting in the context of programming the implementation of pre-accession funds.

Strategy for cooperation between the

willingness to accept criticism, with the necessary resources

Government of Montenegro and non-governmental organisations, adopted in January 2009, states that "European integrations represent a process which reaches into every segment of the political and social life of a country. Therefore the NGOs have been very active in monitoring and supporting the European integrations process. The process of EU accession can serve as a potential catalyser for the adoption of

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European principles of good governance and as a solid foundation for the strengthening of the culture of dialogue and establishment of effective cooperation mechanisms between the Government and NGOs. The government will continue to promote permanent public dialogue on the process of association and accession of Montenegro

to EU, on the various aspects of this process, negotiations, reforms and results, as well as on the greater involvement of NGOs in the implementation of the Communication Strategy to inform Montenegro public about the EU accession process. The Government will also create the conditions for the involvement of NGO representatives in the process of translating certain parts of the acquis, using their expert and professional capacities".

The strategy also states that the Government will make "information and data on the use of EU pre-accession fund available to the NGOs and ensure greater participation of their representatives in setting the priorities to be financed from the said funds. Also, related to the pre-accession funds, the Government will consider the possibility of creating mechanisms for the co-financing of NGO projects that receive EU funding from the revenues received from hazard games. The government will "support NGO's efforts to establish and maintain contacts with the partners from other countries of the region and EU member states, as well as EU institutions, be they representatives of non-governmental or national and EU administrative structures. With regard to the training of public servants and NGO activists in the specific matters of European integrations that can play an important role in informing and preparing the citizens for the adoption of standards in certain areas, the Government and NGOs will pool their capacities".

In spite of this, while the implementation of the Action plan of the Government of Montenegro regarding NATO accession, for instance, received substantial financing from the state budget,

including some financing for the activities of non-governmental organisation, implementation of the Strategy and Action plans in the process of European integrations received no budget financing.

Most NGOs in the country are unanimous in their assessment that enlisting the activities of non-governmental organisations

that have not been financed by the Government but received funding from private donors, international and other foreign organisations and institutions in the Government's reports on the implementation of the Communication Strategy is a bad practice that ought to be immediately discontinued.

For more than a year, Secretariat for European Integrations has been promising a new Strategy for informing the public about Montenegro's association process with European Union. The new strategy ought to be developed with participation of all interested non-governmental organisations, especially those who have signed the memorandum of understanding with SEI. The process has not yet been initialised, however, and in order to create a serious document both sides ought to secure adequate resources.

As for the National Plan for Integration of Montenegro into European Union, Secretariat for European Integrations believes that non-governmental sector can be involved in revising the NPI "in accordance with their programmes and capacities – for example, through direct expert support in various segments of the EU law or securing such support via projects with



outsiders.

The communique states that "the Questionnaire is the property of European Commission, which is not eager to see these questions made public. It should therefore be clearly explained to the national public that the questions and answers can only be published once the process is completed, i.e. once the

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foreign non-governmental and other organisations; through joint projects such as compiling glossaries for certain areas; in translating EU regulations and, naturally, by providing proposals, suggestions and comments to the already adopted NPI for 2008–2012".

To date, however, the Government has failed to provide a set of concrete, structured guidelines to possible forms of cooperation in this important work.

While awaiting the positive signal to Montenegro's application for a candidate status for EU membership, non-governmental organisations are also awaiting the invitation to give their contribution to create quality responses to the Questionnaire of the European Commission. In the meantime, in January, the Government circulated a recommendation to all employees in public administration not to give the EC questions or Government's answers to the

European Commission formulates its final opinion". Until then, all information for the public ought to be focused on "general information (the number of questions in total and per chapter, the basic gist of the questions, without citing them)". The answer to the question – how are the non-governmental organisations to be involved in this process – remains unanswered, but the apparent introvert character of this process does not leave much scope for NGO's involvement and cooperation.

Deputy prime minister for European Integrations, as the head of the Commission for fighting corruption and organised crime, stood firmly by the Government's decision not to include the need for the adoption of a law on transparency in preparing and implementing state legislation in the new Action Plan. This document was proposed by the Centre for Development of Non-Governmental Organisations (CDNGO) two

years ago, in order to establish a legal basis and identify procedures for the participation of the public, and especially non-governmental organisations, in the development of public policies. The Government insists this would only slow down the legislative process. This is hardly acceptable, because the implementation of this law and the legislative process in general ought to be based on a clear, precise and observed blueprint, but also because democratic procedures are always more demanding in terms of time and other resources than authoritarian individual decisions. Unfortunately, this attitude on the part of the Government testifies to the lack of political will to open up to the public to the extent required by the complexity of European integration process.

Cooperation requires openness, willingness to accept criticism, readiness to provide the partners with necessary resources. Cooperation also requires joint planning and joint implementation when this is in their mutual interests, but also the freedom for non-governmental organisations to act freely and independently, including their right to publicly comment on the quality of work of public officials and institutions.

Public participation in the development of public policies is aimed at improving these policies, as the involvement of other actors outside of the Government maximises resources available to a society. It strengthens democracy, because public participation can only make the Government more transparent and more accountable. It strengthens the trust in the Government, because the public is involved in the planning, contributes to the preparations and thus has a greater sense of ownership over the results of these policies.

If, on the other hand, the goal of cooperation is simply to be able to say in a report sent to some important European address that the Government and NGOs have signed a memorandum on cooperation and are cooperating in some technical matters, the approach is not simply flawed –in the long run, it cannot yield positive results neither for the Government nor for NGOs nor for the society and the state.

This is therefore the right moment for all actors in this cooperation to rethink what they could do to make it substantively and qualitatively different.

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