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Law on Parliamentary Oversight of  
Security and Defense Sector  
- First Year of Implementation -

*2011  
Monitoring Report*

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*2011 Monitoring Report*

**FRIEDRICH  
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*December 2011  
Podgorica*



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## *Introduction*

The Law on Parliamentary Oversight of Defense and Security Sector was unanimously adopted by the Parliament of Montenegro in December 2010, after nearly three years since the conception of idea of the need for its adoption. The basic objective of the Law was to enable the Parliament of Montenegro, directly through the Committee for Defense and Security conducting the oversight of authorities in charge of security and defense, to ensure the protection of citizens' freedoms and rights against possible abuse, as well as to contribute to the development of a comprehensive and modern security system of Montenegro. The Law specifies the manner of conducting parliamentary oversight of actions of authorities and institutions dealing with the security and defense issues, their duties, as well as the relationship of the Committee for Defense and Security to the Parliament and Government of Montenegro.

The authors of this paper endeavored in providing an objective and comprehensive overview of the work of both the Parliament and the Committee for Defense and Security in 2011, being important as the first year of implementation of the Law on Parliamentary Oversight of Defense and Security Sector. The scope of this paper is not limited to the numbers and statistical data, and it simultaneously represents an overview of meeting the key competences defined by the Law and Rules of Procedures of the Parliament. Furthermore, the objective of the paper is to underline the problems encountered in the parliamentary oversight functioning, as well as to emphasize that the Law has failed in thoroughly addressing certain issues that the authors of this paper have raised during its development.

With this paper, the Institute Alternativa aims at strengthening the discussion and public dialogue tradition in reference to the work of the Committee for Defense and Security and, generally, the functioning of the parliamentary oversight of the defense and security sector. This is the first in a series of annual reports through which we will endeavor in developing the oversight methodology of both the Parliament and the Committee in reference to this issue, benchmarking the fulfillment of the legal provisions, and finally to assist in the process of planning the parliamentary oversight performance.





## Summary

The Committee for Defense and Security (hereinafter: the Committee) held 16 sessions, reviewed 36 items of the Agenda, discussed 5 proposals of laws, held 2 consultative and 2 oversight hearings in 2011.

The Parliament was unprepared for assuming the obligations arising from Law on Parliamentary Oversight of Defense and Security Sector (hereinafter: the Law): only one, out of eleven submitted reports on the parliamentary oversight conduct was discussed at the plenary session. Simultaneously, the Law has been breached, since the Committee's report was not the subjected to the discussion at the plenary session.

This year was featured by the passivity of the governing party members, while the responsibility for launching the initiative for conducting the oversight almost exclusively rested on the opposition members. However, on the occasion of holding the first parliamentary session, the opposition also failed to use the legal option of holding a Session with one agenda item.

The activities of Committee, in reference to the budgetary control of oversight entities, are numerous, yet not necessarily more thorough compared to the recent years. Furthermore, in this year the Committee has increased the number of conducted oversight and consultative hearings. However, conclusions and reports adopted at the oversight sessions suffer from generalities, lacking of clear proposals and measures for taking future actions. The consultative hearings were for the first time conducted in the current convocation, whereas their organization is at the high level. In this year, neither the Committee nor the other parliamentary working bodies used the parliamentary inquiry option.

The debate cycle on annual reports of oversight entities was featured by the incompleteness, untimely consideration, and in some cases, by the insufficient time devoted and closing of certain hearings for the public.

In a year in which the National Security Agency (hereinafter: NSA) was empowered to carry out the new types of the secret surveillance measures (hereinafter: SSM), pursuant to the amendments to the Law, the Committee failed in dealing with SSM implementation oversight. In 2011, areas that were pushed into the background were: respect of political, ideological and interest neutrality of the oversight entities, information on the implementation of the National Security Strategy, foreign trade in controlled goods, etc.

As far as the relationship between the opposition and governing coalition is concerned, some improvements were made, reflected in both the higher degree of using the oversight tools comparing to the previous years and the acceptance of certain amendments lodged by the opposition's majority. However, even this year, a significant number of initiatives for conducting oversight hearings, launched by the opposition, were rejected, and the opposition and governing coalition occasionally succeeded in reaching an agreement about the common conclusions. Furthermore, the Committee is still operating without a Deputy Chairman to be appointed from the opposition delegates.

The range of the topics that Committee considered in the course of 2011 was praiseworthy, yet a significant number of activities listed in the annual plans remained unfulfilled.

In brief, it seems that the adoption of the Law, to a certain extent, has triggered both the proactive and the more efficient work of the Committee, although it stills suffers from the insufficient use of the available oversight tools and uncertainty of conducted parliamentary oversight results.

## Overview of the Committee's Sessions in 2011

<b>February</b>	<b>27<sup>th</sup> Session</b> – Two proposals of laws reviewed and adopted (Proposal of the Law on Amendments to the Law on NSA, Proposal of the Law on Amendments to the Law on Weapons), the Committee's work plan for the current year adopted.
<b>March</b>	<b>28<sup>th</sup> Session</b> – Information on the implementation of the Parliament's and Committee's conclusions adopted at 24 <sup>th</sup> Session reviewed (action "Balkan Warrior"), and the adoption of the conclusions following the discussion stating that the cooperation and coordination of the state authorities, that submitted the information on the action "Balkan Warrior" to the Committee, has been enhanced and that the Committee will request the same information to be submitted by the State Prosecutor. <b>29<sup>th</sup> Session</b> – Five amendments to the Proposal of the Law on Amendments to the Law on NSA reviewed. <b>30<sup>th</sup> Session</b> – Amendment to the Proposal of the Law on Amendments to the Law on NSA reviewed, submitted by the delegate Goran Danilović.
<b>April</b>	<b>31<sup>st</sup> Session</b> – Proposal of the Law on Amendments to the Law on Protection and Rescue, Committee's 2010 Annual Report reviewed, and Committee's 2011 Plan for exercising the oversight role determined.
<b>May</b>	<b>32<sup>nd</sup> Session</b> – Information on actions of the Supreme State Prosecutor in the case of "Balkan Warrior" reviewed.
<b>June</b>	<b>33<sup>rd</sup> Session</b> – 2010 Annual Report on the status of the protection and rescue system and the Information on floods in Montenegro for the period November - December 2010 reviewed.
<b>July</b>	<b>34<sup>th</sup> Session</b> – 2010 Annual Report of the Ministry of Defense and 2010 Annual Report of the Army of MNE, 2010 Report on Deployment of Montenegrin Troupes in International Force, and the proposal of the Decision on sending the members of the Army of MNE to ISAF mission reviewed. <b>35<sup>th</sup> Session</b> – NSA 2010 Annual Report reviewed.
<b>October</b>	<b>36<sup>th</sup> Session</b> – Consultative hearing held in reference to the floods prevention, attended by the representatives of related institutions and authorities, as well as NGO's. <b>37<sup>th</sup> Session</b> – Consultative hearing held in reference to the maritime security and safety of MNE, attended by the representatives of related institutions and authorities, as well as the representatives of OSCE Mission and NGO's. <b>38<sup>th</sup> Session</b> – Oversight hearing of NSA Director held on the organization and operation of the members of the Wahhabi movement in Montenegro and security risks from possible terrorist attacks of extreme members of this movement, in the territory of Montenegro. <b>39<sup>th</sup> Session</b> – Proposal of the Law on Year-end Account of the Budget of MNE for 2010, accompanied by the 2010 Audit Report of the Year – end Account of the Budget of MNE reviewed, in a part related to the following spending units: Ministry of Defense, Ministry of Internal Affairs, NSA and the Police Administration. In addition to the members of the aforementioned spending units, the session was attended by the representatives of the Ministry of Finance and State Audit Institution. The Committee has unanimously proposed the Parliament to adopt the Proposal of the Law. <b>40<sup>th</sup> Session</b> – Proposal of the Law on Budget for 2012 reviewed, in a part related to the Ministry of Defense, Ministry of Internal Affairs, NSA and the Police Administration. The Session was attended by the representatives of the aforementioned spending units, as well as the representatives of the Ministry of Finance, being the author of the Law. Following the discussion, the members of the Committee have unanimously supported the opinion to the Proposal of the Law on Budget for 2012.
<b>December</b>	<b>41<sup>st</sup> Session</b> – 2010 Annual Report of the Police Administration and the security status in 2010 reviewed and approved by majority of vote, Decision on oversight hearing in reference to: - Listings in cases of "Keljmendi" and "Šarić" passed. <b>42<sup>nd</sup> Session</b> – Oversight hearing of the Director of the Police Administration, Director of NSA and the Special State Prosecutor in reference to: - Listings in cases of "Keljmendi" and "Šarić".

## 2011 in Numbers

**16**  
Sessions held

**36**  
Agenda items reviewed

**5**  
Proposals of laws  
reviewed

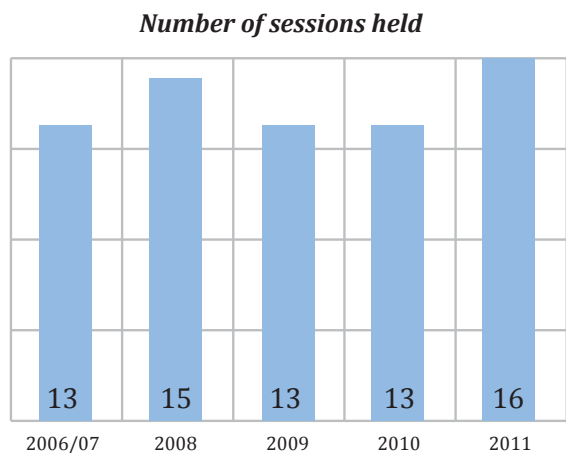
**2**  
Consultative Hearings

**2**  
Oversight Hearings

### Annual Reports Review

Pursuant to the Law, the Committee considers the Annual Reports of the Ministry of Defense, Army of MNE, NSA, Police Administration and the Ministry of Internal Affairs. The aforementioned institutions are obliged to submit their reports by the end of the first quarter of the current year for the previous year,<sup>1</sup> i.e., in this year's case, by the end of March 2011 for work completed in 2010.

This segment of the Committee's work is arguable due to incomplete insight into the operations of oversight entities, failure to timely review some reports, and delays in addressing at sessions, a great number of reports that are covering different subjects.



The Committee does not discuss the Annual Report of the Ministry Internal Affairs as a whole; hence, the discussion is focused on the work performed by a single organizational unit of the Ministry – Sector for Emergency Situation and Civil Security.<sup>2</sup> Thus, the Committee failed to make an insight into the implementation of other levels of competency of this Ministry, such as the work of the Department for security – protection operations and supervision, Department for integrated border management and border crossings, Department for internal control of the police, etc.

The consideration of certain reports was excessively delayed. Although envisaged for the second quarter, the Annual Report of the Police Administration was discussed at the end of the fourth quarter, while this activity was scheduled for the second quarter.<sup>3</sup> The Committee often considers Annual Reports for the previous year at the very end of the current year. Among other things, the Committee considered NSA 2008 Annual Report, at the end of 2009<sup>4</sup>, and this was also the case with the Annual Report of the Ministry of Defense.<sup>5</sup> The customary practice of considering last year's Annual Reports in the second half, or the fourth

1 Article 7 item 3 of the Law on Parliamentary Oversight of Defense and Security Sector;

2 Report of the Sector for Emergency Situation and Civil Security was discussed at 33<sup>rd</sup> Committee's Session, of 20 June 2011, and the adopted report (with the conclusions), available at: [http://www.skupstina.me/index.php?strana=sjednice&tipS=1&sjednicaid=1088&menu\\_id=7.2.2](http://www.skupstina.me/index.php?strana=sjednice&tipS=1&sjednicaid=1088&menu_id=7.2.2)

3 41<sup>st</sup> Session of 12 December 2011.

4 7<sup>th</sup> Session of 11 December 2009.

5 9<sup>th</sup> Session of 6 November 2009.

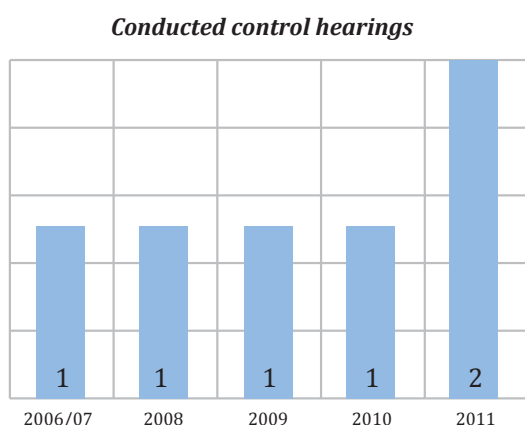
quarter of the current year is not an unusual practice of the Committee which is undermining the reporting purpose. The fact that proves the aforementioned thesis occurred during this year's discussion of 2010 Annual Report of the Police Administration – the biggest part of the Session was devoted to the events that occurred in this year, particularly the affair "Listing" that became the burning issue in December of this year.

During one session<sup>6</sup> the Committee considered 2010 Annual Report of the Ministry of Defense and 2010 Report of the Army of Montenegro, Report on Deployment of Montenegrin Troupes in International Forces 2010, and the proposal of the Decision on sending the Army members to UN ISAF mission. The aforementioned practice undermines the oversight seriousness of the key documents through which the Committee is becoming familiar with the work of the oversight entities, that may be further used as ground for launching oversight initiatives. Moreover, the oversight of sending the members of Army of Montenegro to the peacekeeping missions and approval for the deployment of new troops and making the insight into the recent activities represents a crucial competence of the Committee. Consolidating discussions, either on the aforementioned or other issues with the discussion on reports of oversight entities, is acceptable only if these topics are addressed at a separate session, which this time was not the case.

## Control Hearings

In 2011, the Committee conducted two control hearings:

- Control hearing of Vladan Joković, NSA Director, on the organization and activity of the members of the Wahhabi movement in Montenegro and safety risks from the possible terrorist attacks of extreme members of this movement, in the territory of Montenegro.<sup>7</sup>
- Control hearing of NSA Director and the Special State Prosecutor for combating organized crime – Listings in cases "Keljmendi" and "Šarić".<sup>8</sup>



The total number of conducted hearings represents an improvement in comparison to the last four years, when the Committee was conducting one hearing at the average. However, the situation would be, at least in terms of numbers, more favorable, having in mind the fact that the Committee held two additional Sessions, the content of which corresponds to the definition of control hearing.

The aforementioned were two Sessions committed to the consideration of information on actions of competent authorities pursuant to the Committee's conclusions of last year. During

6 34<sup>th</sup> Session of 1 July 2011.

7 38<sup>th</sup> Session of 14 November 2011.

8 42<sup>nd</sup> Session of 23 December 2011.

the last year's control hearing, in reference to the case "Šarić", the Committee concluded that the quality of coordination was poor and that authorities should commit more<sup>9</sup>. In accordance with the Committee's conclusions, the Parliament adopted its own conclusions, requiring competent authorities (Police Administration, NSA, Administration for the Prevention of Money Laundering and Terrorist Financing) to submit to the Committee reports on efforts made to improve the situation, requiring the Committee to consider these reports<sup>10</sup>. In the light of the above, the Committee held a Session in March 2011<sup>11</sup> devoted to the consideration of information on fulfillment of the Parliament's conclusions. The Session was attended by Veselin Veljović, Director of the Police Administration, Predrag Mitrović, and Director of the Administration for the Prevention of Money Laundering and Terrorist Financing and Vladan Joković, NSA Director. It was concluded that the cooperation and coordination between the state authorities, that submitted the information on the action "Balkan Warrior", has improved. After discussion, the Committee adopted the conclusions that resulted in scheduling the second Session, which de facto, represented the control hearing. The second Session, representing a follow – up of first one, was held in May and it was devoted to the consideration of information on actions of the Supreme State Prosecutor of MNE in case "Balkan Warrior", attended by the Supreme State Prosecutor Ranka Čarapić.<sup>12</sup>

It is unclear why these activities were not addressed as the control hearing. This practice does not allow for proper recording and evaluation of the use of oversight tools at the parliamentary working bodies level.

### ***Initiatives***

Both control hearings held during this year, were scheduled at the initiative of the opposition delegates.<sup>13</sup> The control hearing of NSA Director held on 38<sup>th</sup> Committee's Session has been conducted at the initiative launched by the delegate Nebojša Medojević (Pokret za promjene), requiring a special session of the Committee for addressing the possible risks of the Islamic extremist actions. The second control hearing in reference to the affair "Listing" was also conducted at the initiative of the opposition members, entailing the recent initiative on the same issue.<sup>14</sup>

Several initiatives for conducting control hearings launched by the opposition have not been welcomed by the governing party members:

- The control hearing of the Director of Prison Institute, Minister of Justice and the Minister of Internal Affairs in reference to the security situation in the Prison Institute due to the death of a detainee in custody Milivoje Terzić<sup>15</sup>
- Control hearing in reference to the allegations on cross – border smuggling with Kosovo.

9 16<sup>th</sup> Session of 23 February 2010, conclusions available at: [http://www.skupstina.me/cms/site\\_data/AKTI%202010/Izvjestaj%20sa%2016%5B1%5D\\_sjednice%20BEZBJ\\_.pdf](http://www.skupstina.me/cms/site_data/AKTI%202010/Izvjestaj%20sa%2016%5B1%5D_sjednice%20BEZBJ_.pdf)

10 SU-SK No. 01-632/7 of 30 November 2010.

11 28<sup>th</sup> Session of 18 March 2011.

12 32<sup>nd</sup> Session of 9 May 2011, details at: [http://www.skupstina.me/index.php?strana=sjednice&tipS=1&sjednicaid=1044&menu\\_id=7.2.2](http://www.skupstina.me/index.php?strana=sjednice&tipS=1&sjednicaid=1044&menu_id=7.2.2)

13 38<sup>th</sup> Session was devoted to the oversight hearing of NSA Director, conducted at the initiative of the political party "Pokret za promjene" Nebojša Medojević, who requested the Committee to schedule a special Session devoted to the possible risks of the Islamic extremist actions.

14 The original initiative of the President of "Pokret za promjene" (Oversight hearing of the Minister of Justice, Supreme State Prosecutor, Police Administration Director and NSA Director in reference to the publicly released phone conversation listings with Naser Keljendi, allegedly the result of SSM implementation, is in compliance with latest events and it was lodged by the opposition opting for Article 12 of the Law on Parliamentary Oversight of Defense and Security Sector.

15 Initiative launched on 16 November 2011, available at: [http://promjene.org/index2.php?option=com\\_content&do\\_pdf=1&id=1954](http://promjene.org/index2.php?option=com_content&do_pdf=1&id=1954)



- Control hearing of the Minister of Justice, Supreme State Prosecutor, Police Administration Director and NSA Director in reference to the disclosure of the phone conversation listings with Naser Keljmendi, being allegedly a result of SSM implementation.<sup>16</sup>
- Control hearing of the Foreign Affairs Minister Milan Roćen and NSA Director Vladan Joković in reference to the assessments of NATO Montenegro Progress Report, stating that the security services are not acting in compliance with NATO standards.<sup>17</sup>

The civil society also launched initiatives for the implementation of the oversight tools.<sup>18</sup> In 2011, the governing coalition delegates failed to launch initiatives for conducting control hearings.

### ***Detailed Information on Conducted Control Hearings***

The first control hearing was devoted to the organization and operation of the Wahhabi movement in Montenegro and security risks from possible terrorist attacks of extreme members of this movement on the territory of Montenegro. Vladan Joković, NSA Director, in a Session closed for the public, informed the members of the Committee about NSA's operations and assessment of the situation in Montenegro in reference to the religious extremism. The hearing served to allay the fears over the Wahhabi movement, generated by the events in Sarajevo, October 2011.<sup>19</sup> The main message conveyed by the Committee was that NSA must fully commit and engage in reviewing the religious extremism phenomenon from the security aspect. At the plenary session, the Parliament did not discuss submitted Committee's report on conducted control hearing.

The control hearing of the Directors of Police Administration and NSA and the Special State Prosecutor for combating organized crime in reference to the topic – Listings in cases “Keljmendi” and “Šarić” was held at the initiative lodged by the opposition, which in this case have used for the first time the options referred to in Article 12 of the Law<sup>20</sup>

This Session was specific due to the fact of producing two sets of conclusions, one adopted by the governing coalition and draft conclusions adopted by the opposition delegates that were not subject to discussion. Both sets of conclusions are declarative, general and do not provide for a clear and specific proposal of measures or actions to be taken. Conclusions adopted by the governing coalition are quite general:

“Competent state authorities must continue activities aimed at early detection of persons responsible in the cases: “Listing, “Keljmendi” and “Šarić”. Oversight entities must timely inform the Committee about the actions taken in these cases, for the purpose of assessing the need for continuing the control hearing“.

It should be noted that neither the exact manner of informing the Committee, nor the timeframe and format for submitting requested information were determined.

This conclusion was not supported by the opposition delegates. Goran Danilović, “NOVA” delegate, had specific conclusions on which the members of the Committee have not rendered an opinion. The delegate Danilović proposed the Committee to conclude that the investigation of the affair “Listing”

16 Initiative launched on 23 November 2011, available at: <http://promjene.org/saopstenja-za-javnost/inicijativa-za-zakazivanje-sjednice-Committeea-povodom-telefonskih-listinga-nasera-keljemendija.html>

17 All the aforementioned initiatives were launched by the President of “Pokret za promjene”, Nebojša Medojević.

18 In October 2011, Youth Initiative for Human Rights (YIHR), requested the Committee to organize the oversight hearing of Boro Vučinić, in reference to the pressure and discrimination against the management and members of the Union of the Army of MNE.

19 Member of this religious movement shot at the U.S. embassy in Sarajevo. This event resulted in scheduling the aforementioned oversight hearing, conducted at the request of Nebojša Medojević, leader of “Pokret za promjene”, who had previously requested a special Session of the Committee to be devoted to possible dangers of the Islamic extremist activities.

20 “(...) Once during the regular convocation of the Parliament, the Committee shall hold a session at the request of one third of the Committee members, with one agenda item.”

failed in providing concrete results and that the Special Prosecutor for combating organized crime had neither used a full range of information submitted by the Police Administration, nor it investigated persons, that are of interest from the security aspect which might had been involved in the affair. Furthermore, Danilović requested the Committee to adopt the following conclusions: “There are communication gaps between NSA and the Police Administration. The Committee is requesting institution to enhance cooperation and resolve the affair, which has been undoubtedly administered with the intention of jeopardizing both Montenegro and the security system.”

Apart from some critical intonations, there are no significant differences between the aforementioned and the adopted conclusions. Both sets of conclusions, to the greatest extent, are focused on encouraging the relevant institutions and authorities to carry out activities falling under their constitutional and legal scope of work.

## *Consultative Hearings*

In this year’s 24<sup>th</sup> convocation, the Committee for the first time used the consultative hearings tool.<sup>21</sup> The Committee convoked two consultative hearings, and the topics were the “Floods Prevention”<sup>22</sup> and “Maritime Safety”<sup>23</sup> in Montenegro. Selected topics represent an improvement compared to the common issues that the Committee is dealing with through the control hearings, bringing a “breath of freshness” in the work of the Committee. The consultative hearings, although scheduled in relatively short period of time (both conducted in between seven days) were well prepared, open to the participation of experts and civil society representatives<sup>24</sup>, followed by a relatively detailed reports, with sporadically, very specific recommendations. It should be emphasized that the hearings were “linked” to the other activities of the Committee, in a way that one activity derived from a consideration of the Annual Report of the sector of the Ministry of Internal Affairs, and the second was followed by a visit to the institution. However, the reaction of the Parliament did not take place, and it failed to discuss the hearings reports at the plenary session.

The consultative hearing scheduled for the prevention of floods in Montenegro, was attended by the representatives of the relevant institutions<sup>25</sup> and NGO’s<sup>26</sup>. The reason for holding the consultative hearing were the last year’s floods, the worst ones in the history of Montenegro, due to which thousands of inhabitants were forced to leave their homes, generating unprecedented

21 It should be noted that the oversight hearings tool is being quite rarely used in the practice of the parliamentary working bodies. In these quite occasional situations when the hearings are conducted, usually the nature of the hearing tools is misinterpreted. Specifically, consultative hearings are usually used as a milder version of the oversight hearings, in a situation in which the delegates would rather “consult” than “control” the representatives of the executive power. This was not the case with the consultative hearings conducted by the Committee in 2011.

22 36<sup>th</sup> Session of 24 October 2011.

23 37<sup>th</sup> Session of 31 October 2011.

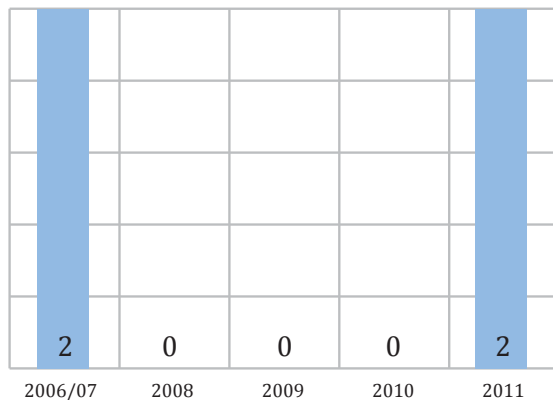
24 Through using the recently signed Memorandum on Cooperation between the Parliament and the Network of OCD for democracy and human rights

25 Representatives: Ministry of Internal Affairs, Zoran Begović, Assistant Minister and the Head of Sector for Emergency Situation and Civil Security; Ministry of Defense, Colonel Zoran Lazarević, Head of the Headquarters of Army of MNE and member of the Committee for reducing the risk of disasters; Ministry of Agriculture and Rural Development, Velizar Vojinović, Assistant Minister for water management; Police Administration, Nikola Janjušević, Assistant Director, Head of the police sector of general competence; and Luka Mitrović, Director of Hydrometeorological Institute of MNE,

26 Representative of Alfa Center – Dobrislav Bajović, Montenegrin Women’s Lobby – Aida Petrović, Action for democratic prosperity “Zid”- Zarija Pavićević and Center for Civil Initiative- Budislav Minić.

financial damage both to the seeds and the property. Having in mind the fact that the hearing was held at the end of October, more than a year after the escalation of the last year's autumn floods, the issue of timeliness of the Committee's reaction may be addressed. The selection of the momentum for holding the hearing fails to generate a major influence on the events in this year in reference to the floods prevention. The conclusion that may be drawn is that the hearing organized in the first quarter would have provided for more efficient results of the Committee's recommendations and proposals, as well as a better preparation in this year.

*Consultative hearings held*



The Committee members were introduced with the results achieved in the area of floods prevention in MNE in 2011. After the Session, pursuant to the Law<sup>27</sup>, the report on results of the consultative hearing, along with a number of specific measures<sup>28</sup>, were submitted to the Parliament. However, the report was neither on the Parliament's agenda, nor it was discussed at the Parliament's session.

The second hearing took place a week after holding the first one, and it was devoted to the

Maritime Safety and Security in Montenegro. The Session was attended by the representatives of state authorities and institutions<sup>29</sup>, NGO's<sup>30</sup> and OSCE.<sup>31</sup>

Pursuant to the Law, the Committee has submitted to the Parliament, the Report on results of consultative hearing<sup>32</sup>, which, in addition to the general assessments, provides for a number of specific proposals and recommendations. However, the Report was not on the Parliament's agenda; hence it was not considered at the parliamentary level.

One of the features of this Session, in addition to the extended attendance of experts in area subject to the discussion and detailed report that was produced, was the follow – up visit. Specifically, the Committee members have visited the Border Police Sector and Maritime Safety

27 Article 8 paragraph 5 of the Law on Parliamentary Oversight of Defense and Security Sector;

28 Inter alia, the Committee concluded that the Ministry of Finance, when formulating the proposal of the budget for 2012, should plan the funds for the spending unit – Water management Administration, or their projects for regulating the watercourse with the ToR. Furthermore, the Committee has estimated that it is necessary to consider the option of having the Private-Public-Partnership (PPP) for the project of cleaning and deepening the riverbed of the river Bojana, etc.

29 The representatives of the Ministry of Defense, Vice - Admiral Dragan Samardžić, Head of the Army Headquarters of MNE; frigate captain Darko Vuković and the Head of the Sector for international operations and missions in the Directorate of Defense Policy of the Ministry of Defense of the Republic of Slovenia, currently working as an advisor in the Ministry of Defense of Montenegro, Aljoša Selan; Ministry of Maritime Affairs and Transport, Snežana Đurković, maritime affairs coordinator; Police Administration, assistant director and the head of the border police sector, Vesko Vukadinović; Maritime Safety Administration, director Jasmina Isić; Port Authority, director Mladen Lučić.

30 Representatives of Alfa Center – Aleksandar Dedović and the Atlantic Union of MNE – Savo Kentera.

31 The following OSCE Mission representatives to Montenegro attended the Committee's Session: Lloyd Tudyk, Head of the Democratization Center and Ana Savković, Center's advisor. OSCE Mission to Montenegro has provided for the expert in the aforementioned area, Amedeo Watkins, PhD., who attended the hearing.

32 It is necessary to emphasize that the definition of the consultative hearing in the Law on Parliamentary Oversight differentiates from the one set forth in the Rules of Procedures. Specifically, the definition in the Rules of Procedures does not include the relationship of the Committee and the Parliamentary session, in reference to the consultative hearing, because it is neither stipulating which type of the regulation, document the Committee is adopting after conducting the hearing, nor the manner in which the Parliament is to be informed on the hearing, rights and obligations in reference to the Committee. However, there is Article in the Law that is obliging the Committee to inform the Parliament on the results of the consultative hearing, by submitting a special report.



Agency in Bar, representing the fulfillment of proposal brought in the course of the consultative hearing addressed to the maritime safety. The Committee organized the visit with the objective of becoming familiar with the working methodology of employees of the Border Police Sector and Maritime Safety Agency. The minutes of the visit were produced; however, they are not available on the webpage of the Parliament.

None of the two consultative hearings were announced in the Committee's work plan, although the reasons for holding them were neither ad hoc, nor they related to the events in 2011 (making difficult its anticipation).

## ***Oversight of the Secret Surveillance Measures Implementation***

In 2011, the Committee failed to focus the attention to the oversight of secret surveillance measures (SSM) implemented by NSA. This data is pivotal if we have in mind that in the course of the current year, though the amendment to the Law, NSA was empowered to implement new SSM.<sup>33</sup>

In addition to considering NSA's Annual Report, lacking from predefined structure and content, whereas it is unknown whether the Report contained data on SSM, the Committee has failed to exercise the competences specified in NSA Law: requesting special report on certain operations within the scope of work of the Agency, or a special insight into SSM implementation procedure.<sup>34</sup> The Committee failed to exercise the competence specified in the Law, i.e., consideration of a special report on SSM implementation.<sup>35</sup>

## ***Budget Control***

The budget control represents an important oversight segment of the security and defense sector and institutions that are under its competence. In the fulfillment of the aforementioned obligation, the Committee considered the Proposal of Year-end Account of the Budget for 2010 and Proposal of the Budget Law for 2012 in a separate Sessions, in a part related to the spending units in defense and security sector.

In 2011, the Committee has continued with the practice of discussing the budget proposal for the subsequent year, whereas Sessions were attended by the representatives of the Ministry

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33 New measure "surveillance of the indoor facilities, closed spaces and objects with the use of special technical devices". Article 9 paragraph 1 item 5 of the Law on National Security Agency ("Official Gazette of the RoM", No. 28/05 of 5 May 2005, "Official Gazette of MNE", No. 86/09 of 25 December 2009 and 20/11 of 15 April 2011).

34 Article 46 of the Law on NSA ("Official Gazette of the RoM", No. 28/05 of 5 May 2005, "Official Gazette of MNE", No. 86/09 of 25 December 2009 and 20/11 of 15 April 2011).

35 Article 7 item 8 of the Law on Parliamentary Oversight.

of Finance, the author of the Law, and spending units subject to the Committee's oversight.<sup>36</sup> The Committee's opinion that was sent to the parent Committee for Economy, Finance and Budget, was very general consisting of a statement that all spending units, except the Ministry of Internal Affairs, have planned the budget that, although below the one adopted in the previous year, "provides for the continuation of initiated projects and fulfillment of planned programmes and activities"<sup>37</sup>, stating that the budget was planned on real grounds.

The discussion on Year-end account of the Budget for the previous year<sup>38</sup> represented a change and progress compared to the previous year, whereas the Session was attended, inter alia, by the representatives of State Audit Institution (hereinafter: SAI). The change is reflected in the fact that SAI's Audit Report of Year-end Account was addressed at the Session, ascertaining SAI's findings of significant funds reallocation in the Ministry of Defense and Police Administration. The conclusion of the Session was that the spending units, subject to oversight, are required to submit a "detailed analytic report entailing the cost – efficient and effective use of allocated budgetary funds, to be submitted to the Committee up to the first half of the current year for the previous year"<sup>39</sup>. The reports of the spending units, along with the Year-end Account of the Budget and SAI's Reports will represent a solid basis for conducting the budget execution analysis of oversight entities. However, the question is whether the members of the Committee will have the capacity to independently carry out the oversight of these budgetary documents. In the light of the above, the cooperation with the Committee for Economy, Finance and Budget and SAI is of crucial importance. During this year, the Committee failed to organize joint Sessions with other parliamentary working bodies.

In 2011, SAI failed to carry out the audit of institutions and bodies in defense and security sector. Up to present, out of the total number of oversight entities, SAI audited only the Ministry of Defense (2008)<sup>40</sup> and Ministry of Internal Affairs (2009)<sup>41</sup>. Up to present, NSA and Police Administration was not the subject of SAI's audit. The current capacities of SAI and the amount of allocated budgetary funds for the subsequent year, does not provide for a reason for optimism that the situation will significantly improve in reference to the oversight promptness of institutions in defense and security sector. However, this year's experience in reference to the attendance of SAI's representatives at the Sessions devoted to the budgetary documents discussions may represent an interim solution for having a more effective oversight in this area.

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36 Representatives of the Ministry of Finance, Nemanja Pavličić, Assistant Minister; Ministry of Defense, Rifet Kosovac, Assistant Minister and Savo Milašinović, Head of the financial affairs unit; Ministry of Internal Affairs, Dragan Pejanović, State Secretary of the Ministry; NSA, Sanja Raičević, Head of the Logistics Sector and Vesna Ivanović, Head of the economic-financial affairs department; Police Administration, Dragoslav Minić, Deputy Director and the Head of the HR department, legal issues, telecommunication and information systems and Radmila Jakšić, Head of the finance, bookkeeping and investments department.

37 Opinion to the review of the Proposal Law on Budget of Montenegro for 2012: [http://www.skupstina.me/cms/site\\_data/728\\_3.PDF](http://www.skupstina.me/cms/site_data/728_3.PDF)

38 This obligation is stipulated by the Law, Article 7 item 9.

39 39<sup>th</sup> Session's Report: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Izvjestaj%20sa%2039.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Izvjestaj%20sa%2039.pdf)

40 Audit Report of the 2007 Annual Report of the Ministry of Defense: <http://dri.co.me/podaci/Izvjestaji/Izvjestaj%20o%20reviziji%20Godisnjeg%20finansijskog%20izvjestaja%20Ministarstva%20odbrane%20za%202007.%20godinu.pdf>

41 Audit Report of 2008 Annual Financial Report of the Ministry of Internal Affairs and Public Administration: <http://dri.co.me/podaci/Izvjestaji/Izvjestaj%20o%20reviziji%20Godisnjeg%20finansijskog%20izvjestaja%20Ministarstva%20unutrasnjih%20poslova%20i%20javne%20uprave%20za%202008.%20godinu.pdf>

## ***Parliamentary Oversight Reporting***

Pursuant to the Law, the Committee submits Report on Conducted Oversight to the Parliament, whereas it may include a conclusion, recommendation and proposal of measures that should be undertaken in reference to the issues stated in the Report.<sup>42</sup>

In 2011, the Committee submitted the following Reports to the Parliament:

- Report on consideration of 2010 Annual Report of the Police Administration and security status.
- Report on control hearing of NSA Director in reference to the organization and actions of members of Wahabbi movement in Montenegro.
- Report on the results of consultative hearing in reference to the maritime security and safety in Montenegro.
- Report on consideration of 2010 NSA's Annual Report.
- Report on the results of consultative hearing in reference to the floods prevention in Montenegro.
- Report on consideration of the Proposal of the Decision on sending the Army of MNE members to UN ISAF peacekeeping mission.
- Report of the Army of MNE on Deployment of Montenegrin Troupes in International Forces 2010.
- Report on consideration of 2010 Annual Report of the Ministry of Defense and Report on the overall status in the Army of MNE for 2010.
- Report on consideration of the Annual Report on the status of the protection and rescue system and the Information on floods in Montenegro for the period November - December 2010.
- Report on consideration of the information on actions of the Supreme State Prosecution of MNE, in reference to the case "Balkan Warrior "
- Report on consideration of the information in reference to the implementation of the Parliament's conclusions, SU-SK No. 01-632/7 of 30 November 2010, and the Committee's conclusions of 2<sup>nd</sup> Session.

Out from eleven reports on conducted parliamentary oversight, the Parliament discussed only the Report on Deployment of Montenegrin Troupes in International Forces 2010.

## ***Legislative Activity***

In 2011, the Committee discussed five proposals of laws and nineteen amendments, as follows:

- Proposal of the Law on Amendments to the Law on NSA.
- Proposal of the Law on Amendments to the Law on Weapons.
- Proposal of the Law on Amendments to the Law on Protection and Rescue.
- Proposal of the Law on Year-end Account of the Budget for 2010.
- Proposal of the Law on Budget for 2012.

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42 Article 21 of the Law.

The Law on NSA was exposed to the biggest number of amendments. Opposition members have submitted the total of eighteen amendments, of which seven were modified with the consent of the author and Committee endorsed them.<sup>43</sup>

With the objective of strengthening legislative function, in this year the Committee introduced the obligation of committee's secretaries to develop a professional opinion in the form of informative overview for each proposal of the law. The Committee's professional service has prepared informative overviews of the proposals of laws addressed by Committee that are not available on the website of the Parliament, which is the case with other working bodies.

## ***Parliamentary Oversight Planning***

The Law defines the obligation of determining Annual Parliamentary Oversight Plan for the subsequent year.<sup>44</sup>

The Committee has determined the two planning documents for 2011, as follows: *2011 Work Plan*<sup>45</sup> and *2011 Committee's Plan for performing oversight function*<sup>46</sup>, meeting the obligation specified by the Law and Action Plan of the Parliament aimed at strengthening the legislative and oversight function.

Although the legal definition is clear in terms of whether the work planning is carried out in the current for the subsequent year, both annual plans failed to address the issue of determining Parliamentary oversight plan for 2012. During 2011, amendments to the planning documents have not been made.

A number of unfulfilled activities listed in both plans are as follows:

- Review of 2011 Annual Report on foreign trade in controlled goods<sup>47</sup>
- Submission of 2011 Committee's Annual Report and Parliamentary Oversight Results to the Parliament.
- Submission of 2011 Committee's Annual Report to the Parliament.
- Review and adoption of Report on implemented activities defined by 2011 Committee's Work Plan.
- Review of the Reports on SSM implementation by authorities and institutions referred to in Article 3 paragraph 1 of the Law, temporarily limiting the rights and freedoms guaranteed by the Constitution.
- Information on fulfillment of the National Security Strategy;
- Information on integrated border security.

It should be emphasized that during 2011, the members of the Committee failed to launch an initiative for conducting the parliamentary oversight (both the case with other parliamentary working bodies).

43 Delegates Vasilije Lalošević and Velizar Kaluđerović (amendment that was accepted) and Nebojša Medojević and Koča Pavlović (ten amendments, out of which five were accepted in a modified format).

44 Article 12 of the Law: "Parliamentary oversight shall be carried out regularly according to the annual plan adopted by the Committee and if necessary extraordinary. The Committee shall adopt the annual parliamentary oversight plan for the subsequent year by the end of the calendar year. (...)"

45 [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Plan%20rada%20odbora%20za%20bezbjednost%20i%20odbranu-27%20SJEDNICA.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Plan%20rada%20odbora%20za%20bezbjednost%20i%20odbranu-27%20SJEDNICA.pdf)

46 [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/OSTALO/PLAN%20VR%20C5%A0ENJA%20NADZORNE%20ULOGE%20ODBORA%20ZA%202011.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/OSTALO/PLAN%20VR%20C5%A0ENJA%20NADZORNE%20ULOGE%20ODBORA%20ZA%202011.pdf)

47 Obligation set forth by the Conclusions of XI CPF.

## Annual Reports

Pursuant to both the Law and the NSA Law, the Committee is obliged to submit the Annual Report to the Parliament:

“The Committee shall submit to the Parliament, work report and parliamentary oversight results, at minimum once a year”<sup>48</sup>

“A competent working body shall submit its work report to the Parliament, at minimum once a year.”<sup>49</sup>

2011 Committee’s Work Plan addressed these activities separately,<sup>50</sup> the implementation of which was envisaged in December 2011. In addition to the aforementioned activities, the Plan envisages “review and adoption of the Report and adoption on implemented activities defined by 2011 Committee’s Work Plan”. In spite of the formal duplication of a single obligation, none of the activity was implemented. On the other hand, the Parliament failed to discuss 2010 Committee’s Annual Report in the current year<sup>51</sup>, although pursuant to the Law it was obligated to address it.<sup>52</sup>

## Deputy Chairman Issue

The Committee is operating without the Deputy Chairman, since the delegate Goran Danilović resigned in December 2009. The Committee is chaired by a representative appointed from the governing coalition members, and pursuant to the Parliament’s Rules of Procedure, a Deputy Chairman must be appointed from the opposition members and shall assume the rights, obligations and responsibilities of the Chairman in case of his absence or inability to take part.<sup>53</sup>

The delegate Danilović resigned after NSA denied access to documents in reference to deportation of Bosnians from Montenegro in 1992, stating that NSA informed him that he has the right to insight, but he cannot obtain it without the prior approval of the Committee, which is contrary to the Law.<sup>54</sup> Earlier this year, the delegate Danilović has informed the public that NSA approved the insight to aforementioned documentation, and he commended the gesture of newly appointed NSA Director, simultaneously rejecting the possibility of reassuming the position of the Deputy Chairman if other members fail to apologize.<sup>55</sup>

48 Article 20 paragraph 1 of the Law.

49 Article 46 paragraph 1 of the Law on National Security Agency.

50 “Submission of the 2011 Annual Report of the Committee and Parliamentary oversight result to the Parliament of MNE” and “Submission of 2011 Annual Report of the Committee to the Parliament of MNE”.

51 Adopted on 31<sup>st</sup> Session, of 13 April 2011. Report available at: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Godisnji%20IZV%202010.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/IZVJESTAJI/Odbora%20za%20bezbjednost%20i%20odbranu/Godisnji%20IZV%202010.pdf)

52 Article 20 paragraph 3 of the Law stipulating the following: “The Parliament shall review the Report referred to paragraph 1 of this Article, at minimum once a year” (Annual Report).

53 Article 34 of the Rules of Procedures of the Parliament of MNE.

54 Statement made pursuant to the article “Marković Denies Access, Danilović resigns”, daily “Dan”, of 12 December 2009.

55 “I will not do it, because the composition of my colleagues from the Committee has not changes, but NSA Director. However, I do believe that I deserve an apology from a part of the number of my colleagues from the Committee”, he said. Excerpt from the Article “Danilović: NSA provides insight to deportations documents”, daily “Vijesti”, of 20 March 2011. Article available at: <http://www.vijesti.me/vijesti/danilovic-anb-omogucio-pristup-dokumentima-deportaciji-clanak-16332>

## ***Disputable Article 12 paragraph 3***

One of the changes to the Law, being considered crucial, was the option of convening the Committee's Session during the regular Parliament's session, at the request of a third of the Committee's members. This activity has been envisaged by 2011 Committee's Plan for conducting the oversight role. During the development of the Law, this legal solution was strongly emphasized as a step forward in pursuing initiatives lodged by the opposition. Furthermore, it was one of the key options due to which the Parliament members adopted the Law unanimously. The Committee members failed in using the option during its first regular session, whereas the second Session convened with the objective of conducting the control hearing in reference to the affair "Listings" was scheduled on the basis of this option.<sup>56</sup>

It is worth emphasizing that the Law failed to cover the aforementioned provision. The provision determined by the Law already exists in the Parliament's Rules of Procedures, in advance format, not limiting its use:

### *Comparison*

<b><i>Rules of Procedure</i></b>	<b><i>Law</i></b>
<b><i>Article 63</i></b>  "The Chairman of the Committee shall be obliged to convene the committee's session, if requested by the President of the Parliament or a third of the members of the committee, stating the issues to be placed on the agenda of the committee's meeting.  If in the case referred to in paragraph 1 of this Article the committee fails to be convened by the Chairman of the Committee, the Committee shall be convened by the President of the Parliament."	<b><i>Article 12</i></b>  "(...) Once during the regular session of the Parliament, the Committee shall hold a session at the request of a third of the members of the committee, with one agenda item."

The question is, what this provision is providing for a parliamentary minority, since it has not been guaranteed by the Rules of Procedure, and most importantly, it can be used unlimitedly. Furthermore, it only guarantees for holding a session with the specific item on the agenda. In theory, the Session may be devoted to the initiative for holding a control hearing, which after the debate could be rejected.<sup>57</sup>

<sup>56</sup> 42<sup>nd</sup> Session of 23 December 2011.

<sup>57</sup> In a Decision on Amendments to the Rules of Procedure of the Parliament of MNE, submitted by the working group for the development of amendments to the Rules of Procedure of the Parliament of MNE to the collegium, provides for a new solution, being as follows: "The oversight hearing Session of the Committee shall be convened once during the regular convocation of the Parliament, at a request of a third of the members of the Committee, with one agenda item". If this option is adopted, all parliamentary working bodies shall be obliged to adhere to it.



Out of the total of sixteen sessions held, five were closed for the public. These were the control hearings, consideration of information submitted by the authorities and institutions on the case “Šarić” and consideration of NSA Annual report.

The discussion of NSA Report has been traditionally closed for the public, although the parts of report may be obtained through the implementation of the Law on free access to information. The option of partial opening of these Sessions for the public during consideration of the aforementioned parts has not been considered.

The Law does not define the deadline for making a decision whether a session will be open or closed for the public. The aforementioned is providing for *ad hoc* decision making on this issue, which is continuously overburdening the Committee’s work. The latest example was the Session devoted to the review of 2010 Annual Report of the Police Administration.<sup>58</sup> The governing coalition members have tried to close the Session for the public, although the Committee was always discussing the Annual Report of the Police Administration in sessions open for public. On this occasion, the Police Administration Director said that he doesn’t understand why the Session should be closed for the public. After the opposition members protested, threatening to leave the Session, this idea was rejected and the Session was attended by journalists, and it was held after several hours of delay.<sup>59</sup>

The provision of the Law regulating the transparency of the work of the Committee is unclear, being contrary to the Parliament’s Rules of Procedure:

### Comparison

<b>Rules of procedure</b>	<b>Law</b>
<b>Article 211, paragraphs 1 and 2</b>	<b>Article 6 paragraph 2</b>
“The work of the Parliament and its Committees shall be public.  The sitting of the Parliament and meeting of the Committee shall be closed for the public in case of considering an act or material designated as a “state secret”.”	“Committee’s Sessions shall be, by rule, closed for the public, and they may be opened, pursuant to the decision adopted by a majority of the members present, in accordance with the Law.”

Although obliged by the Rules of Procedure as any other parliamentary committee, the Committee does not publish the Minutes of Sessions<sup>60</sup>. The webpage of the Parliament includes only the reports of the Committee’s Sessions, with limited data and conclusions adopted by majority of votes. This means that the public is by rule deprived from the basic information on the Committee’s sessions, issues and opinions addressed.

58 41<sup>st</sup> Session of 12 December 2011.

59 “Committee’s Session originally closed and subsequently opened for the public”, daily “Vijesti”, 12 December 2011, article available at: <http://www.vijesti.me/vijesti/sjednica-odbora-bezbjednost-prvo-zatvorena-onda-otvorena-javnost-clanak-51330>

60 Article 71 of the Rules of Procedures of the Parliament of MNE.

## *New Competences?*

In May 2011, the collegium of President of Parliament adopted the conclusion establishing working group for the development of Proposal of Amendments to the Parliament's Rules of Procedure, composed of the representatives of all the party clubs.<sup>61</sup> The scope of the working group was to obtain the joint opinion at the party clubs level on the issues concerning division of the current and establishment of new committees, sub-committees, as well as enabling the acceptance of initiatives lodged by the opposition when justified, control hearings, Prime Minister's Hour and delegates' questions. During the total of ten meetings and on the occasion of discussing alterations to the structure of parliamentary working bodies, the working group raised the issue of amending the Committee's competences.

The members of this working group were the two Committee members, Goran Danilović (NOVA) and Raško Konjević (SDP). The initial opinion of NOVA was that a Committee for security and combating organized crime and Committee for defense and international relations should be established. SDP proposed to establish a sub-committee, either within the Committee or Committee for political system. This sub-committee would deal with corruption and organized crime issues.

Due to the lack of support for alterations to the working bodies' structure, the working group proposed to increase the level of competences of the current Committee. The proposal of the Decision on Amendments to the Rules of Procedure, sent to the collegium, the definition defining the competences of the Committee was extended to include the following:

"In conducting oversight, the Committee shall consider actions of competent authorities in the area of fight against corruption and organized crime."

The collegium has not yet passed the decision on proposed solutions. Adding additional competence for monitoring the actions of competent authorities in the fight against corruption and organized crime would further increase the workload of the Committee, centralizing this important responsibility within one parliamentary working body, which would be contrary to the option specifying that each committee is considering actions of oversight institution in the fight against corruption and organized crime. Furthermore it would raise the issue of competences overlap with the newly formed National branch for the fight against corruption and organized crime.

## *Membership*

Committee is still a "male club", without female delegates as members of this working body. The practice of parliaments in the region is that the working bodies responsible for security and defense sector have one to two female delegates at the average. The Committee's Chairman, in his address to the Cetinje Parliamentary Forum X<sup>62</sup>, announced that "the situation regarding

61 Conclusion on the establishment of the working group adopted at 125th collegium meeting, of 9 May 2011. The president of the working group was Miodrag Vuković, head of DPS club and Chairman of the Committee for International Relations and European Integration

62 10<sup>th</sup> Cetinje Parliamentary Forum, titled "Women, Peace and Security", devoted to the implementation of the UN Resolution 1325 SB UN, held in the period 21 – 22 June 2010, in the House of Parliament in Cetinje.



gender equality in the Committee will be improved on first occasion”<sup>63</sup> Contrary to the promise, DPS party club proposed to the Parliament to appoint Milutin Simović as the Committee member, thus the gender structure remains unchanged.

## ***Committee’s Professional Service***

Pursuant to the systematization, Committee’s professional service includes four, currently filled job posts.<sup>64</sup> On the assumption that the Committee’s competences are to expand, as planned by the draft amendments to the Rules of Procedure, it is necessary to strengthen the capacities of this working body. HR Development Strategy<sup>65</sup> with the Strategic and Training Plan does not envisage special trainings for the Committee’s professional service members, or the additional training of employees in areas related to the parliamentary oversight of security and defense sector.

## ***Office Capacities***

According to media<sup>66</sup> construction of so – called “Bugs-free Room” in the Parliament is being finalized, i.e., a space to be adapted to the specific needs of the Committee, holding of sessions exposed to a certain confidentiality degree. The media are reporting that equipment is currently being installed by a provider who holds a license to operate with the technical means of protection. There are no official information addressed in the reports and available documents of both the Committee and the Parliament on this issue.

## ***Cooperation with the Council for Civilian Control of Police Operations***

Members of the Committee met with representatives of the Council for Civilian Control of Police Operations to discuss ways to enhance mutual cooperation in conducting oversight of the Police Administration.<sup>67</sup>

This meeting represents a step forward in comparison with the previous period in which the Council for Civilian Control of Police Operations rejected similar initiative, launched in 2007 by one of its members. Specifically, the Council rejected the initiative for holding a joint

63 [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/MELVUDIN%20NUHODZIC%20GOVOR.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/MELVUDIN%20NUHODZIC%20GOVOR.pdf)

64 Data on employees’ number and structure of the Committee’s professional services, were obtained from the General Secretary of the Parliament, as a response to the request for free access to information, No. 00-41/11-150/2 of 19 October.

65 HR Development Strategy of the Parliament of MNE for the period January 2011 - January 2014, Parliament’s service 00-57/11-49, available at: [http://www.skupstina.me/cms/site\\_data/strategija-strategija-razvoja-ljudskih-resursa.pdf](http://www.skupstina.me/cms/site_data/strategija-strategija-razvoja-ljudskih-resursa.pdf)

66 Article “Bugs-free Room in the Parliament”, “Dnevne novine”, of 15 October 2011.

67 Meeting of 19 April 2011.

Session with the Committee, on the occasion of marking two years from the adoption of the Law on Police, establishing the current system of civil and parliamentary oversight of police. The objective of the joint session should have been a joint assessment of the efficiency and effectiveness of these two types of oversight. Furthermore, the Council rejected the initiative for sending the proposal to the Committee for signing the mutual Protocol on more efficient external oversight of the police operations that would “strengthen mutual communication, exchange of experiences, improve facilities and common interest for the actions, activities and procedures of the police.” The reason behind the rejection of the majority of the Council members was that the civil and parliamentary oversight are independent, differentiating in both the establishment and the legal term.<sup>68</sup>

However, the situation has changed - the conclusion of the meeting which was held this year is that it is necessary to find a model of cooperation and networking of the Council and Committee, timely information exchange, for the purpose of raising the overall level of credibility of the police, which not result in the competences overlap. A similar message was sent from a meeting with the members of the Council with the President of Parliament earlier this year.<sup>69</sup>

## ***The Cetinje Parliamentary Forum***

The Cetinje Parliamentary Forum (CPF) is an initiative that encourages and promotes parliamentary cooperation and dialogue between countries of the region,<sup>70</sup> designed and launched by the Parliament of Montenegro and Parliament of State Union Serbia and Montenegro in February 2004.

Out from the twelve CPF held, six were devoted to topics related to security and defense sector. In 2011, was held CPF meeting on the topic “Parliamentary oversight of defense and security sector,” after which conclusions were adopted. Conclusions and joint statements adopted at the end of CPF meetings are usually declarative and very general. At the eleventh CPF, one of the few concrete conclusions was adopted:

*“Committee considers the Annual Report on foreign trade of arms, military equipment and dual - use goods, at minimum once a year.”*

This competence was a part of the Plan for conducting Committee’s supervisory role for 2011, yet it was not fulfilled.<sup>71</sup> The Committee does not have established tools for monitoring the fulfillment of recommendations and conclusions adopted at CPG, although the Parliament of Montenegro, as a driver of this initiative, should be the anchor in fulfilling agreed measures.

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68 The data taken over from the publication “Civilian control of police operations in Montenegro, Report on the work of the Council for Civilian Control of Police Operations 2005 - 2008”, prepared by Aleksandar Saša Zeković, MSc., and Zoran Bačović

69 Date taken over from the press release of the meeting hosted by the President of the Parliament of MNE with the members of the Council for Civilian Control of the Police Operations, of 16 February 2011.

70 More on CPF at: [http://www.skupstina.me/index.php?menu\\_id=11&strana=fiksna&id=551](http://www.skupstina.me/index.php?menu_id=11&strana=fiksna&id=551)

71 11. The Cetinje Parliamentary Forum, was held in November 2010, titled “The Role of the Parliament in the Control System of Export and Import of Arms”, conclusions available at: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/CPF/zakljucci-cnogorska%20verzija.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/CPF/zakljucci-cnogorska%20verzija.pdf)

## *International and other activities of the Committee members and service*

The Committee's Chairman and members, as well as the members of the professional service, took part in a number of conferences, seminars and study visits organized in 2011. In addition to organizing the XII Cetinje Parliamentary Forum, the Committee in cooperation with partners, international organizations, has organized a Seminar titled "Democratic Control of Armed Forces and the application of OSCE Code of Conduct in Politico-Military Aspects of Security"<sup>72</sup>.

Other activities of the Committee were as follows:

- Participation in the international conference "Strengthening oversight of security- intelligence services in the Western Balkans";<sup>73</sup>
- Participation in the Conference of the Adriatic Charter in Tirana;<sup>74</sup>
- Participation in the Regional Conference on the crisis management;<sup>75</sup>
- Participation in the conference "Parliamentary Oversight of intelligence - security services within the confidential data system";<sup>76</sup>
- Participation in the conference "Russia-Balkans - Trust and Security in the Information Society";
- Participation in the Professional Development Programme in Brussels;
- Participation in the meeting of the national parliaments committee and European Parliament in Brussels;<sup>77</sup>
- Participation in the regional conference titled "Protection of human rights and freedoms of the Armed forces members " in Sarajevo;
- Meeting with representatives of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA);
- Meeting with a delegation from the Center for the internal management of Berlin;
- Meeting of the Committee's Chairman with the experts of OSCE Mission to Montenegro;
- Meeting with a delegation of ambassadors of NATO member states;
- Meeting of the Committee's Chairman with OSCE Police Reforms experts;
- Meeting with the member of NATO team responsible for Montenegro;
- Study visit to DCAF in Geneva.

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72 Held in the period 15-16 December 2011, Budva. Organized with the support of OSCE Conflict Prevention Center (CPC) Vienna and Centre for Democratic Control of Armed Forces (DCAF) Geneva, with the objective of promoting the latest achievements and practices in reference to the full implementation of obligations deriving from OSCE Code of Conduct on Politico-Military Aspects of Security.

73 Held on 2 December 2011 in Hag. Nebojša Medojević, member of the Committee was the panelist for the topics "Oversight of security – intelligence services in transitioning countries" and "Future steps of the Western Balkan."

74 Delegation of the Committee took part in the Conference of the Adriatic Charter titled "Euro Atlantic integration and security challenges of the Western Balkan," 24 – 25 October 2011, Tirana, organized by the Parliament of the Republic of Albania.

75 Regional conference on the crisis management with the focus on Strengthening Regional Cooperation and Coordination in Disaster Risk Reduction in Southeast Europe– EMSEEC 2011, 12 – 13 September 2011, Sarajevo.

76 Third regional conference of parliamentary working bodies in charge of oversight of security and intelligence services of the South East Europe, 7 – 8 September 2011, Belgrade. (OEBS and DCAF)

77 Meeting of national parliaments and the European Parliament titled "Democratic accountability of the National Security Strategy, the role of EUROPOL, EUROJUST and FRONTEX," 5-6 October 2011, Brussels.

## *Recommendations for Parliamentary Oversight Improvement*

- It is necessary that the Parliament fulfills its legal obligation of reviewing all reports submitted by the Committee during the current year.
- It is necessary to abolish the annual reports duality that the Committee is submitting to the Parliament, based on the Amendments to the Law on NSA;
- It is necessary to specify the procedure for reviewing the Report of the Ministry of Internal Affairs, in a manner to consider the reports of all organizational units, which scope of work is subjected to the Committee's oversight;
- It is necessary to avoid the practice of consolidating the discussions on different reports that oversight entities submit to the Committee;
- Review of the annual reports as the oversight tool, should be carefully planned, and along with the discussion of annual reports of all oversight entities for the previous year, should be completed in the second quarter of the current year;
- With the objective of holding professional consultations and the provision of a greater and more significant response of the civil society representatives, experts and representatives of interested international organization, an effort should be made in planning the consultative hearings in a timely manner, in the current for the subsequent year;
- The Rules of Procedures and definition of the consultative hearing tools should be amended, resulting in the establishment of a clear link between the reports of the Committee and the Parliament (similar to the solutions of the Law);
- The Committee must comply with the procedural provisions and publish minutes of its Sessions;
- The Law should be harmonized with the Rules of Procedure of the Parliament, and the transparency of the Committee must be set as a rule, and the closing of the Sessions for the public should represent an exception to be applied only when considering information that represent a secrecy that is being legally protected, depending on the confidentiality degree, which should be decided by majority vote of the Committee members;
- It is necessary to establish a practice or to amend legal provision applied in scheduling the Session/approval of the items of the Agenda for the next Session, to determine whether a Session will be closed or opened for the public, thus avoiding ad hoc decision-making on this important issue;
- The issue on whether the Sessions devoted to considering reports of institutions and authorities subjected to the Committee's oversight will be opened or closed for the public, must be determined in advance, pursuant to the plan of conducting the Committee's oversight function;
- A cautious approach should be taken in reference to the amendments to the Committee's scope of work and the issue of delegating competence for monitoring activities in the fight against corruption and organized crime should be reviewed from the aspect of effectiveness, capacity of the Committee and uniform distribution of work among the parliamentary working bodies.

- It is necessary to fill the vacancy of the Deputy Chairman of the Committee from the opposition members at earliest, to enable the smooth functioning of the Committee. It is especially important to build a good cooperation between the Chairman and Deputy Chairman, enabling a rotational presidency over the Sessions, joint preparation and conduct of Sessions, etc;
- Both the Strategic plan and the Training plan must entail the capacity building of the professional service in areas related to the Parliamentary oversight of the security and defense sector;
- The work plan for the subsequent year must be timely planned, pursuant to the Law at the end of the current year. Furthermore, it is necessary review the fulfillment extent of planned obligations at least once during the year, as a separate agenda item, resulting in amending the plan, if necessary;
- It is necessary that the Committee, along with the Annual Report of the Police Administration, receives information/reports of the Council for Civilian Control of Police Operations of the cases, petitions and activities in the year in which the Report is submitted, with the objective of obtaining more objective and comprehensive overview of performance of the Police Administration. The relationship between the Committee and Ethics Committee of the Police Administration and Department for Internal Control of the Police of the Ministry of Internal Affairs should be similarly regulated;
- The Parliament of MNE should be the forefront in addressing the recommendations and conclusions adopted by the Cetinje Parliamentary Forum and the tools should be established enabling the follow up of its fulfillment;
- It is necessary to properly register and make evidence of the Session that, by definition, represent the control hearings mechanism;
- It is necessary to develop the information on completed visits in a report format, and these should be made available at the website of the Parliament;
- It shouldn't be allowed that the key areas of the Law remain "forgotten" during the year (as it was the case in 2011 with the SSM implementation oversight);
- It is necessary to clearly define the role of SAI at the Sessions of the Committee devoted to the budgetary oversight in reference to the submission or provision of opinion on budget documents of oversight entities;
- SAI, as the main counterpart of both the Committee and the Parliament, and generally in the exercise of political control of the budget, should have an insight into the semi-analytical reports of oversight entities, envisaged to be submitted to the Committee from the subsequent year.

Table 1: Committee's Competences and Obligations

Competences	x / ✓
Monitoring activities of bodies and institutions in the security and defense sector of MNE, with the objective of reviewing the progress in the fulfillment of determined policy in this area and seeking information on activities and measures taken on any matter within the scope of their work;	✓
Oversight of the respect of political, ideological and interest neutrality in the work of bodies and institutions referred to in Article 3 paragraph 1 of this Law;	x
Review of the annual reports of the Ministry of Defense and Army of MNE, NSA, Police Administration and the Ministry of Internal Affairs and Public Administration;	✓/x
Consideration of special reports of bodies and institutions referred to in Article 3 paragraph 1 of this Law;	x
Consideration of the Proposal of the National Security Strategy and Proposal of the Defense Strategy and provision of opinion;	x
Consideration of the proposals of laws, other regulations and general rules in the security and defense sector;	✓
Consideration of reports on deployment of the Army of MNE in the international forces and sending the members of the Army of MNE to international peacekeeping forces and the participation of the civil defense, police and employees in state administration in peacekeeping missions and other activities abroad;	✓
Consideration of reports on SSM implementation by the authorities and institutions referred to in Article 3 paragraph 1 of this Law, which temporarily limit the constitutionally guaranteed rights and freedoms;	x
Consideration of information on budget execution of the funds earmarked for the operation of the institutions referred to in Article 3 paragraph 1 of this Law, at minimum once a year;	✓
Consideration of information on the involvement of authorities and institutions subject to oversight in providing assistance to other authorities in order to eliminate the effects of natural disasters, technical - technological and environmental disasters and epidemics, and the crisis caused by terrorist acts;	✓
Consideration of Reports of the State Audit Institution on financial operation of authorities and institutions subject to oversight, provision of opinion and monitoring the activities of the competent authorities in reference to the reports;	x
Rendering opinions, proposals and suggestions during the development of the Proposal of the Budget Law, related to the security and defense sector;	✓
Consideration of proposals of candidates for the appointment to managerial duties in the of security and defense sector, subjected to the opinion of the Parliament pursuant to a special Law;	x
Consideration of information and initiatives related to the activities and documents in the security and defense sector;	✓
Control hearings implementation;	✓
Consultative hearings implementation;	✓
Parliamentary inquiry implementation;	x
Consultative hearings of military-diplomatic representatives of Montenegro prior to taking the office;	x
Annual Report development for the subsequent year;	x
Holding Sessions at the request of one third of the Committee members;	x
Extraordinary parliamentary oversight activities;	x
Submission of Annual Reports to the Parliament for the current year;	x
Development of the oversight plan for the subsequent year;	x
Penalty provisions application;	x

Table 2: Overview of the number of professional services of working bodies of the Parliament of Montenegro

Working Body	Number of Employees	
	Systematization	In practice
Committee for Constitutional issues and Legislation	7	5
Committee for Economy, Budget and Finance	5	3 (+2 interns)
Committee for Security and Defense	4	3 (+1 intern)
Committee for International Relations and European Integration	6	3 (+1 intern)
Committee for Political System, Justice and Administration	3	1 (+2 interns)
Committee for Human Rights and Freedoms	2	2
Committee for Gender Equality	2	2
Committee for Tourism, Agriculture, Environment and Spatial Planning	4	3
Committee for Education, Science, Culture and Sport	3	2
Committee for Health, Labor and Social Care	3	3
Administrative Committee	2	2
Commission for privatization process monitoring and control	2	1 (+1 intern)

#### Members of the Committee:

1. Chairman: Mevludin Nuhodžić (DPS);
2. Nebojša Medojević (PZP);
3. Radivoje Nikčević (DPS);
4. Fahrudin Hadrović, PhD., (DPS);
5. Vasilije Lalošević (SNP);
6. Predrag Bulatović (SNP);
7. Borislav Banović (SDP);
8. Aleksandar Bogdanović (DPS);
9. Goran Danilović (NOVA);
10. Mehmet Bardhi (DSCG and AA);
11. Milutin Simović (DPS);
12. Obrad Mišo Stanišić (DPS);
13. Raško Konjević, MSc., (SDP).



The Institute Alternative is a non-governmental association established in September 2007, by a group of citizens experienced in the civil society, public administration and business sector.

The Mission Statement of the Institute Alternative is the strengthening of democratic processes in Montenegro through the identification and analysis of public policies options.

*The Strategic objectives of the Institute Alternative:* increasing in quality of development of public policies, contributing to the development of democracy and rule of law and contributing to the protection of human rights in Montenegro.

*Values that we follow* in our work are the commitment to the mission, independence, continuous learning, networking and cooperation and the team work.

Managing Board of the Institute Alternative is composed of the following six members: Daliborka Uljarević, Vera Šćepanović, Maja Vujašković, Stevo Muk, Aleksandar Saša Zeković and Vladimir Vučinić. The President of the Managing Board is Stevo Muk.

Up to present, following publications/research papers have been released:

- Budget control at the local government level;
- State audit in Montenegro - proposals for strengthening its impact;
- Report on democratic oversight of security services;
- Think Tank – The role of independent research centers in the public policies development;
- Public-private partnerships in Montenegro - accountability, transparency and efficiency;
- Public procurement in Montenegro - Transparency and accountability;
- Evaluation of legal framework and practice in the application of certain oversight tools of the Montenegrin Parliament: consultative hearing, control hearing and parliamentary inquiry;
- Parliamentary oversight of the security and defense sector – What next?
- Case Lipci 2008 – Ways of routing it out.
- Case “Prva Banka” – Experience for supervisors and other decision makers;
- Public administration of Montenegro: Salary schemes, remuneration tools and professional capacity building options;
- Political criteria for the EU accession.

All of the aforementioned publications and documents are available at the following webpage of the Institute Alternative: [www.institut-alternativa.org](http://www.institut-alternativa.org)

The Institute Alternative acts as an alternative think - tank, i.e., the research center, dealing with areas of a good governance, transparency and accountability. The scope of the topics of the Institute that are subject to its research, generating an impact through the representation of its own recommendations, include the following: parliamentary oversight of the security and defense sector, parliamentary oversight function and its role in the European integration process, public administration reforms, public procurements, public-private partnerships, state audit and budgetary control at the local government level.

In the current period, the work of the Institute “Alternativa” was supported by: Open Society Institute - Think Tank Fund, Foundation Open Society Institute - Representative Office Montenegro (FOSI ROM), European Fund for the Balkans, Friedrich Ebert Foundation, Committee for allocation of funds for NGO's projects of the Parliament of MNE, European Fund for the Balkans and the European Commission. The Institute has established cooperation with the European Stability Initiative (ESI), headquartered in Berlin, which has conducted capacity building programme for IA associates.

The Institute has established cooperation with a great number of national organizations, and the cooperation was established with a number of institutions and administration bodies, such as the State Audit Institution, Public Procurement Directorate, Parliament of Montenegro (particularly its working bodies, Committee for Economy, Finance and Budget and Committee for Security and Defense), Ministry of Finance, Concessions Commission, etc.

The Institute Alternative is the member of NGO's self-regulatory body and it has provided complete information on its financial operations pursuant to the NGO's Code of Conduct, to which IA is a signatory.









