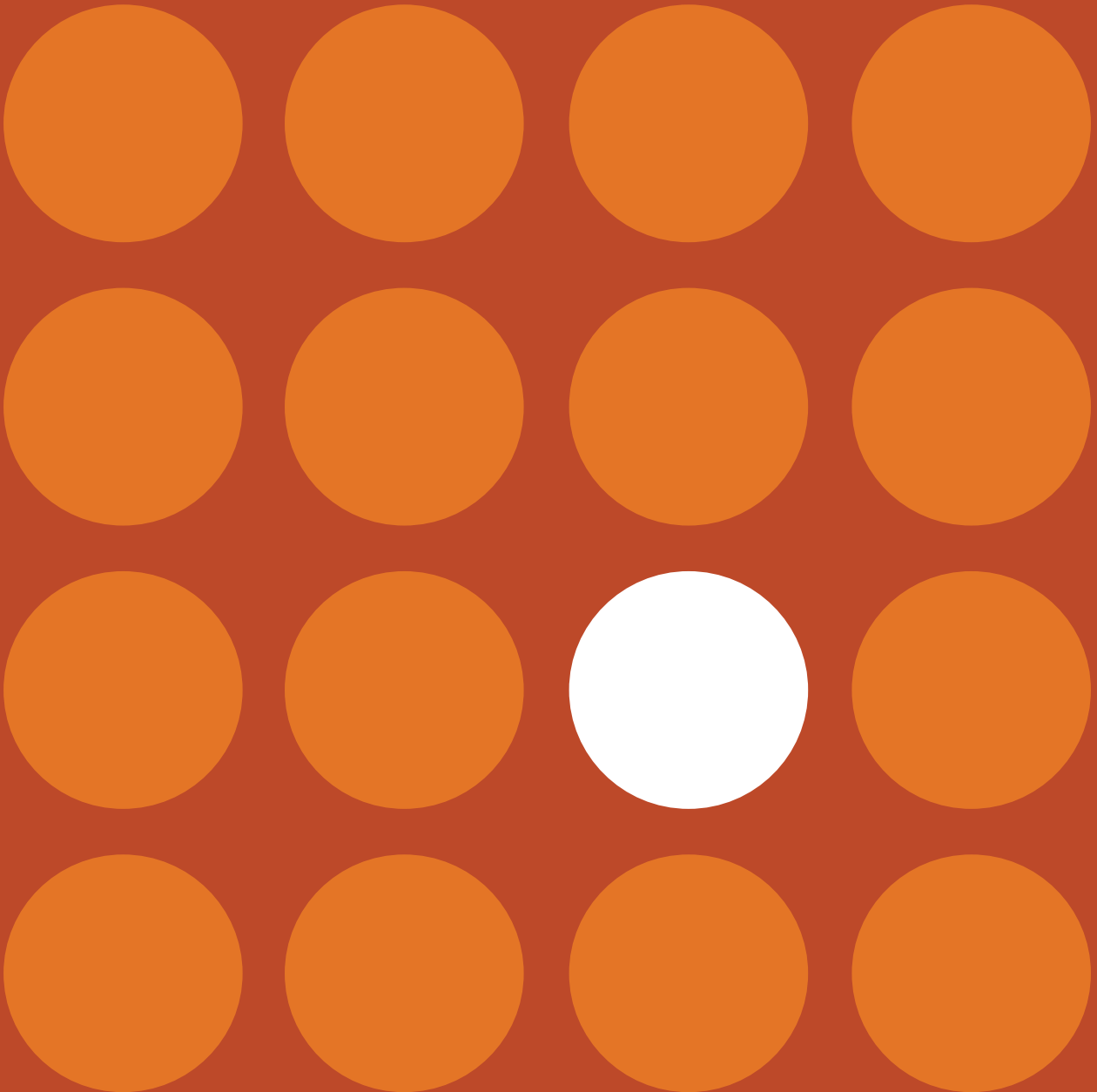


institut alternativa

MONITORING REPORT: **SECURITY AND DEFENCE COMMITTEE**

17 DECEMBER 2020 – 1 OCTOBER 2021



Publication:

Monitoring Report: Security and Defence Committee
(17 December 2020 – 1 October 2021)

Publisher:

Institute Alternative

Bulevar Džordža Vašingtona 57, Podgorica, Montenegro

Tel/fax: + 382 (0) 20 268 686

E-mail: info@institut-alternativa.org

For the publisher:

Stevo Muk

Editor:

Milena Muk

Authors:

Nikoleta Pavićević

Marko Sošić

Prepress and design:

Artbuk doo

Podgorica, October 2021



This Monitoring Report was prepared within the project "Parliamentary Oversight for Better Governance", implemented by the Institute Alternative and supported by the National Endowment for Democracy. The Report is the responsibility of its authors and does not reflect the views of the NED.

TABLE OF CONTENTS

INTRODUCTION	4
Overview of activities that the Security and Defence Committee defined in the Parliamentary Oversight Plan for 2021, and their implementation status until October 2021	6
Committee meetings in numbers	8
The Committee's control role: The most active Committee when it comes to control hearings	11
Few legislative activities of the Committee	14
The Committee's obligations proceeding from systemic laws	15
Committee Secretariat: One remaining vacancy.	17
Conclusion.	18
RECOMMENDATIONS.	19
SOURCES.	20

INTRODUCTION

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

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

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

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

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

been designated to represent the entity introducing the proposed act - this is a novelty compared to past practice.

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

The Monitoring Report presents the findings of the analysis of the **Security and Defence Committee's** performance, with a particular focus on the Committee's results in exercising its control, legislative and oversight functions. Unlike other parliamentary working bodies, the work of the Security and Defence Committee is regulated by a special law - the Law on Parliamentary Oversight of the Security and Defence Sector⁶, which strengthens its control competence. Members of this Committee also have access to classified materials, and they exercise parliamentary oversight over the work of the Ministry of Defence, the Armed Forces of Montenegro, the National Security Agency⁷, the Police Directorate, the Ministry of the Interior, and the Ministry of Public Administration, as well as other institutions and agencies in the security and defence sector.

The findings of the analysis proceed from monitoring the work of the Committee, since its constitution on 17 December 2020 until 1 October 2021, including through monitoring of Committee meetings, consideration of minutes from the meetings, work plans and other relevant documents. An in-depth interview with the Secretary of the Committee was conducted with the aim of verifying the information obtained through the research.⁸

At the beginning of the Monitoring Report, we provide an overview of the relevant quantitative indicators that can be used to measure the Committee's performance, which is followed by an overview of the control function of the Committee. The third section of the analysis focuses on legislative activities, while the fourth section provides an overview of the degree of implementation of obligations undertaken by the Committee, arising from systemic laws. The fifth section of the report analyses the administrative capacity of the Committee's Secretariat. The final section of the Monitoring Report presents recommendations for improving the work of the Committee and its oversight of the executive, in line with the findings of the analysis.

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

6 Law on Parliamentary Oversight of the Security and Defence Sector ("Official Gazette of Montenegro", no. 080/10 from 31/12/2010).

7 NSA; in Montenegrin - Agencija za nacionalnu bezbjednost, ANB

8 Interview with **Zorana Baćović**, Secretary of the Security and Defence Committee, 30/09/2021.

Overview of activities that the Security and Defence Committee defined in the **Parliamentary Oversight Plan for 2021**, and their implementation status until October 2021:

PLANNED ACTIVITIES		STATUS
I	Monitoring of the activities of government institutions and bodies in the security and defence sector in Montenegro, in order to gain insight into the implementation of established policies in these areas and to submit requests for information on activities and measures taken on any issue within their scope of work.	PARTIALLY IMPLEMENTED: The Committee requested information from the National Security Agency regarding media allegations about Stevan Simijanović; the Ministry of the Interior regarding the security situation in Montenegro; and the Police Directorate and the Basic State Prosecutor’s Office regarding a traffic incident involving an official vehicle of the Secretariat-General of the Government of Montenegro.
II	Oversight over the observance of political, ideological and neutrality of interests in the work of bodies and institutions referred to in Article 3 paragraph 1 of the Law on Parliamentary Oversight of the Security and Defence Sector - The Committee conducts parliamentary oversight over the following: Ministry of Defence, Armed Forces of Montenegro, National Security Agency, Police Directorate, the Ministry of the Interiors and the Ministry of Public Administration, as well as others.	PARTIALLY IMPLEMENTED: Control hearings were held in the context of observance of human rights and actions of security and defence institutions, but no specific conclusions or recommendations were adopted regarding observance of political, ideological, or neutrality of interests in their work.
III	Consideration of annual reports for 2020:	
	2020 Annual Report of the Ministry of Defence and the Armed Forces of Montenegro	IMPLEMENTED
	2020 Annual Report of the Ministry of the Interior	NOT IMPLEMENTED, NOT DELIVERED
	2020 Annual Report of the National Security Agency	NOT IMPLEMENTED, NOT DELIVERED
	2020 Annual Report on the State of Protection and Rescue	NOT IMPLEMENTED, NOT DELIVERED
	2020 Annual Report on the State of Road Traffic Safety in Montenegro	IMPLEMENTED
	Annual Report on the Results in Fighting Organised Crime and Corruption	NOT IMPLEMENTED, NOT DELIVERED

IV	Consideration of the Report on the Use of Units of the Armed Forces of Montenegro in the International Forces and the Participation of Civil Defence and Police Members and State Administration Employees in Peacekeeping Missions and other activities abroad	IMPLEMENTED
V	Consideration of the Report of the State Audit Institution for 2020 on the financial operations of bodies and institutions referred to in Article 3, paragraph 1 of the Law on Parliamentary Oversight of the Security and Defence Sector	IMPLEMENTED
VI	Consideration of the 2021 Draft Law on Budget of Montenegro in the capacity of an interested working body	IMPLEMENTED
VII	Consideration of the Report on the application of secret surveillance measures by the bodies and institutions referred to in Article 3 paragraph 1 of the Law on Parliamentary Oversight of the Security and Defence Sector, which temporarily restrict the rights and freedoms guaranteed by the Constitution	NOT IMPLEMENTED
VIII	Organising and conducting consultative and control hearings and initiating parliamentary inquiries	IMPLEMENTED: Seven control hearings were held
IX	Holding a Committee meeting at the request of one third of the Committee members, with one topic on the agenda	NOT IMPLEMENTED
X	Consideration of proposals of candidates for appointment to managerial positions in the security and defence sector, for which the Parliament is legally obliged to provide an opinion	PARTIALLY IMPLEMENTED: The Committee did not consider the proposal for the appointment of the head of NSA
XI	Regional cooperation and international activities	PARTIALLY IMPLEMENTED: A Committee member attended the Parliamentary intelligence-security forum

COMMITTEE MEETINGS IN NUMBERS

According to the Law on Parliamentary Oversight of the Security and Defence Sector, the Committee is obliged to adopt an annual plan of parliamentary oversight for the following year by the end of the ongoing calendar year. However, the Security and Defence Committee adopted the plan for the current year only at the end of February 2021. An explanation for the delay in drafting the plan can be found in the late constitution of the Committee, which only occurred on December 17, 2020.

In the first three quarters of 2021, the Committee scheduled **17** and held **14 meetings**, and deliberated on **39 items on the agenda**. The MPs in the Committee worked for a total of **at least one day and 17 hours**, bearing in mind that these data cannot be determined for three meetings that were not open to the public. The 12th and 15th meetings of the Committee were delayed due to the absence of representatives of the executive, who were the subject of the control hearing, while the 13th meeting was postponed due to the lack of a quorum to hold the meeting.

The work of the Security and Defence Committee is regulated by a special law - the Law on Parliamentary Oversight of the Security and Defence Sector. As a rule, the meetings of the Committee are closed to the public, but they can also be open if so decided by the majority of the present members of the Committee.⁹ Nevertheless, **almost 80% of the meetings were open to the public**, i.e. only three meetings were held in the room reserved for consideration of classified materials.¹⁰

The ruling parties have **seven**¹¹, while the opposition parties have **six**¹² members sitting in the Security and Defence Committee. Although Article 34 of the Rules of Procedure stipulates that appropriate participation of the under-represented gender be taken into account when determining the composition of the Committee, **none of the 22 women MPs** in the Parliament are a member of the Security and Defence Committee.

9 Article 6 of the Law on Parliamentary Oversight of the Security and Defence Sector ("Official Gazette of Montenegro", no. 080/10 from 31/12/2010)

10 2nd meeting of the Security and Defence Committee, 10/03/2021 - control hearing of the Acting Director of the NSA on "The work of the NSA in light of respect for guaranteed constitutional and legal rights"; 3rd meeting of the Committee, 19/03/2021 - control hearing of the Deputy Prime Minister of Montenegro regarding media allegations about Stevan Simijanović; 4th meeting of the committee, 31/03/2021 - control hearing of the Deputy Prime Minister of Montenegro, Dritan Abazović, and Acting Director of the NSA in connection with a possible violation of the Law on Classified Information

11 **Milan Knežević**, **Milo Božović** (Demokratski front - NSD, DNP, UCG, RP), **Vladan Raičević** (Demokratski front - PZP), **Dragan Ivanović** (Socijalistička narodna partija), **Dragan Krapović**, **Boris Bogdanović** (Demokrate - Demos - Mir je naša nacija), **Miloš Konatar** (Crno na bijelo - URA)

12 **Mevludin Nuhodžić**, **Predrag Bošković**, **Branko Čavor** (Demokratska partija socijalista), **Ivan Brajović** (Socijaldemokrate Crne Gore), **Ervin Ibrahimović** (Bošnjačka stranka), **Raško Konjević** (Socijaldemokratska partija - SDP)

Compared to other parliamentary committees, MPs attended the meetings and participated in the work of the Security and Defence Committee more actively. Namely, the meetings were **attended by an average of 87% of all Committee members**, or 11.4 MPs per meeting.¹³ The Security and Defence Committee recorded a higher participation rate among the parliamentary opposition, compared to other committees. In the first three quarters of 2021, attendance was at 4.5 opposition MPs per meeting, or three quarters of the total number of opposition members of the Committee.

It is important to note that, in the aforementioned period, Committee members used the opportunity to have their colleagues from the parliamentary clubs participate in the work of the Committee on their behalf 17 times, in accordance with the Rules of Procedure. However, frequent replacements of MPs render the work of this Committee more difficult, bearing in mind that MPs acting as substitutes do not have access to materials marked as classified and that they are not allowed to participate in meetings held in the room reserved for consideration of such materials.

In addition, 47 external participants, i.e. representatives of the executive power, the judiciary and the civil society, took part in the work of the Security and Defence Committee in this period, mainly by invitation. Deputy Prime Minister **Dritan Abazović** took part in four meetings of the Committee, which had control hearings on the agenda.¹⁴

In terms of ministerial attendance, **Sergej Sekulović**, the Minister of the Interior, participated in six meetings.¹⁵ The Minister of Defence, **Olivera Injac**, took part in three meetings,¹⁶ and the Minister of Public Administration, Digital Society and Media, **Tamara**

13 These data refer to meetings for which it is possible to ascertain the number of present MPs, i.e. the data do not refer to meetings that were closed to the public, in the period 17 Dec 2020 – 1 Oct 2021.

14 3rd meeting of the Committee, 19/03/2021 – control hearing regarding media allegations about Stevan Simijanović; 4th meeting of the committee, 31/03/2021 - control hearing in connection with a possible violation of the Law on Classified Information; 7th meeting of the Committee, 05/05/2021 - control hearing regarding media allegations about the existence of links between organised crime and representatives of the judiciary, the prosecution and part of the Police Directorate; 17th meeting of the Committee, 27/09/2021 - control hearing on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021.

15 6th meeting of the Security and Defence Committee, 26/04/2021 – control hearing regarding the security situation in Montenegro; 7th meeting of the Committee, 05/05/2021 – consideration of the 2020 Annual Report on the State of Road Traffic and Road Safety in Montenegro; 8th meeting of the Committee, 07/05/2021 – Draft Budget Law for 2021, the sections related to the Ministry of the Interior; 9th meeting of the Committee, 19/05/2021 - “Actions of state bodies in the event of a traffic incident involving an official vehicle of the Secretariat-General of the Government of Montenegro”; 14th meeting of the Committee, 23/07/2021 – proposal for appointment of the Director of the Police Directorate; 17th meeting of the Committee - control hearing on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021.

16 8th meeting of the Security and Defence Committee, 07/05/2021 - Draft Budget Law for 2021, the sections related to the Ministry of the Interior; 10th meeting of the Committee, 28/05/2021 – the 2020 Report on the work and situation in administrative areas under the jurisdiction of the Ministry of Defence, Report on the situation in the Armed Forces of Montenegro; 17th meeting of the Committee, 27/09/2021 – control hearing on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021.

Srzentić, joined one meeting.¹⁷ In addition, other political representatives of ministries attended the meetings, including the state secretaries at the Ministry of the Interior, and of the Ministry of Finance and Social Welfare – twice, respectively. The directors of the Police Directorate and the National Security Agency, **Zoran Brđanin**¹⁸ and **Dejan Vukšić**,¹⁹ took part in the Committee meetings four times, respectively.

Frequent control hearings of ministers by MPs have spurred the interest of citizens, who could follow the broadcast of these meetings via YouTube. The control hearings of several representatives of the executive regarding the actions of members of the security sector in Cetinje during September 4 and 5, 2021 drew a great deal of public attention (67,402 views), as did the control hearing regarding the Prime Minister's statement on intentions of his arrest (55,906 views), and the control hearing of the Deputy Prime Minister regarding media allegations about the existence of links between organised crime and representatives of the judiciary, prosecution and part of the Police Directorate (**32,298 views**).²⁰

In terms of transparency of the work of the Committee, timely publication of materials on the Parliament website is of particular importance. Compared to other observed parliamentary committees, the Security and Defence Committee did well in terms of publishing the minutes and other materials discussed during the meetings in a timely manner. In addition, according to the Law on Parliamentary Oversight of the Security and Defence Sector, the meetings of the Committee were usually closed to the public, unless the members decided otherwise; however, only three meetings in this period were held in the room reserved for consideration of classified materials.

17 7th meeting of the Security and Defence Committee, 05/05/2021 – Draft Law on Amendments to the Law on Information Security

18 9th meeting of the Committee, 19/05/2021 – control hearing on “Actions of state bodies in the event of a traffic incident involving an official vehicle of the Secretariat-General of the Government of Montenegro”; 12th meeting of the Committee, 02/06/2021 – control hearing on resumption of illegal transit of cigarettes through the Port of Bar and the black market of illegal cigarettes in Montenegro (*postponed due to absence of the Prime Minister, the Minister of Finance and Social Welfare, and the Director of NSA*); 14th meeting of the Committee, 23/07/2021 – Proposal for Appointment of the Director of the Police Directorate; 17th meeting of the Committee, 27/09/2021 – control hearing on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021.

19 2nd meeting of the Committee, 10/03/2021 – control hearing on “The work of the NSA in light of respect for guaranteed constitutional and legal rights”; 4th meeting on the Committee – 31/03/2021 – control hearing in connection with a possible violation of the Law on Classified Information; 15th meeting of the Committee, 30/07/2021 – control hearing on the “Statement of the Prime Minister on intentions of his arrest”; 17th meeting of the Committee, 27/09/2021 control hearing on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021.

20 Number of views on 02/11/2021.

THE COMMITTEE'S CONTROL ROLE: THE MOST ACTIVE COMMITTEE WHEN IT COMES TO CONTROL HEARINGS

As many as two thirds of all control hearings in all the working bodies of the Parliament during the first three quarters of 2021 were held by the Security and Defence Committee. Between 17 December 2020 and 1 October 2021, the Committee held seven meetings at which it conducted control hearings of 15 representatives of the executive power, while there were no consultative hearings. The Committee focused on its control function, since all the meetings were reserved for either control hearings, or consideration of initiatives to organise control hearings.

2nd meeting 10/03/2021	Control hearing of the Acting Director of the NSA, Dejan Vukšić, on "The work of the NSA in light of respect for guaranteed constitutional and legal rights"
3rd meeting 19/03/2021	Control hearing of the Deputy Prime Minister of Montenegro, Dritan Abazović, regarding media allegations about Stevan Simijanović
4th meeting 31/03/2021	Control hearing of the Deputy Prime Minister of Montenegro, Dritan Abazović, and Acting Director of the NSA, Dejan Vukšić, in connection with a possible violation of the Law on Classified Information
6th meeting 26/04/2021	Control hearing of the Minister of the Interior, Sergej Sekulović, regarding the security situation in Montenegro
7th meeting 05/05/2021	Control hearing of Deputy Prime Minister, Dritan Abazović, regarding media allegations about the existence of links between organised crime and representatives of the judiciary, the prosecution and part of the Police Directorate
9th meeting 19/05/2021	Control hearing of the Minister of the Interior, Sergej Sekulović, Acting Director of the Police Directorate, Zoran Brđanin, and Deputy Head of the Basic State Prosecutor's Office, Nikola Boričić, on "Actions of state bodies in the event of a traffic incident involving an official vehicle of the Secretariat-General of the Government of Montenegro"
9th meeting 19/05/2021	(POSTPONED) Control hearing of the Prime Minister of Montenegro, Zdravko Krivokapić, Minister of Finance and Social Welfare, Miloško Spajić, Acting Director of NSA, Dejan Vukšić, and Acting Director of the Revenue and Customs Administration, Aleksandar Damjanović, on the resumption of illegal transit of cigarettes through the Port of Bar and the black market of illegal cigarettes in Montenegro
15th meeting 30/07/2021	(POSTPONED) Control hearing of the Prime Minister of Montenegro, Zdravko Krivokapić, Acting Director of the Police Directorate Zoran Brđanin, Director of the National Security Agency, Dejan Vukšić, and Chief Special Prosecutor Milivoje Katnić on "Statement of the Prime Minister on intentions of his arrest"
17th meeting 27/09/2021	Control hearing of the Deputy Prime Minister, Dritan Abazović, Minister of the Interior Sergej Sekulović, Minister of Defence, Olivera Injac, Director of the Police Directorate, Zoran Brđanin, Director of the NSA, Dejan Vukšić and Acting Director General of the Protection and Rescue Directorate in the Ministry of the Interior, Miodrag Bešović - on the actions of members of the Police force, and the security and defence sector in Cetinje, on September 4 and 5, 2021

Initiatives taken by MPs, both from the parliamentary majority and the opposition, to exercise the control role of the Committee were frequent in the observed period. At total of ten initiatives for control hearings were discussed at Committee meetings. All initiatives were supported by the majority of Committee members, i.e. by the votes of both the parliamentary majority and the opposition.

Although the meetings were mostly initiated by a joint decision of the Committee, opposition MP **Raško Konjević** independently initiated three control hearings. Therefore, almost half of the control hearings were held at the initiative of the parliamentary opposition in the Committee, and they include the following:

Control hearing of the Deputy Prime Minister of Montenegro, **Dritan Abazović**, regarding media allegations about Stevan Simijanović, and of the Acting Director of the NSA, **Dejan Vukšić**, on “The work of the NSA in light of respect for guaranteed constitutional and legal rights”;

Control hearing of the Minister of the Interior, **Sergej Sekulović**, Acting Director of the Police Directorate, **Zoran Brđanin**, and Deputy Head of the Basic State Prosecutor’s Office, **Nikola Boričić**, on “Actions of state bodies in the event of a traffic incident involving an official vehicle of the Secretariat-General of the Government of Montenegro”;

Control hearing of the Prime Minister of Montenegro, **Zdravko Krivokapić**, Acting Director of the Police Directorate **Zoran Brđanin**, Director of the NSA, **Dejan Vukšić**, and Chief Special Prosecutor **Milivoje Katnić** on “Statement of the Prime Minister on intentions of his arrest”.

All of the control hearings lasted for several hours, and their format allowed MPs from the parliamentary majority and the opposition to alternately ask questions to the individuals who were subject to the hearings. However, the results of these control hearings in the form of conclusions and recommendations that would accompany the reports on the hearings themselves were lacking. **Of the seven reports from seven control hearings, only one contains a conclusion**, in the form of a general recommendation to the Ministry of the Interior and the Police Directorate, stating that they “are obliged to act with special care and full professional capacity to preserve the rule of law, peace and stability.”²¹ Other reports from control hearings did not propose conclusions or specific recommendations to the institutions, and were accompanied by an explanation, stating that the proceedings were ongoing, in the hands of competent authorities, and that the hearings were conducted on the basis of classified documentation.

21 The report on the control hearing of Minister of the Interior, Sergej Sekulović, regarding the security situation in Montenegro, Security and Defence Committee, no. 00-63-4/21-25/6 from 26 Apr 2021, available at: <https://bit.ly/3nOI8cw>

In the observed period, there were instances of representatives of the executive failing to appear at the meeting, despite being invited by the Security and Defence Committee, or despite being the subject of the scheduled control hearings. Such is the case with the 12th meeting of the Committee, which was not held because the Prime Minister, **Zdravko Krivokapić**, the Minister of Finance and Social Welfare, **Milojko Spajić**, and the Director of the NSA, **Dejan Vukšić**, did not appear at the meeting, although a control hearing was scheduled to deliberate on the issue of the illicit cigarettes market in Montenegro.

The views of MPs and representatives of the executive on the obligation of the Prime Minister and ministers to attend the control hearing are at odds, which can be seen from the letters sent by the Prime Minister and the Minister of Finance and Social Welfare prior to the meeting. Although Article 75, paragraph 6 stipulates that the authorised representatives of state bodies are obliged to respond to the summons for a control hearing, the letters from the Prime Minister and the minister state that they consider that the decision on the hearing does not oblige them to attend it, and that the Committee is not in charge of oversight over the Ministry of Finance and Social Welfare.²² In addition, Prime Minister Krivokapić refused to attend the 15th meeting of the Committee on “Statement of the Prime Minister on intentions of his arrest”, offering the same explanation. The Director of the Police Directorate, **Zoran Brđanin**, informed the MPs that he was not able to attend the meeting due to a previous commitment to meet with the Director of the Police Directorate of Slovenia.

Thus far, the Prime Minister has not taken part in control hearings in the parliamentary committees, although the former PM, **Milo Đukanović**, accepted the invitations of the inquiry committees regarding the “Telekom”²³ affair in 2012 and “Snimak/Recording”²⁴ affair in 2013. The Parliament Rules of Procedure recognise the institute of the Prime Minister’s Hour as a key mechanism in relation to the Prime Minister, while the regulations around the notion “representative of a state body” who can be questioned at the committee lack in precision. Equally, there is room for clarity in terms of institutions over which the Security and Defence Committee can exercise parliamentary oversight.

22 The letter was read aloud at the beginning of the 12th Security and Defence Committee meeting, which was then postponed due to the absence of persons summoned to the hearing. Available at: <https://bit.ly/3C2THSI>

23 “Đukanović: There was no corruption in the process of privatisation of Telekom”, Radio Free Europe, 2012, available at: <https://bit.ly/3EYL0KH>

24 “The 10th meeting of the Inquiry Committee, with a focus on collating information and facts on the work of state institutions, in relation to the publishing of a recording and transcript from meetings of the Democratic Party of Socialist”, Parliament of Montenegro, 2013, available at: <https://bit.ly/30cqN5e>

FEW LEGISLATIVE ACTIVITIES OF THE COMMITTEE

In the first three quarters of 2021, the Committee predominantly exercised its control function, and performed few legislative activities. The competence of the Security and Defence Committee to consider laws, other regulations and general enactments in this area is defined in the Law on Parliamentary Oversight of the Security and Defence Sector and the Parliamentary Rules of Procedure. However, **in the first three quarters of 2021, the Committee considered only three draft laws, as follows:** the Draft Law on Amendments to the Law on Information Security, the Draft Law on the Final Account of the Budget of Montenegro for 2019 and the Draft Law on the Budget of Montenegro for 2021, the section referring to spending units for which the Security and Defence Committee serves as the parent working body.

The presentation and subsequent debate on the Draft Law on Amendments to the Law on Information Security lasted for a total of 10 minutes, after which the proposal was adopted. None of the MPs showed interest in the debate on the Draft Law on Final Budget Account for 2019. It was only the Draft Budget Law for 2021 that drew attention of the MPs, who considered it in more detail, with the aim of ascertaining whether the proposed funds would be sufficient for the functioning of spending units within the security and defence sector.

Unlike other committees that prepare annual work plans in which they specify normative, control and other activities that arise from systemic laws, the Security and Defence Committee prepares a Parliamentary Oversight Plan. However, this plan does not specify the laws that are to be considered in the current year, which makes it difficult to monitor the implementation of legislative activities that the Committee should implement. Additionally, the Committee could not plan legislative activities due to the delay of the Government in preparation of the 2021 Work Programme, which was adopted at the end of April.

Delays in the Government submitting laws for parliamentary procedure also contributed to the fact that the number of laws considered by the Committee remains negligible. For example, although the Government Work Programme foresees that the Draft Law on Weapons would be prepared in the second quarter of 2021, it has not been prepared nor submitted to the Parliament. On the other hand, the Committee did not take a proactive role in the capacity of an interested working body regarding the draft laws that entered the parliamentary procedure. Such is the case with the Draft Law on Internal Affairs, which was submitted to the Parliament by the Ministry of the Interior, over which the Committee exercises parliamentary oversight. However, the Committee did not consider this draft law as an interested working body, although one of its competences is to consider the exercise of human and civil rights and freedoms in the application of powers by the police and other security bodies and services.

THE COMMITTEE'S OBLIGATIONS PROCEEDING FROM SYSTEMIC LAWS

According to the Parliamentary Oversight Plan, the Security and Defence Committee was to consider six reports on the work of institutions in the security and defence sector in the first three quarters of 2021. However, only two reports were considered: the Report on the work of the Ministry of Defence and the Armed Forces of Montenegro for 2020, and the Report on the State of Road Traffic Safety in Montenegro for 2020.²⁵ These reports were not supported by the majority of MPs, as the representatives of the parliamentary majority announced in advance that they would abstain from voting on the said reports because they referred to the work of the previous government. However, they did not propose conclusions and recommendations that would affect the improvement of the work of these institutions.

Additionally, although the MPs supported the Report on the State of Road Traffic Safety in Montenegro for 2020, they pointed out certain areas for improvement, but did not translate them into specific conclusions and recommendations to the Police Directorate. MPs recognised the need for a special organisational unit in the Police Directorate being established, which would be in charge of traffic safety and escorting domestic and foreign protected persons, as well as forming a special police station in charge of traffic safety on the highway, but this was not formulated in the conclusion. Instead, the Report on the Consideration of Report on the State of Traffic Safety contains a generic conclusion stating that the report is accepted.

In addition to the aforementioned reports, the Committee also considered the Report on the Use of Units of the Armed Forces of Montenegro in International Forces, Peacekeeping Missions and Other Activities Abroad, but this consideration did not result in adoption, nor did they offer any conclusions on areas for improvement.

In the first three quarters of 2021, the Security and Defence Committee did not consider the remaining reports for 2020 in its area of competence: Report on the Work of the Ministry of the Interior, Report on the Work of the National Security Agency, Report on the State of Protection and Rescue in 2020, Report on Results in the Fight against Organised Crime and Corruption. In addition, MPs did not have information on the execution of the budget for 2020, in relation to the funds allocated for the work of bodies and institutions from Article 3, paragraph 1 of the Law on Parliamentary Oversight in the Security and Defence Sector.

An important competence of the Committee, arising from the Law on Parliamentary Oversight is the consideration of proposals of candidates for appointment to managerial

25 10th meeting of the Security and Defence Committee, 28/05/2021, available at: <https://bit.ly/3q5P07U> and the 7th meeting of the Security and Defence Committee, 05/05/2021, available at: <https://bit.ly/3q5P07U>

positions in the security and defence sector, which the Government submits to the Parliament. However, in the observed period, two appointments of leaders in the security and defence sector were made without obtaining the opinion of the Parliament.

At its 14th meeting,²⁶ the Committee considered the proposal of the Government of Montenegro to appoint **Zoran Brđanin**, the former acting director of the Police Directorate, and proposed that the Parliament provide a positive opinion on his appointment as director of the Police Directorate. However, the Government appointed Brđanin before the opinion of the Committee was considered at the plenum of the Parliament.²⁷

The Committee did not carry out the same procedure in the case of the candidate for director of the National Security Agency, for which the Government had also submitted a proposal to the Parliament. Five months after the submission of the Government's proposal, the Committee did not schedule a meeting to consider the proposal to appoint the director of the NSA, the then Acting Director **Dejan Vukšić**, although it held other meetings in the meantime. This is also the only case, in the new convocation of the Parliament, in which the failure to schedule a Committee meeting resulted in the Speaker of the Parliament scheduling a Committee meeting pursuant to Article 63 paragraph 2 of the Rules of Procedure²⁸, to deliberate on this item on the agenda. However, the meeting was not held due to insufficient representation of Committee members. Subsequently, the Government of Montenegro, appointed Dejan Vukšić as Director of the National Security Agency, without obtaining the opinion of the Security and Defence Committee.

26 14th meeting of the Security and Defence Committee, 23/07/2021, available at: <https://bit.ly/3q5P07U>

27 In the procedure: the proposal for appointment of the director of the Police Directorate – **Zoran Brđanin**, available at: <https://bit.ly/3H9IRPk>

28 “The Chair of the Committee shall be obliged to convene the Committee’s meeting, 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 Chair of the Committee, the Committee shall be convened by the President of the Parliament.”

COMMITTEE SECRETARIAT: ONE REMAINING VACANCY

The Secretariat of this working body provides significant support in fulfilling the legislative, control and oversight role of the Security and Defence Committee. The Secretariat performs various logistical tasks, such as organising meetings and recording minutes, as well as performing professional tasks that provide direct support to MPs - such as analysing acts on the agenda, preparing informed overviews, and assessing the impact of legislation.

According to the list of civil servants and state employees in the Parliament²⁹, five persons are employed in the Secretariat of the Security Committee, although the Rulebook on the Systematisation of the Parliament³⁰ outlines that six employees would cover secretarial and advisory positions. The Secretary of the Committee argues that the number of employees in the Secretariat is optimal, pointing out a single aggravating circumstance - that she is the only employee in the Secretariat with access to classified material, and the only one with the right to participate in meetings held in the room reserved for consideration of such material.³¹

29 The list of civil servants and state employees in the Parliament, 28/10/2021.

30 Rulebook on the organisation and job systematisation of the Service of the Parliament of Montenegro, no. 00-57-2/21-44/7 from 29/07/2021.

31 Interview with **Zorana Baćović**, Secretary of the Security and Defence Committee, 30/09/2021.

CONCLUSION:

In the first three quarters of 2021, the Security and Defence Committee has been the most active parliamentary working body in terms of exercising the control function. However, the Committee predominantly exercised its control function through control hearings, while considerations of reports on performance and the situation in the security and defence sector was not sufficiently employed as a control mechanism.

The Security and Defence Committee has particularly neglected its role in controlling budget execution. Despite many years of advocacy by Institute Alternative for the MPs sitting in the Committee to request and consider semi-annual budget execution reports in the security and defence sector, as well as internal audits of institutions in this sector - the Committee remained passive.

On the other hand, the Committee's openness to opposition proposals is worth mentioning as a point of improvement in its overall performance. The fact that all three opposition initiatives to hold control hearings were accepted by the majority of Committee members, and that they resulted in scheduling control hearings of representatives of the executive, can serve as a positive example to other parliamentary working bodies.

In the observed period, the Committee was passive in considering and managing regulations in the security and defence sector. The Parliamentary Oversight Plan does not contain a list of draft laws to be considered by the Committee in a given year, nor does the Committee have a standard Work Plan, which all other committees prepare, and which outlines legislative activities to be undertaken in a given year. In addition, in the first three quarters of 2021, the Security and Defence Committee did not use the opportunity to consider one of the most important laws in the field of security, the Draft Law on Internal Affairs, as an interested working body.

The shortcomings of the regulatory framework governing the work of the Security and Defence Committee are particularly visible in the definition of "representatives of government bodies" in the Rules of Procedure of the Parliament, i.e. individuals who should be obliged to respond to the Committee's summons to a control hearing. Consequently, the duty of the Prime Minister and ministers who cover areas that are not subject to the Committee's oversight, is a topic of frequent debate among MPs. In addition, an unblocking mechanism is yet to be established for not convening Committee meetings to consider proposals for key appointments in the security and defence sector.

RECOMMENDATIONS

01

Activate the control function of the Security and Defence Committee **over budget execution in the security and defence sector**, through consideration of semi-annual reports on budget execution, as well as consideration of internal audit reports of institutions in this sector;

02

Improve the control function of the Committee by **considering the reports on the work** of the Ministry of the Interior and the National Security Agency;

03

Improve the legislative function of the Committee, by employing **the institute of an interested working body**, i.e. consideration of those draft laws that are relevant to the security and defence sector, even though the Committee is not the main parliamentary working body for those laws;

04

Improve the effects of control mechanisms, i.e. control hearings, by **proposing the adoption of conclusions and recommendations** of reports that have been reviewed, and control hearings that have been held, which would improve the work of institutions and the situation in the sector;

05

When deciding on the composition of the Committee, take into account **the appropriate participation of the underrepresented gender**.

SOURCES:

- Action Plan for Strengthening the Legislative and Control Roles of the Parliament of Montenegro in 2021, Parliament of Montenegro, March 2021
- Global Parliamentary Report 2017: Parliamentary oversight – Parliament’s power to hold government to account, Inter-Parliamentary Union and United Nations Development Programme, available at: <https://bit.ly/3G3B9EC>
- Decision on the Election of Chairs and Members of the Standing Committees of the 27th Convocation of the Parliament of Montenegro, Parliament of Montenegro, 17/12/2020
- 2021 Plan of Parliamentary Oversight in the Security and Defence Sector, Parliament of Montenegro, no. 00-63-4/21-12, from 24/02/2021
- Rules of Procedure of the Parliament of Montenegro (“Official Gazette of Montenegro”, no. 65/21) from 22/07/2021
- Rulebook on the Organisation and Job Systematisation of the Service of the Parliament of Montenegro, 29/07/2021
- 2021 Government of Montenegro Work Programme, Government of Montenegro, 28/04/2021
- “For the Parliament which Interferes in its Work”, Institute Alternative, 11/03/2021
- Law on Parliamentary Oversight of the Security and Defence Sector (“Official Gazette of Montenegro”, no. 080/10 from 31/12/2010)

WEB:

- Parliament of Montenegro webpage, available records from the Security and Defence Committee meetings: <https://bit.ly/3q5P07U>

Video recordings of the Security and Defence Committee meetings, which were not closed to the public (the Parliament’s YouTube channel):

- Video recording of the **1st meeting**: <https://bit.ly/3D7ljqJ>
- Video recording of the **5th meeting**: <https://bit.ly/3n3K41v>
- Video recording of the **6th meeting**: <https://bit.ly/3c0TAw8>
- Video recording of the **7th meeting**: <https://bit.ly/3qqUWZA>
- Video recording of the **8th meeting**: <https://bit.ly/3ojMGro>

- Video recording of the 9th meeting: <https://bit.ly/3HclUdl>
- Video recording of the 10th meeting: <https://bit.ly/3F2Zwkz>
- Video recording of the 11th meeting: <https://bit.ly/3qpMbi5>
- Video recording of the 12th meeting: <https://bit.ly/3C2THSl>
- Video recording of the 13th meeting: <https://bit.ly/3wzwxBN>
- Video recording of the 15th meeting: <https://bit.ly/3BXyMjC>
- Video recording of the 16th meeting: <https://bit.ly/3bXctjo>
- Video recording of the 17th meeting: <https://bit.ly/3D3m9Vq>

IN-DEPTH INTERVIEW:

- Interview with **Zorana Baćović**, Secretary of the Security and Defence Committee, held on 30/09/2021.

ABOUT INSTITUTE ALTERNATIVE

Institute Alternative (IA) is a non-governmental organisation, established in September 2007 by a group of citizens with experience in civil society, public administration and business sector.

Our mission is to contribute to strengthening of democracy and good governance through and policy analysis as well as monitoring of public institutions performance.

Our objectives are to increase the quality of work, accountability and transparency, efficiency of public institutions and public officials; to encourage open, public, constructive and well-argument discussions on important policy issues; raising public awareness about important policy issues, strengthening the capacity of all sectors in the state and society for the development of public policies.

The values we follow in our work are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.

We function as a think tank or a research centre, focusing on the overarching areas of good governance, transparency and accountability. The areas of our work and influence are structured around the following five main programmes: public administration; accountable public finance; parliamentary programme; security and defence, and social policy.

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

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

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

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

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

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

www.institut-alternativa.org

www.mojgrad.me

www.mojauprava.me

www.mojnovac.me