

MONITORING REPORT

PERFORMANCE OF PARLIAMENT SPRING SESSION



PUBLICATION:

Monitoring Report: Performance of the Parliament (Spring Session)

PUBLISHER:

Institute Alternative

Jaglike Adžić 13, 8/30, 81000 Podgorica

+382 (0) 20 268 686

info@institut-alternativa.org

EDITOR:

Stevo Muk

AUTHORS:

Marko Sošić, Bojana Pravilović, Jelena Radulović

DESIGN AND LAYOUT:

Artbuk d. o. o.

Podgorica, October 2024

CIP - Каталогизација у публикацији

Национална библиотека Црне Горе, Цетиње

ISBN 978-9940-48-026-4

COBISS.CG-ID 35659012

This monitoring report was prepared under the project "Parliament for Citizens: Accountability Redefined" implemented by Institute Alternative, with the support of the National Endowment for Democracy. The content of the report is the sole responsibility of the authors and does not reflect the views of the National Endowment for Democracy.



Summary of Findings

The new, 28th convocation of the Parliament of Montenegro, ended a months-long political crisis by electing the 44th Government of Montenegro, headed by Prime Minister Milojko Spajić, at a sitting held on 31 October 2023. What was presented to the public as a new chapter in parliamentary activity, intended to establish a stable parliamentary majority, soon revealed a concerning number of shortcomings: divergent interpretations and amendments to the Rules of Procedure resulting in the abolition of opposition control mechanisms, failure to adopt work plans for parliamentary committees, an increase in legislative initiatives by MPs not accompanied by analysis, and adoption of Government-sponsored laws without public debate and constrained by short timeframes.

This analysis provides an overview of key developments that marked the work of Parliament from the constitution of the 28th convocation, as above, until 10 October 2024, i.e. the launch of the autumn session. Furthermore, this report flags challenges in the context of frequent postponements of control hearings, cancellation of Prime Minister's Questions, and the question of who may (or may not) be summoned to hearings before parliamentary committees. We also examined how thorough were the legislative proposals submitted into procedure by MPs, and whether, in doing so, they consulted the Parliament's professional services – the Parliamentary Budget Office and the Research Centre.

The work and re-structuring inside the parliamentary composition were strongly influenced by the Government reshuffle in July 2024, when the Bosniak Party and parties of the former Democratic Front – the Democratic People's Party and New Serb Democracy – joined the executive power. The Government created eleven new portfolios, and with a total of 32 ministries became one of the largest governments in the region.

What follows is an overview of key developments observed during the spring session of the Parliament of Montenegro.

Prime Minister's Questions

In line with the Rules of Procedure of the Parliament of Montenegro,¹ the Prime Minister can take parliamentary questions from MPs at a special sitting of the Parliament, held at least once every two months during a regular session of the Parliament. During the 28th convocation of the Parliament, four such sessions dedicated to Prime Minister's Questions were held, at which 39 questions were asked.² On several occasions, the Prime Minister failed to fulfil his obligations towards the Parliament of Montenegro, citing international commitments; there were instances where the opposition boycotted Prime Minister's Questions, as well as instances where lengthy committee sittings overlapped with Prime Minister's Questions. All of the above undermined the institution of Prime Minister's Questions, the aim of which is to enable MPs to obtain information concerning the work of the Government of Montenegro.

Prime Minister's Questions, which had been scheduled for the Fourth Special Sitting of the First Regular (Spring) Session in 2024, planned for 30 April 2024, was cancelled on account of the Prime Minister, Milojko Spajić, being unable to attend due to previously assumed international obligations.³ This session was postponed to 9 May, when it was eventually held.

The latest in a series of controversies surrounding the scheduling of Prime Minister's Questions occurred with the scheduling of the Tenth Special Sitting of the First Regular (Spring) Session in 2024, which was planned for 29 June 2024. The Prime Minister once again cancelled his attendance at the session, citing an official visit to Brussels, and did so late in the evening on the Friday that preceded the sitting, scheduled for Saturday.⁴ On that occasion, he requested that the sitting

1 Article 187 of the Rules of Procedure of the Parliament of Montenegro ("Official Gazette of the Republic of Montenegro", No. 051/06 dated 04/08/2006, 066/06 dated 03/11/2006; "Official Gazette of Montenegro", No. 088/09 dated 31/12/2009, 080/10 dated 31/12/2010, 039/11 dated 04/08/2011, 025/12 dated 11/05/2012, 049/13 dated 22/10/2013, 032/14 dated 30/07/2014, 042/15 dated 29/07/2015, 052/17 dated 08/08/2017, 017/18 dated 20/03/2018, 047/19 dated 12/08/2019, 112/20 dated 24/11/2020, 129/20 dated 30/12/2020, 065/21 dated 18/06/2021, 048/24 dated 24/05/2024, 080/24 dated 16/08/2024).

2 Sittings of the Parliament of Montenegro, 28th Convocation, available at: <https://www.skupstina.me/me/sjednice/sjednice-skupstine>

3 Spajić informed Mandić that he would not be able to attend Prime Minister's Questions on 30 April, Vijesti, April 2024, available at: <https://www.vijesti.me/vijesti/politika/702140/spajic-obavijestio-mandica-da-nece-moci-da-prisustvuje-premijerskom-satu-30-aprila>

4 Spajić cancelled attendance at Prime Minister's Questions, Vijesti, June 2024, available at: <https://www.vijesti.me/vijesti/politika/713636/spajic-otkazao-dolazak-na-premijerski-sat>

e postponed to 1 July. The Speaker of Parliament opened the sitting on 29 June,⁵ and concluded that the sitting would continue on 1 July. Although the Prime Minister and representatives of the Government of Montenegro attended the sitting on 1 July, representatives of the parliamentary opposition from the Democratic Party of Socialists did not allow for the Prime Minister's Questions to take place, stating that postponements constituted an act of disregard of the Parliament and the citizens of Montenegro. Subsequently, the Speaker of Parliament, Andrija Mandić, announced two Prime Minister's Questions sessions scheduled for 19 and 26 July.

A new session of Prime Minister's Questions was initially scheduled for 26 July 2024. However, it was postponed because Prime Minister Milojko Spajić travelled to Paris for the Olympic Games. That session was rescheduled for 30 July, on the same day as the sittings of the Committee on Economy, Finance and Budget, and the Security and Defence Committee, both of which included control hearings of the Prime Minister.⁶ The sitting of the Security and Defence Committee was closed to the public, while the sitting of the Committee on Economy, Finance and Budget lasted for more than four hours, making it impossible for Prime Minister's Questions to begin at 14:00 as scheduled. The Speaker of Parliament, Andrija Mandić, opened the sitting and stated that Prime Minister's Questions would not be held, and that he would not allow any committee to degrade the institution of the Parliament. Some MPs then decided to attend the sitting of the Committee on Economy, Finance and Budget, but both the Prime Minister and the Minister of Finance left, even though the sitting had not been concluded. Spajić stressed that citizens would not be deprived of answers to any of the questions raised by MPs, and that answers would be published online. However, the purpose of Prime Minister's Questions is not for answers to be published online, but for the session to take place in Parliament, where MPs also have the right to comment on the Prime Minister's answers, and for the Prime Minister to address any such comments. The session of Prime Minister's Questions held on 19 July was the last one before the autumn session, which commenced on the first working day in October.

The purpose of the institution of Prime Minister's Questions is for MPs to obtain information within the scope of the Government's operations at special sittings of Parliament. However, developments in this convocation demonstrated that Prime Minister's Questions were not held with the frequency prescribed by the Rules of Procedure of the Parliament of Montenegro, most often due to the Prime Minister's failure to respect his obligations towards Parliament.

5 Tenth Extraordinary Sitting of the First Regular (Spring) Session in 2024, Parliament of Montenegro, June 2024, available at: <https://www.youtube.com/watch?v=YFhy7yw86gg>

6 For "dialogue" with the Prime Minister, visit the Government's website, Vijesti, July 2024, available at: <https://www.vijesti.me/vijesti/politika/718045/za-dijalog-s-premijerom-udjite-na-sajt-vlade>

Date	Was it held?	Number of questions asked (Parliament website)
28/12/2023 (Eighth Special Sitting of the Second Regular (Autumn) Session in 2023)	Yes	9
05/04/2024 (Third Special Sitting of the First Regular (Spring) Session in 2024)	Yes	9
09/05/2024 (Fourth Special Sitting of the First Regular (Spring) Session)	Yes (*this session of Prime Minister's Questions was originally scheduled for 30 April)	11
29/06/2024 (Tenth Special Sitting of the First Regular (Spring) Session)	No	10
19/07/2024 (Twelfth Special Sitting of the First Regular (Spring) Session in 2024)	Yes	10
26/07/2024 (Thirteenth Special Sitting of the First Regular (Spring) Session in 2024)	PM did not attend due to the opening of the Olympic Games in Paris. * This Prime Minister's Questions was rescheduled for 30 July, but was not held due to the sitting of the Committee on Economy, Finance and Budget	9

Scheduling of Sitzings as a Means of Constraining the Oversight Function

The Rules of Procedure of the Parliament of Montenegro define the right of committees to schedule control hearings, as well as the obligation of representatives of state authorities to respond to invitations for control hearings and to provide the documentation requested by the committees within the agreed deadline. In the case of the Security and Defence Committee, this oversight mechanism is further reinforced by the Law on Parliamentary Oversight in the Security and Defence Sector. Yet, this convocation of the Parliament was characterised by the opposite: control hearings were scheduled several months following the adoption of decisions on holding them, which renders this oversight mechanism meaningless. This was the case with hearings held before the Security and Defence Committee, and the Committee on Economy, Finance and Budget, which took place four and five months, respectively, after the decisions to hold them had been adopted.

The purpose of convening a control hearing is to obtain the necessary information on a given event, and to clarify current contentious issues in the implementation of laws or other activities of the Government and other state authorities. Accordingly, control hearings should be scheduled within a reasonable timeframe in order to fulfil their function. The 28th convocation has shown a disorganised practice in the work of committees. One of the most illustrative examples was the Security and Defence Committee's control hearing of Prime Minister Miloško Spajić and Minister of the Interior, Danilo Šaranović, regarding the appointment of the Acting Director of the Police Administration, and the implications of this appointment for the security system in Montenegro. The decision to hold this control hearing was adopted on 19 March, at the tenth sitting of the Committee. This control hearing was postponed twice: originally scheduled for 26 June, it was cancelled due to the Prime Minister's international obligations, and the subsequent sitting scheduled for 16 July was also cancelled. The Chair of the Committee, Miodrag Laković, stated that the date of the hearing had been scheduled in agreement with the Government, and that the committee could not determine the agenda of the executive branch and ministers. Whilst the scheduling of sessions is often a matter of coordination with the Government, it should be done within a reasonable timeframe, particularly given that there is no legal obligation for this coordination to occur; the only legal obligation is for representatives of the Government to be invited to a committee sitting when it is scheduled.⁷ This control hearing was finally held on 30 July, more

⁷ Ministry of Interior: The Committee was informed that Šaranović would attend the hearing even before 26 June, Vijesti, April 2024, available at: <https://www.vijesti.me/vijesti/politika/703660/mup-odbor-je-obavijesten-da-bi-saranovic-dosao-na-saslanje-i-prije-26-juna>

than four months after the decision to hold the hearing had been adopted, and only after it had been cancelled twice due to the lack of availability of Government representatives.⁸ The Chair and members of the Security and Defence Committee allowed for this oversight mechanism to be undermined, as illustrated by the fact that more than four months lapsed before this control hearing was held. For this Committee, the requirement arises not only from the Rules of Procedure but also from a legal obligation laid down in the 2010 Law on Parliamentary Oversight in the Security and Defence Sector.

This was not an isolated example, as shown by the Committee on Economy, Finance and Budget. In February 2024, at its 11th sitting, this Committee considered two initiatives: an initiative for a control hearing of the Prime Minister of Montenegro, Milojko Spajić, and the Minister of Finance, Novica Vuković, on the topic of *“Familiarisation with documents pertaining to modalities for implementing the announced economic reforms through the Europe Now 2.0 programme”*; and an initiative for a control hearing of the Minister of Energy and Mining, Saša Mujović, on the topic of *“The financial situation and operations of CEDIS, in the context of negative findings of the State Audit Institution”*. These two initiatives were put on hold pending an opinion from the Collegium of the Parliament of Montenegro. The control hearing on the Europe Now 2.0 programme was only held on 30 July, five months after the decision to convene it was adopted, while the hearing on the operations of CEDIS, scheduled for 29 July, was postponed. The new date for this control hearing was not announced during the spring session of Parliament.

The examples of the Security and Defence Committee, and the Committee on Economy, Finance and Budget illustrate how the Parliament’s oversight function is being undermined. While the scheduling of sittings may involve agreement between committee chairs and Government representatives, this must remain within limits that do not jeopardise the very initiative or purpose of holding a control hearing. Under the Rules of Procedure and the Law on Parliamentary Oversight, the Committee is under no obligation to align with the Government’s commitments, since they “invite representatives of the Government to a sitting” when they decide to schedule it. Examples highlighted in this report are concerning because they demonstrate the stifling of committees’ oversight function, especially given that we are also witnessing suppression of the right of minority initiatives to call control hearings, the Prime Minister dictating when Prime Minister’s Questions may be held, and the Government failing to respond to MPs’ requests for documentation.

8 Letter of the Supreme State Prosecutor to the Chair of the Committee on Security and Defence, Ref. No. 271/24, of 10 June 2024

Work Plans and Committee Chairmanship

The non-adoption of work plans, particularly at the beginning of the year when they are most needed, has become standard practice in the functioning of parliamentary committees in recent years. Such an approach further complicates monitoring of their activities by citizens and civil society, and makes the work of the committees more difficult, as they have no planned activities to ensure the fulfilment of legal obligations and the exercise of oversight over institutions. Although we are nearing the end of the calendar year, some committees have been operating without an adopted plan – such as the Committee on Education, Science, Culture and Sport, the Legislative Committee, and the Committee on Tourism, Agriculture, Ecology and Spatial Planning. Others have operated according to plans adopted only halfway through the year, such as the Committee on Economy, Finance and Budget and the Committee on Health, Labour and Social Welfare.

Institute Alternative has, this year as in previous years, submitted proposals for improving the work of committees,⁹ with particular focus on five committees which we have monitored for years: the Committee on Human Rights and Freedoms, the Committee on Political System, Judiciary and Administration, the Security and Defence Committee, the Anti-Corruption Committee, and the Committee on Economy, Finance and Budget. In our recommendations, we called for active monitoring of the implementation of conclusions, a more proactive role in public administration reform, budget oversight, the use of covert surveillance measures, and the reform of state-owned enterprises.

In order to strengthen parliamentary oversight, particularly in the context where two-thirds of the current convocation of Parliament consists of the ruling majority, it is essential that representatives of the opposition take on chairmanship of committees whose role is primarily supervisory, such as the Security and Defence Committee and the Committee on Economy, Finance and Budget.¹⁰ This is also one of the recommendations of the Resolution of the Parliamentary Assembly of the Council of Europe on the rights and responsibilities of the opposition in

9 IA Proposals for the Work of Parliamentary Committees, Institute Alternative, January 2024, available at:

<https://institut-alternativa.org/prijedlozi-ia-za-rad-parlamentarnih-odbora-za-2024-godinu/>

10 Opposition to chair oversight committees, Institute Alternative, July 2024, available at:

https://x.com/IA_Alternativa/status/1818618449263821063

democratic societies,¹¹ which states that members of the parliamentary opposition should be enabled to chair committees responsible for government oversight, such as committees on budget and finance, audit, or the supervision of security and intelligence services.

11 Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, January 2008, available at:
<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17626&lang=en>

Legislative Statistics

From the beginning of the 28th convocation of the Parliament until 13 September 2024, 144 legislative proposals were submitted into parliamentary procedure, almost 40% of which were submitted by MPs, primarily from the ruling majority (two-thirds of the total submitted). However, the increase in MPs' legislative initiatives has not been accompanied by better-regulated procedures for law-making. As a result, such legislative proposals are often adopted without an opinion from the Government, in expedited procedures, and with insufficient analysis of the cost implication. Additionally, legislative proposals coming from the Government are lacking in transparency, often go through expedited procedures, and bypass public consultations, which are mandatory for laws proposed by the Government.

The increase in MPs' legislative initiatives indicates the need for clearer regulation of the law-making process, especially when proposals are submitted by MPs, bearing in mind that there is no obligation to conduct public consultations for such proposals. Nevertheless, the Rules of Procedure of the Parliament of Montenegro provide for the mechanism of consultative hearings, aimed at improving the quality of work in areas such as considering and preparing draft legal acts, examining specific issues, and obtaining information. MPs of the Parliament of Montenegro have not used this mechanism to ensure more substantive debate on draft laws or to obtain additional information and recommendations from representatives of state bodies and civil society. There has not been a single consultative hearing on a law proposed by MPs that could, at least in part, compensate for the absence of public consultation.

Only 15 percent of MPs' legislative proposals include even an attempt at assessing the financial impact of the regulation. Incomplete financial impact assessments feature most commonly, or assessments which consist solely of phrases stating that additional funding from the budget of Montenegro is or is not required. This shows that MPs' legislative proposals are not accompanied by adequate analysis to demonstrate the cost of legislative amendments, their sustainability, or their key objectives.

The Government, for its part, rarely complies with the obligation, prescribed by the Rules of Procedure of the Parliament of Montenegro, to provide an opinion within 15 days of the submission of an MP's proposal. To date, it has done so for only a quarter of MPs' proposals, almost exclusively for those submitted by the parliamentary majority. We also recorded a case where the Government provided

an opinion on the Draft Law on Amendments to the Law on Pension and Disability Insurance after it had already been withdrawn from procedure.¹²

That these procedures are neither sufficiently comprehensive nor effective is also illustrated by the Draft Law on the Development Bank of Montenegro, submitted into parliamentary procedure by MPs of the parliamentary majority. The financial impact assessment of the regulation states that €90 million in capital would be required to establish the Development Bank. However, MPs from the majority party Europe Now, who submitted this draft law, did not explain how they arrived at this figure, whom they consulted in preparing the draft, or how many and which by-laws are needed for its implementation. Legally, there is no obligation to hold a public consultation, so one of the sponsors, MP Vasilije Čarapić, invited the interested public to familiarise themselves with the draft law via his LinkedIn profile, adding that all suggestions could be sent to the email address of his parliamentary assistant. The Government gave a positive opinion on this draft law despite the absence of many essential details on its financial impact.

Government proposals are often adopted in Parliament under expedited procedure and without public consultation. Of 91 draft laws submitted by the Government, only 35 were subject to public consultation. Institute Alternative stressed that resorting to expedited procedures and omitting public consultation represent unsound practice, diminishing transparency, especially in relation to legislation on concessions, energy, renewable energy sources, state property, and internal affairs. Many significant laws were not even included in the Government's legislative programme for this year (laws on internal affairs, concessions, state property). Furthermore, MPs from the ruling majority submitted amendments to these draft laws, in some cases substantially altering the original proposals.

Amendments to the Law on Inspection Oversight, as well as the Draft Law on Amendments to Laws Containing Provisions on Inspection Oversight – which envisages changes to as many as 82 laws – provide another example of adopting significant pieces of legislation through expedited procedure, without public consultation and without adequate situation analysis, contrary to the Public Administration Reform Strategy. As no public consultation was held regarding amendments to the Law on Inspection Oversight (the last public consultation was in 2017), we submitted our proposals for improving the draft to the Legislative Committee and the Committee on

12 Government Commission instead of the Administration for Inspection Affairs, Institute Alternative, May 2024, available at: <https://institut-alternativa.org/en/government-commission-instead-of-the-administration-for-inspection-affairs/>

the Political System, Judiciary and Administration.¹³ Our proposals for improving the draft legislation stemmed from the findings of our analysis *“How Do Inspections Work? – Overview of the Work of Seven Inspections in Areas at High Risk of Corruption”*,¹⁴ which covered seven different inspectorates and demonstrated that inspections’ role in the fight against corruption is insufficiently developed. This is particularly clear in the absence of a unified strategic approach and legal framework. The proposed legislative amendments do not address the identified shortcomings such as inconsistent planning of inspections, risk assessment based on a standardised methodology, or follow-up on initiatives.¹⁵

Although the legislative activity of MPs has increased in volume, it continues to face numerous constraints, both within the normative framework and in practical application. Examples of legislation demonstrate that this field requires clearer regulation, either through further amendments to the Rules of Procedure or by adopting a Law on Parliament, which has been pending for years. Furthermore, while draft laws submitted by the Government are legally required to undergo public consultation, this obligation is also frequently disregarded. Consequently, legislation is often adopted in a hasty manner, lacking adequate solutions, stakeholder participation, and thorough analysis.

	MPs	Government	Total
Submitted draft laws	53	91	144
Adopted	25	61	86
Government opinions	14	x	53 ¹⁶
Public consultations	x	35	91 ¹⁷
Financial impact assessment (comprehensive)	8	x	53

13 Milena Muk, Dragana Jaćimović, Nikolina Radonjić, How do inspections work? – An overview of the work of seven inspections in areas at risk of corruption, May 2024, available at: <https://media.institut-alternativa.org/2024/05/IBP-2024.pdf> <https://institut-alternativa.org/kako-rade-inspekcije-pregled-rada-sedam-inspekcija-u-oblastima-od-rizika-za-korupciju-2/>

14 14th Sitting of the Committee on Security and Defence, 12 June 2024, available at: https://www.youtube.com/live/ww04_tW2E4Y?feature=shared

15 Continuation of the Ninth Sitting of the First Regular Session – Day Four, Parliament of Montenegro, 9 July 2024, available at: https://www.youtube.com/watch?v=QSc_Pp0AmQE

16 Draft Law on Amendments to the Law on Pension and Disability Insurance, Parliament of Montenegro, available at: <https://zakoni.skupstina.me/zakoni/web/app.php/akt/3212>

17 Postponement to pointlessness – how the oversight function of Parliament is undermined through untimely holding of adopted control hearings, July 2024, available at: <https://institut-alternativa.org/en/postponing-to-the-point-of-meaninglessness-how-the-control-function-of-the-parliament-collapses-by-untimely-holding-of-the-voted-control-hearings/>

Can the Supreme/Chief Special Prosecutor be Summoned to a Hearing?

Participation of representatives of the prosecution at control hearings was debated on several occasions during the observed period of operations of the Parliament of Montenegro. Government representatives firmly defended the position that the Supreme State Prosecutor (SSP) and the Chief Special Prosecutor (CSP) must not be summoned to hearings, except for the purpose of presenting annual reports on the work of the prosecution. Objections from opposition MPs opened a months-long debate on the interpretation of the Law on Parliamentary Oversight in the Security and Defence Sector and the Rules of Procedure of the Parliament of Montenegro. The position that prosecutors may not participate in control hearings was also defended, during the reporting period, by the Supreme State Prosecutor, Milorad Marković.

The discussion commenced at the 13th sitting of the Security and Defence Committee, when, with the support of seven votes from the opposition and part of the parliamentary majority, an initiative was adopted to hold a control hearing of SSP Milorad Marković and CSP Vladimir Novović, on the subject of "Indications of abuse in the work of the SSP and CSP, with particular reference to the proceedings known as the Coup d'État case".¹⁸ On that occasion, without consulting representatives of the prosecution, the Chair of the Committee, Miodrag Laković, initiated a narrative that effectively set a precedent for future obstruction of this type of oversight by parliamentary committees. Referring to the Law on Parliamentary Oversight in the Security and Defence Sector, he stated that special prosecutors had no place in parliamentary benches, and that it was not possible to summon them to sittings – a position later reiterated by the Supreme State Prosecutor Milorad Marković in a letter addressed to the Committee at its 14th sitting.

The Rules of Procedure of the Parliament of Montenegro¹⁹ stipulate that a committee may summon a responsible representative of the Government, state authorities, organisations or institutions, and require them to provide statements

¹⁸ Decision on holding a control hearing of the Committee on Security and Defence of 31 May 2024, available at:

<https://zakoni.skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/3645/9636-00-63-4-24-26-3.pdf>

¹⁹ Article 75(2) of the Rules of Procedure of the Parliament of Montenegro ("Official Gazette of the Republic of Montenegro", No. 051/06 dated 04/08/2006, 066/06 dated 03/11/2006; "Official Gazette of Montenegro", No. 088/09 dated 31/12/2009, 080/10 dated 31/12/2010, 039/11 dated 04/08/2011, 025/12 dated 11/05/2012, 049/13 dated 22/10/2013, 032/14 dated 30/07/2014, 042/15 dated 29/07/2015, 052/17 dated 08/08/2017, 017/18 dated 20/03/2018, 047/19 dated 12/08/2019, 112/20 dated 24/11/2020, 129/20 dated 30/12/2020, 065/21 dated 18/06/2021, 048/24 dated 24/05/2024, 080/24 dated 16/08/2024).

and explanations. The Law on Parliamentary Oversight in the Security and Defence Sector further provides that responsible representatives of the Government or another state administration body, **as well as any other persons whose presence is deemed necessary for resolving the matter**, shall be summoned to the sitting.

Marković confirmed in a letter²⁰ that he would not attend the hearing, again citing, like Laković, the Law on Parliamentary Oversight in the Security and Defence Sector, arguing that the prosecution could not be subject to parliamentary scrutiny and therefore could not participate in the Committee's work through the scheduled control hearing. Vladislav Bojović, an MP from the parliamentary majority and sponsor of the initiative, maintained that the subject of the hearing was of a security-related nature and fell within the competence of the Committee. He concluded that the SSP and CSP were, by all accounts, "obstructing the conclusion of the proceedings".²¹ Despite the initiative being adopted, the control hearing did not take place. At the very next sitting, the practice of not inviting prosecution representatives to control hearings became established.

A minority initiative by opposition MPs for a control hearing of CSP Vladimir Novović on the handling of that prosecution office in the case of "reasonable doubt of creating a cigarette smuggling network" was thus effectively blocked. The debate at the 15th sitting of the Committee established two methods of constraining oversight mechanisms - the assertion that prosecution representatives could not be summoned at all, let alone participate in control hearings; and the overruling of minority initiatives, which violated the Rules of Procedure of the Parliament. Shortly thereafter, SSP Milorad Marković presented the *Report on the Work of the Prosecutorial Council and the State Prosecution Service for 2023 in plenary*.²²

The continuation of the Ninth Sitting of the First Regular Session effectively established Laković's initial stance as the guiding principle for committees with regard to summoning prosecution representatives to control hearings. At the sitting, where the Annual Report was among the least-discussed items on the agenda, SSP Milorad Marković stated that he could attend sittings only in the context of presenting reports, and not, as he put it, to discuss details of any specific cases. He added that parliamentary oversight of the State Prosecution Service was not possible under the Law on the State Prosecution, thereby effectively closing the debate on this issue. Despite the objections of opposition MPs, who insisted

20 Letter of the Supreme State Prosecutor's Office to the Chair of the Committee on Security and Defence, Ref. No. 271/24, of 10 June 2024.

21 14th Sitting of the Committee on Security and Defence, 12 June 2024, available at: https://www.youtube.com/live/ww04_tW2E4Y?feature=shared

22 Continuation of the Ninth Sitting of the First Regular Session – Day Four, Parliament of Montenegro, 9 July 2024, available at: https://www.youtube.com/watch?v=QSc_Pp0AmQE

that the prosecution could not be “untouchable” when it came to responding to parliamentary summons, MP and Chair of the Security and Defence Committee Miodrag Laković replied that MPs could only open a parliamentary inquiry and form an inquiry committee. On that occasion, he stated that parliamentary oversight of the prosecution would amount to interference and an undermining of the mechanism of separation of powers, and that “imposing obligations on the prosecution through amendments to the Rules of Procedure or the Law would be problematic from the perspective of the European and Venice Commissions”.²³

Through arbitrary interpretations of the Rules of Procedure, the Law on Parliamentary Oversight in the Security and Defence Sector, and the Law on the State Prosecution, parliamentary oversight of the prosecution and its representatives has been all but prohibited on any subject, and it appears that the SSP and CSP will only feature in parliamentary benches to present annual reports.

²³ Continuation of the Ninth Sitting of the First Regular Session – Day Four, Parliament of Montenegro, 9 July 2024, available at: https://www.youtube.com/watch?v=QSc_Pp0AmQE

The Administrative Court's Position on Parliamentary Deliberation of Reports

Amendments to the Law on Internal Affairs in 2018 introduced an obligation for the Director of the Police Administration to submit, twice a year – no later than 1 June and 1 December – reports on the fight against organised crime and corruption to the Security and Defence Committee. The purpose of submitting these reports is to enhance Parliament's role in this area, while the quality of the reports, marked as classified, may constitute grounds for dismissing the Director of Police. Although the reports have been submitted to the Committee on time ever since this obligation was introduced, they have not been reviewed in a timely manner. In 2022, Institute Alternative requested information on all reports submitted since the introduction of this obligation and, based on the data received, determined that only one report had been considered – immediately after the legal obligation came into force.²⁴ The Committee's passive approach to exercising this oversight function also contributed to the dismissal of the Director of the Police Administration, and led to the issue of timely consideration of these reports being adjudicated before the Administrative Court.

The quality of these reports, i.e. analysis of whether results in the fight against organised crime and corruption are satisfactory or not, may serve as grounds for dismissing the Police Director. Furthermore, since these reports are not publicly available due to their classification, it falls to Committee members to confirm whether the Police Administration is performing as expected. If the Security and Defence Committee does not accept the submitted report, it may notify the Minister of the Interior, who may initiate a procedure for the dismissal of the Police Director before the expiry of his mandate. The Committee may also request the Director's dismissal, in which case the Government is obliged to dismiss him within 30 days of receiving the notification.

By its decision of 3 March 2024, the Government of Montenegro dismissed Zoran Brđanin as Director of the Police Administration for the third time, citing as grounds the fact that the Security and Defence Committee, as the competent body, had not accepted the Report on the Fight against Organised Crime and Corruption for the periods 01/01/2022 – 15/05/2022 and 15/05/2022–23/11/2022. Although the Committee ultimately examined the reports, this only occurred in December 2023, when they were rejected by a majority vote.

²⁴ MPs do not care about the reports on crime, Institute Alternative, September 2022, available at: <https://institut-alternativa.org/en/mps-do-not-care-about-the-reports-on-crime/>

The Administrative Court reached a different conclusion in this case and upheld Brđanin's claim, noting that the competent Committee had not considered the reports in a timely manner and had failed to act in accordance with the Law on Administrative Procedure, which stipulates that a public authority must issue consent, confirmation, approval, or an opinion within 20 days of having received a request, unless otherwise provided by law. Failure to act within the legally prescribed timeframe of 20 days creates the presumption that the public authority has granted approval. On this basis, the Administrative Court deemed the reports in question to have been adopted, meaning that the condition under Article 16(3) of the Law on Internal Affairs for initiating dismissal proceedings against the Director of the Police Administration had not been met.

The Rules of Procedure of the Parliament of Montenegro, as well as the Law on Parliamentary Oversight in the Security and Defence Sector, which regulates the work of this committee in greater detail, do not prescribe deadlines within which the competent committee must consider reports submitted to it. In its ruling, the Administrative Court observed that the Law on Administrative Procedure cannot be applied to the relations between the executive and legislative branches.

Parliamentary Budget Office (PBO) and Research Centre

Since the beginning of the 28th convocation of Parliament, MPs submitted 53 draft laws into procedure. For only seven of these laws, they approached the Research Centre of the Parliament of Montenegro with a request for a research paper, most of which have not yet even entered procedure but remain in preparation. The fact that only a negligible share of proposals is based on thorough analysis by the Research Centre demonstrates that MPs are not making adequate use of parliamentary resources – in particular, the opportunity to prepare draft laws in a rigorous and analytical way, informed by comparative analysis and the most effective solutions for creating new or revising existing public policies. The statistics on requests for research papers are telling: half of the parliamentary groups did not submit a single request, and during ten months of sittings, the Research Centre received only 24 requests.²⁵

That MPs are not making use of the research resources available to them is further demonstrated by the fact that not a single request for a research paper was submitted to the Parliamentary Budget Office (PBO). Notwithstanding, the PBO has proactively prepared overviews, infographics and analyses, and published them on its website. Applicants are required to define the title, purpose and format of the research, as well as the deadline for its delivery and publication. An MP may request an analysis to support the preparation of a draft law, an amendment proposal, or a parliamentary debate. Such analysis may take the form of a brief note, a statistical overview, a comparative review, or a full study.

Of the total number of requests, ten related to preparing for parliamentary debate and four to preparing legislative amendments. MPs most frequently sought comparative reviews or studies, while a smaller number of requests concerned the preparation of brief information notes. The majority of requests was submitted by the parliamentary group of the party Europe Now Movement – 13 in total. The SNP–CIVIS parliamentary group submitted four requests, ZBCG–New Serb Democracy three, Democratic Montenegro two, while the Bosniak Party group and the Independent MPs' Club each submitted one. Parliamentary groups of the Democratic Party of Socialists (DPS), the Civic Movement URA, ZBCG–Democratic People's Party, Social Democrats of Montenegro, Albanian Forum, and

²⁵ Decision of the Parliament of Montenegro No. 00-41/24-19/4 of 24 June 2024

the parliamentary group of the Democratic Union of Albanians and the Croatian Civic Initiative did not submit a single request for a research paper.²⁶

The Research Centre, at the request of MPs, prepared papers on topics such as: comparisons of income levels in the European Union and Western Balkans states; comparative practices in maritime law; analyses of regional legislation regarding the election of Constitutional Court judges; comparisons of forestry legislation; legislative solutions regarding illegally acquired assets not seized through criminal proceedings; and a comparative overview of the evolution of dual citizenship.

²⁶ Half of the parliamentary groups do not submit requests for research papers, Institute Alternative, September 2024, available at:
<https://institut-alternativa.org/en/half-of-parliamentary-clubs-do-not-submit-requests-for-research-papers/>

Amendments to the Rules of Procedure of the Parliament of Montenegro

Frequent attempts by the opposition to use the oversight mechanism of the “minority initiative”, as well as the inability of minority parties to agree on the election of a Deputy Speaker of Parliament, were the reasons for as many as two amendments to the Rules of Procedure of Parliament, which had last been amended in 2020.²⁷ Without awaiting consensus among the minority parties, the procedure for electing a Deputy Speaker was amended so that a single MP from these parties may now nominate a candidate. Simultaneously, the scope of the minority initiative was curtailed: Article 75(7) of the Rules of Procedure now permits the parliamentary majority to submit requests for control hearings, notwithstanding the fact that they already hold a majority in all parliamentary committees.²⁸ The number of Deputy Secretaries-General has been increased, and the possibilities for MPs to form associations within Parliament expanded. These amendments were adopted at the sittings in May and August 2024.

Through the May amendments to the Rules of Procedure, the opposition lost the possibility of submitting two requests for control hearings during a regular session; they may now submit only one request, with the second reserved for the parliamentary majority. It was the current parliamentary majority that, through the 2020 amendments to the Rules of Procedure, had strengthened the minority initiative mechanism by introducing the rule of two hearings during a regular session. Four years on, following the opposition’s frequent recourse to this mechanism during the observed period of parliamentary activity, the rule was amended and its scope reduced.

At the same sitting, amendments were adopted to Article 19 of the Rules of Procedure, which had regulated the election of a Deputy Speaker of Parliament from among MPs of minority parties. Under the previous provision, the candidate had to be nominated unanimously by all minority parties represented in Parliament. By adding a new article, the nomination process was time-limited to six months from the constitution of Parliament, after which, in the absence of agreement, a candidate may be proposed by a single MP from the minority parties.

27 Conclusion of the Fourth Sitting of the Second Regular Session in 2020, Parliament of Montenegro, 29.12.2020, available at:

<https://www.skupstina.me/me/clanci/zavrsena-cetvrta-sjednica-drugog-redovnog-zasijedanja-u-2020-godini>

28 Fifth Sitting of the First Regular Session, Parliament of Montenegro, May 2024, available at:

<https://www.youtube.com/watch?v=vRQIGpCAOdc>

Through this amendment to the Rules of Procedure, at the sitting of 31 July, MP Nikolla Camaj of the Albanian Forum was elected Deputy Speaker of Parliament. On that occasion, the Speaker of Parliament, Andrija Mandić, stated that his election was the result of an agreement by the parliamentary majority, noting that “a relatively long time was spent in order to amend the Rules of Procedure and honour the agreement we reached with the Albanian Forum”.²⁹ That the reshuffle of the 44th Government dictated the amendments to the Rules of Procedure was confirmed unequivocally by Mandić, who went on to state that, due to the entry of the Bosniak Party into the restructured Government, an agreement had been reached that this party should also receive a Deputy Speaker position.

On this basis, the parliamentary majority undertook another amendment to the Rules of Procedure, to allow for the election of up to two Deputy Speakers of Parliament from among MPs of minority parties, instead of one. At the Fourth Extraordinary Session on 16 August, the parliamentary majority adopted the amendments to the Rules of Procedure, and Mirsad Nurković, MP of the Bosniak Party, was elected Deputy Speaker of Parliament from the ranks of minority parties. Alongside these, amendments were also adopted concerning the competences and number of Deputy Secretaries-General of Parliament, as well as the manner of forming MP groups in the plenary.

With regard to the chapter of the Rules of Procedure regulating the position of Deputy and Assistant Secretaries-General, the amendments increased the number of deputies from two to three. MPs may now form parliamentary groups at the constitutive sitting, by submitting to the Speaker of Parliament a list of the group’s members, signed by each member. An agreement regulates the organisation, objectives, and method of work of the parliamentary group. Furthermore, it has been defined that each parliamentary group shall have a secretary, and that the Women’s Caucus and the Green Parliamentary Group may also be constituted as parliamentary groups. The Women’s Caucus may consist exclusively of female MPs of the Parliament of Montenegro, while the Green Parliamentary Group is composed of MPs nominated by parliamentary clubs.

29 Continuation of the Sixth Sitting of the First Regular Session, Parliament of Montenegro, July 2024, available at: <https://www.youtube.com/watch?v=ul6rmkQzy78>

Control Hearings and Minority Initiatives

During the observed period of the work of parliamentary committees, 22 initiatives for holding control hearings were submitted. Half of these, 11 in total, were “minority initiatives”, submitted pursuant to Article 75(7) of the Rules of Procedure of the Parliament of Montenegro, of which only five were adopted and four carried out. Only one control hearing requested through a minority initiative was supported and conducted within a reasonable timeframe. This was the control hearing of the Director of the National Security Agency (NSA), Boris Milić, and the Director of the Police Administration (PA), Zoran Brđanin, on the topic *“The response of the security sector to intelligence regarding the preparation of an assassination attempt on former President of Montenegro, Milo Đukanović”*, which was held just 11 days after the initiative had been submitted. That such an example was an exception, rather than a rule, is illustrated by the other three control hearings held on the basis of minority initiatives.

Since 2010, the Law on Parliamentary Oversight in the Security and Defence Sector has recognised the “minority initiative”, i.e. the possibility for a committee, once during a regular parliamentary session, to hold a sitting at the request of one-third of its members, with a single item on the agenda. Initially, this right applied only to the Security and Defence Committee. Amendments to the Rules of Procedure of Parliament in 2012 extended this possibility to all committees, specifically for use of the oversight mechanism of control hearings. Article 75 of the Rules of Procedure was at that time defined so that during a regular parliamentary session, a committee could decide on a control hearing at the request of one-third of its members only once. With the 2020 amendments to the Rules of Procedure, the minority initiative was strengthened, allowing MPs to exercise it twice during a regular session.

On 16 February, the Committee on Economy, Finance and Budget received two “minority initiatives”, which gave rise to different interpretations of Article 75(7) of the Rules of Procedure, which permits this form of oversight mechanism. Through one of the initiatives, opposition MPs requested a control hearing of Prime Minister Miloško Spajić and Minister of Finance Novica Vuković on the implementation of the announced *Europe Now 2.0* economic reform programme. Despite the proponents’ assertion that the initiative was adopted, and that only the invitees and the date of the sitting needed to be determined, representatives of the parliamentary majority insisted that it should be put to a vote. The Chair of the Committee, Mirsad Nurković, then a representative of the opposition, requested the Collegium of the Parliament to provide an opinion and guidance on how to proceed with the initiatives in question.

Almost five months later, with no mention of any opinion from the Collegium, at the 25th sitting of the Committee held on 16 July 2024, Nurković informed MPs that they were awaiting a response from the Office of the Prime Minister, Milojko Spajić, as an invited participant. Less than two days after the Committee's sitting, the Government of Montenegro presented the Europe Now 2 programme at a press conference on 18 July. The third and final date for the control hearing, 30 July, was subsequently announced on the Parliament's website, when it was eventually held. The hearing was, however, rendered meaningless by the delayed scheduling, given that at the time of submission of the initiative, the method of implementing Europe Now 2.0 was unknown both to Parliament and to the wider public.

The fate of the second minority initiative submitted in February to the Committee on Economy, Finance and Budget was similar: a sitting was scheduled, but not held, months after the initiative had been adopted. This was the control hearing of the Minister of Energy, Saša Mujović, members of the Senate of the State Audit Institution, and several energy companies in Montenegro, on the topic of the financial position and operations of the Montenegrin Electricity Distribution System (CEDIS). Scheduled for 29 July, it was cancelled by notice on the Parliament's website. A new date, which was said to be determined later, was never announced.

On 15 March, the Security and Defence Committee received a minority initiative for a control hearing of Prime Minister Milojko Spajić and Minister of the Interior Danilo Šaranović on the appointment of the Acting Director of the Police Administration and its implications for Montenegro's security system. At the Committee's 10th sitting on 19 March, the initiative was adopted. In mid-April, opposition MP Filip Adžić, referring to remarks made by the Chair of the Security and Defence Committee, Miodrag Laković, in plenary, questioned the assertion that the earliest date when the Prime Minister would be "free to attend" was 26 June. This information was subsequently formalised with the announcement of the sitting on the Parliament's website. Two postponements followed: on 26 June, Spajić attended the Montenegro - EU Intergovernmental Conference in Brussels, and he also had unavoidable commitments on 16 July, set as the new date for the control hearing.

After almost five months of delay, the control hearing of Spajić and Šaranović was held on 30 July, in rooms designated for review of classified material. As the hearing was closed to the public, the Committee decided not to submit conclusions to Parliament. The control hearing of Minister of Tourism Vladimir Martinović, Director of the Public Enterprise Morsko Dobro Mladen Mikijelj, and other stakeholders before the Committee on Tourism, Agriculture, Ecology and Spatial Planning took place two months after the minority initiative had been submitted. At the Committee's 14th sitting, held on 13 May, a hearing was conducted on the

topic *"Is the state ready for the upcoming summer tourist season?"*, on the basis of an initiative submitted on 14 March.

Lack of quorum for sessions, overruling of votes, and restrictive interpretations of who may participate in committee operations were among the methods used by the parliamentary majority to constrain the exercise of oversight.

At its sixth sitting held on 15 April, the Committee on International Relations and Emigrants considered a minority initiative for a control hearing of Minister of Foreign Affairs Filip Ivanović, on the topic *"The absence of MFA responses to a series of undiplomatic activities by representatives of Russia, Serbia and Bosnia and Herzegovina (entity of Republika Srpska) towards Montenegro"*. The initiative had been submitted to the Committee as early as 1 March of that year. During the debate, MP of the Europe Now Movement, Gordan Stojović, argued that the subject matter of the initiative was outdated and that the Minister of Foreign Affairs had already commented on most of the issues concerned. Despite Committee Chair Duško Stjepović (Democratic Montenegro) pointing out that the initiative was a minority initiative and that a control hearing therefore needed to be scheduled, members of the Committee from the parliamentary majority insisted on a vote. With five votes in favour, three against and two abstentions, the initiative was not adopted.

At its seventh sitting, the Committee on European Integration attempted to consider a minority initiative for a control hearing of the Minister of European Affairs, Maida Gorčević, and Minister of Foreign Affairs, Filip Ivanović, on the topic *"Deviations by representatives of the authorities from Montenegro's official foreign policy and the consequences for the EU integration process"*. The Chair and opposition members of the Committee were unable to proceed because no member of the parliamentary majority attended the sitting, thereby depriving the Committee of the quorum necessary for deliberation and valid decision-making.

The interpretation that representatives of the prosecution may not be questioned before parliamentary committees was the reason why a minority initiative for a control hearing of Chief Special Prosecutor Vladimir Novović before the Security and Defence Committee was rejected. The initiative, submitted on 18 June, was considered nine days later at the Committee's 15th sitting. The request was based on media reports, with the opposition seeking further clarifications on the topic *"Actions of the CSP in the case of reasonable doubt regarding the creation of a cigarette smuggling network"*. Committee Chair Miodrag Laković argued that the Law on Parliamentary Oversight in the Security and Defence Sector did not provide for the summoning of prosecution representatives to control hearings. A debate followed on the interpretation of the Law and the Rules of Procedure of the Parliament of Montenegro. Despite objections from proponents of the initiative, it was voted down and ultimately not adopted.

A minority initiative for a control hearing on the results of the PISA tests before the Committee on Education, Science, Culture and Sport was not adopted but was reformulated as a thematic sitting. With three votes in favour and five against, the initiative was rejected at the Committee's first sitting on 11 December of the previous year. However, the request was reformulated as a thematic sitting, which was held at the Committee's second sitting on 15 December. The Committee on Tourism, Agriculture, Ecology and Spatial Planning, meanwhile, did not consider a minority initiative for a control hearing submitted on 8 July, by which the opposition requested further clarification of the Annual Financial Audit Report on the operations of the Ministry of Agriculture, Forestry and Water Management for 2022.

Of the total of 22 requests, only nine control hearings were held, including one envisaged in the 2023 Work Plan of the Committee on Human Rights and Freedoms. Still pending is an initiative for a joint hearing before the Committees on Health and on Economy, submitted by Institute Alternative on 10 May. Despite the initiative being accepted in principle and attempts being made to schedule the sitting and hold the hearing before the end of July, no feedback has been received as to when the committees would hear the competent authorities on the topic of public procurement in the health sector.

Follow-ups to Control Hearings

In the observed period, five of the nine control hearings held were accompanied by reports with conclusions, or conclusions in a separate form, containing recommendations for further action based on the subject of the hearing. The Security and Defence Committee did not propose conclusions for three control hearings due to the confidentiality of the subject matter, even though one of the hearings was partly open to the public. Neither conclusions nor a report from the control hearing on the implementation of the Europe Now 2.0 economic programme – which was pending for over five months – were published on the Parliament's website. Conclusions that we managed to identify, such as “the need for continuous staff training, interdepartmental cooperation, or the promotion of cooperation with civil society”, were lacking in clarity and specificity, given the seriousness and complexity of the subjects of control hearings.

Article 77 of the Rules of Procedure of the Parliament of Montenegro defines the adoption of conclusions following control and consultative hearings. The Chair of the committee proposes the conclusions, and members decide on the report, after which they are submitted to Parliament for adoption. Pursuant to paragraph 3 of this Article, the competent committee is responsible for monitoring the implementation of adopted conclusions, preparing a report, and submitting it to Parliament. Conclusions may be presented either in a separate form or as part of the report on the hearing conducted.

Of the nine control hearings conducted since the beginning of the 28th convocation, committees adopted conclusions in five cases. The Security and Defence Committee cited confidentiality of the data presented at the sittings as grounds for not proposing conclusions for any of the three control hearings held. Although much of the control hearing on actions taken in relation to the arrested South Korean national Do Kwon and other matters was open to the public, the Committee decided, due to its closed first part, not to propose any conclusions to Parliament. The Committee on Economy, Finance and Budget did not adopt either a report or conclusions following the hearing on the implementation of *Europe Now 2.0*, which was pending for over five months.

The Committee on Tourism, Agriculture, Ecology and Spatial Planning held two control hearings and, in both cases, adopted reports on the hearings with proposed conclusions (one of which was not published on the Parliament's website). The control hearing on the state's preparedness for the summer tourist season was followed by three specific conclusions out of four in total: Parliament called on the Government to consider establishing an inter-institutional group to resolve urgent challenges; to consider introducing the category of “permanent seasonal worker”;

and to urgently examine the introduction of a transit tax for vehicles using the Adriatic Highway for such purposes.

Proposed conclusions must follow the course of debate arising from control hearings, which, in addition to their oversight function, serve to open a wider discussion on the given topic through the involvement of relevant stakeholders. In this context, the current practice of proposing conclusions appears merely as an additional procedural formality, with an insufficiently clear process for their drafting, adoption, and for providing MPs with feedback on their implementation.

Recommendations

01

All parliamentary committees should plan their activities in a timely manner, in accordance with legal obligations, and adopt annual work plans for the current year.

02

In order to respond promptly to problems, parliamentary hearings should be held within the shortest possible period following the adoption of initiatives for their convening.

03

Parliamentary hearings should be accompanied by adoption of appropriate conclusions and recommendations, leading to improvements in the work of institutions and in the state of affairs in relevant areas, as well as by publication of reports on the implementation of those conclusions.

04

The legislative role of committees should be enhanced through the conduct of appropriate debates, supported by the Government's opinion on draft laws, prior to their adoption in committees.

05

In line with the Rules of Procedure of the Parliament of Montenegro and with a view to strengthening the oversight function, committees should hold control hearings on the basis of submitted "minority initiatives."



Conclusion

The spring session of the Parliament of Montenegro was particularly marked by the undermining of the Parliament's oversight function, through the obstruction of so-called "minority" initiatives, repeated postponement of Prime Minister's Questions and scheduled control hearings, as well as their dilution by conducting them only after months of delay.

That this was not the only means of constraining oversight mechanisms was further demonstrated by amendments to the Rules of Procedure of the Parliament of Montenegro, which deprived the opposition of one "minority initiative" as prescribed by Article 75. During the session, questions also arose as to who may be summoned to a control hearing, with MPs from the parliamentary majority explicitly stating that representatives of the State Prosecution had no place in parliamentary benches.

Control hearings that were conducted were not followed by specific conclusions and recommendations, and nearly half were carried out without the proposal of any set of conclusions. The legislative initiative of MPs increased; however, this did not result in more substantive legislative texts, nor in the adequate use of research resources of the Parliamentary Budget Office and the Research Centre of the Parliament of Montenegro.

Certain parliamentary committees functioned for the entire year without an adopted work plan, while others adopted theirs only halfway through the calendar year. This hindered citizens and civil society in overseeing the work of committees, whose activities were not clearly defined, particularly in terms of exercising oversight over institutions.

Sources

- * Rules of Procedure of the Parliament of Montenegro ("Official Gazette of the Republic of Montenegro", No. 051/06 dated 04/08/2006, 066/06 dated 03/11/2006; "Official Gazette of Montenegro", No. 088/09 dated 31/12/2009, 080/10 dated 31/12/2010, 039/11 dated 04/08/2011, 025/12 dated 11/05/2012, 049/13 dated 22/10/2013, 032/14 dated 30/07/2014, 042/15 dated 29/07/2015, 052/17 dated 08/08/2017, 017/18 dated 20/03/2018, 047/19 dated 12/08/2019, 112/20 dated 24/11/2020, 129/20 dated 30/12/2020, 065/21 dated 18/06/2021, 048/24 dated 24/05/2024, 080/24 dated 16/08/2024).
- * Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, January 2008, available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17626&lang=en>
- * Decision of the Parliament of Montenegro No. 00-41/24-19/4 dated 24 June 2024.
- * Letter of the Supreme State Prosecutor to the Chair of the Security and Defence Committee, Miodrag Laković, Ref. No. 271/24 dated 10 June 2024; Decision of the Parliament No. 00-41/24-22/3 dated 8 July 2024.
- * Sittings of the Parliament of Montenegro, 28th Convocation, available at: <https://www.skupstina.me/me/sjednice/sjednice-skupstine>
- * Decision on holding a control hearing of the Security and Defence Committee dated 31 May 2023, available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/3645/9636-00-63-4-24-26-3.pdf>
- * Conclusion of the Fourth Sitting of the Second Regular Session in 2020, Parliament of Montenegro, 29/12/2020, available at: <https://www.skupstina.me/me/clanci/zavrsena-cetvrta-sjednica-drugog-redovnog-zasijedanja-u-2020-godini>
- * Fifth Sitting of the First Regular Session, Parliament of Montenegro, 17/05/2024, available at: <https://www.youtube.com/watch?v=vRQIGpCAOdc>
- * Continuation of the Sixth Sitting of the First Regular Session, Parliament of Montenegro, 31/07/2024, available at: <https://www.youtube.com/watch?v=ul6rmkQzy78>
- * Tenth Extraordinary Sitting of the First Regular (Spring) Session in 2024, Parliament of Montenegro, June 2024, available at: <https://www.youtube.com/watch?v=YFhy7yw86gg>
- * 14th Sitting of the Security and Defence Committee, 12 June 2024, available at: https://www.youtube.com/live/ww04_tW2E4Y?feature=shared
- * Continuation of the Ninth Sitting of the First Regular Session – Day Four,



Parliament of Montenegro, 9 July 2024, available at:

https://www.youtube.com/watch?v=QSc_Pp0AmQE

- * Draft Law on Amendments to the Law on Pension and Disability Insurance, Parliament of Montenegro, available at: <https://zakoni.skupstina.me/zakoni/web/app.php/akt/3212>
- * Spajić informed Mandić that he would not be able to attend Prime Minister's Questions on 30 April, Vijesti, April 2024, available at: <https://www.vijesti.me/vijesti/politika/702140/spajic-obavijestio-mandicada-nece-moci-da-prisustvuje-premijerskom-satu-30-aprila>
- * Spajić cancelled attendance at Prime Minister's Questions, Vijesti, June 2024, available at: <https://www.vijesti.me/vijesti/politika/713636/spajic-otkazao-dolazak-na-premijerski-sat>
- * For "dialogue" with the Prime Minister, visit the Government's website, Vijesti, July 2024, available at: <https://www.vijesti.me/vijesti/politika/718045/za-dijalog-s-premijerom-udjite-na-sajt-vlade>
- * Mol: The Committee was informed that Šaranović would attend the hearing even before 26 June, Vijesti, April 2024, available at: <https://www.vijesti.me/vijesti/politika/703660/mup-odbor-je-obavijestenda-bi-saranovic-dosao-na-saslanje-i-prije-26-juna>
- * Postponing to the point of meaninglessness – how the control function of the Parliament collapses by untimely holding of the voted control hearings, July 2024, available at: <https://institut-alternativa.org/en/postponing-to-the-point-of-meaninglessness-how-the-control-function-of-the-parliament-collapses-by-untimely-holding-of-the-voted-control-hearings/>
- * IA's proposals for the work of parliamentary committees, Institute Alternative, January 2024, available at: <https://institut-alternativa.org/prijedlozi-ia-za-rad-parlamentarnih-odbora-za-2024-godinu/>
- * Opposition to chair oversight committees, Institute Alternative, July 2024, available at: https://x.com/IA_Alternativa/status/1818618449263821063
- * Government Commission instead of the Administration for Inspection Affairs, Institute Alternative, May 2024, available at: <https://institut-alternativa.org/en/government-commission-instead-of-the-administration-for-inspection-affairs/>
- * Milena Muk, Dragana Jaćimović, Nikolina Radonjić, "How do inspections work? – An overview of the work of seven inspections in areas at risk of corruption", May 2024, available at: <https://media.institut-alternativa.org/2024/05/IBP-2024.pdf> <https://institut-alternativa.org/kako-rade-inspekcije-pregled-rada-sedam-inspekcija-u-oblastima-od-rizika-za-korupciju-2/>

- ✿ MPs do not care about the reports on crime, Institute Alternative, September 2022, available at:
<https://institut-alternativa.org/en/mps-do-not-care-about-the-reports-on-crime/>
- ✿ Half of the parliamentary groups do not request research, Institute Alternative, September 2024, available at:
<https://institut-alternativa.org/en/half-of-parliamentary-clubs-do-not-submit-requests-for-research-papers/>



About Institute Alternative

Institute Alternative was founded in 2007 in Podgorica with the mission of strengthening democratic processes and good governance in Montenegro, through research and analysis of public policy options, as well as monitoring the work of public administration.

We function as a research centre (think tank) and work on good governance, transparency and accountability through three main program strands: I) public administration reform; II) accountable public finances; III) rule of law.

Find out more about our work at www.institut-alternativa.org

