

Montenegro

by Jovana Marović

Capital: Podgorica
Population: 0.6 million
GNI/capita, PPP: US\$14,410

Source: The data above are drawn from the World Bank's *World Development Indicators 2015*.

Nations in Transit Ratings and Averaged Scores

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Electoral Process	3.50	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.50	3.50
Civil Society	3.00	3.00	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75
Independent Media	3.25	3.50	3.75	3.75	4.00	4.25	4.25	4.25	4.25	4.50
National Democratic Governance	4.50	4.50	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25
Local Democratic Governance	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
Judicial Framework and Independence	4.25	4.25	4.00	4.25	4.00	4.00	4.00	4.00	4.00	4.00
Corruption	5.25	5.50	5.25	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Democracy Score	3.89	3.93	3.79	3.79	3.79	3.82	3.82	3.82	3.86	3.89

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

Montenegro made little progress in European Union (EU) accession negotiations during 2014, despite opening new negotiating chapters. Important but small steps have been taken towards establishing a functioning institutional and legislative framework for fighting corruption and organized crime. Confidence in the electoral process remains low. Local elections were marred by pervasive irregularities, accompanied by allegations of nepotism and abuse of administrative resources. Because of such practices, the depoliticization of public administration remains a pressing issue.

National Democratic Governance. Action plans for EU negotiating chapters on rule of law and fundamental rights were behind schedule, while public administration reform stalled during the year. Two political scandals from previous years—the Recording Affair and the “sealed resignations” affair—remain essentially unresolved, exposing the lack of accountability in Montenegrin politics. Parliament’s supervisory function and the influence of independent oversight institutions remain limited. Despite disagreements following the May local elections, the ruling coalition stayed intact. The year’s pride parade was held without incident. *Montenegro’s rating for national democratic governance remains unchanged at 4.25.*

Electoral process. Elections were held in 15 of 23 municipalities during the year. Domestic and foreign observers, as well as the opposition, highlighted significant irregularities, but all political parties accepted the results. Postelection coalition talks slowed down the formation of new administrations in most municipalities. The parliament adopted a set of amendments to the electoral legislation in the beginning of 2014, aimed at providing more transparency and stronger oversight. Since the Constitutional Court struck down a portion of the amendments, a new improved set was adopted at year’s end. *Montenegro’s rating for electoral process remains unchanged at 3.50.*

Civil Society. Civil society organizations are among the most trusted institutions in the country. Although cooperation between state authorities and civil society has improved, some state institutions fail to follow regulations. Financing remains the biggest challenge for civil society, as most small nongovernmental organizations (NGOs) rely on public funding. Two years after the new Law on Nongovernmental Organizations entered into force, no progress has been made in reforming state funding. In 2014, several NGO leaders critical of government policies were the target of attacks by progovernment media. *Montenegro’s rating for civil society remains at 2.75.*

Independent Media. Progovernment media outlets and a newcomer on the Montenegrin media scene, the Belgrade-based *Informer*, breached professional and ethical standards multiple times in 2014. Attacks by the outlets on prominent NGO leaders and anti-Albanian articles prompted a debate on the reintroduction of libel and defamation as a criminal offense. In October, a group of parliamentarians submitted amendments to the media law, which would, among other things, enable the chief state prosecutor to ban the distribution of media. Violence against journalists continues to pose a problem, and previous cases remain unprosecuted. Regulatory bodies lack substantial independence. *Montenegro's rating for independent media declines from 4.25 to 4.50.*

Local Democratic Governance. Local governments in Montenegro continued to face numerous problems in 2014, ranging from a lack of transparency to structural challenges and financial difficulties. The reform of local self-government progressed at a slow pace. Two years into the implementation of the new Law on Civil Servants and Employees, the prerequisites for its introduction at the local level are still lacking. In 2014, a new, Bosniak-majority municipality was established in the north by referendum, which raised the total number municipalities to 23. Elections were held in 15 municipalities, with numerous irregularities reported by local organizations. *Montenegro's rating for local democratic governance remains unchanged at 3.25.*

Judicial Framework and Independence. Judicial appointments remain politicized in Montenegro. In 2014, new members of the Judicial and Prosecution Councils were appointed, and the parliament reelected the president of the Supreme Court. After three unsuccessful rounds, the parliament finally and controversially appointed a new chief state prosecutor in October. Montenegro adopted a new judicial reform strategy in April and established a council to monitor its implementation. The efficiency of the courts has improved somewhat. However, the adoption of several important laws implementing judicial reform has suffered delay. *Montenegro's rating for judicial framework and independence remains unchanged at 4.00.*

Corruption. Corruption, a key issue, remains pervasive in many areas. The track record of investigations, prosecutions, and convictions in cases involving corruption remains poor. Although several investigations of high-level corruption were launched, no final judgments have been issued. The institutional framework to combat corruption remains weak, and little progress has been made in strengthening legislation to combat corruption. As a result, the European Commission's progress report raised the possibility of a delay in the accession process. *Montenegro's rating for corruption remains unchanged at 5.00.*

Outlook for 2015. In 2015, the government will continue to implement the action plans suggested by the European Commission in the course of accession negotiations. Establishing a solid track record in the prosecution of corruption cases

is one of the specific indicators and will be a test for previously sluggish state-sponsored reform. Efforts to stabilize the economy will also be a priority, as well as the opening of the remaining negotiation chapters. Taking into account the events that marked the political scene and relations within the ruling coalition throughout 2014, early parliamentary elections are possible.

MAIN REPORT

National Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.50	4.50	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25

During 2014, Montenegro continued to make progress in meeting the criteria for European Union (EU) membership in several fields of the *acquis communautaire*.¹ However, poor results in the fight against corruption and organized crime, the politicization of public administration, as well as postelection events stalling the formation of local governments in several municipalities have marred the year's record.

Despite modest progress in meeting benchmarks of the most demanding *acquis*—chapters 23 and 24 on the rule of law, fundamental rights, and security and police cooperation—the negotiation process has continued. New chapters were opened in March, June, and December 2014. At year's end, 16 chapters of the *acquis* have been opened, with 2 temporarily closed. Negotiating positions had been submitted for an additional 7 chapters.²

Other developments, however, signaled significant problems in implementation and substantive adaptation to EU criteria. In March, the negotiations underwent restructuring. The negotiating sides expanded the jurisdiction of the working groups, and Montenegro established a new body, the Rule of Law Council, to signal government willingness for a speedier reform process in the most demanding chapters.³ Despite these efforts, the implementation of the action plans for chapters 23 and 24 was characterized by foot-dragging and a lack of measurable progress in some areas, as well as poor coordination and reporting. In October, following clear signs of dissatisfaction contained in the European Commission's annual progress report, stakeholders launched a revision of Montenegro's accession document and action plans for chapters 23 and 24.⁴

There has been little progress in the professionalization, depoliticization, and streamlining of public administration. Implementation of the 2013 Law on Civil Servants and Employees started, but numerous scandals of alleged party favoritism in staffing decisions still cast a shadow on the improved recruitment procedures.⁵ In July, the first report on the implementation of the public sector reform highlighted that downsizing benchmarks at both the national and the local levels had not been met. In fact, the number of employees, especially at the local level, increased in the previous year.⁶ In the so-called Recording Affair—which revealed the abuse of administrative resources, including offers of employment, by the ruling party in 2013—the Basic Court of Pljevlja sentenced the director and an employee of the Pljevlja Center for Social Work to six months of suspended sentence in September.

Immediately after the November 2012 elections, returning Prime Minister Milo Đukanović asked for the resignation of 148 senior civil servants in the so-

called “sealed resignations” affair.⁷ After sustained protests from the international community, as well as the opposition and civil society actors, the government stated that the “resignations” had been destroyed by the end of January 2014. At the same time, the way these resignations were disposed of was not made public, and no statistic is available on how many senior government officials had lost their jobs in the meantime.⁸

Following local elections in May, the Social Democratic Party of Montenegro (SDP), the junior coalition partner of the ruling Democratic Party of Socialists of Montenegro (DPS), entered into coalition talks with the opposition, discussing a potential minority mayoral administration in Podgorica, the capital of the country. These talks tested the parliamentary coalition, but the DPS and SDP concluded an agreement in September, rescuing the shared parliamentary majority.

The parliament is among the most transparent institutions in Montenegro, and, according to some comparative rankings, the most transparent parliament in the region.⁹ However, its supervisory role over the government has been limited due to its unclear responsibilities and powers, ill-defined channels of communication, and poor use of oversight mechanisms. In February, the parliament adopted an EU-supported action plan to increase oversight activity. Due to significant delays in drafting new laws by the government, the parliament often found itself pushed to adopt legislation in a fast-track procedure.

Other entities meant to supervise the government lack capacity and influence. The State Audit Institution (SAI) achieved some results in 2014, but structural and political weaknesses persisted. A vacant seat in its Senate could not be filled after parliamentary parties failed to reach an agreement on the candidate for the position. While the government adopted an action plan for implementing the recommendations of the SAI and established a coordinating team to monitor progress, only 30 percent of the recommendations had been implemented by year’s end.¹⁰ In September and October, the parliamentary budget committee held its first control hearings of entities that failed the SAI’s audit.

Following the first two pride marches to promote the rights of LGBTI persons in 2013, local officials as well as the representatives of international organizations and civil society leaders attended the November 2014 march.¹¹ Party leaders, however, stayed away, with only the president of the Liberal Party of Montenegro (LPCG) in attendance. No major incident disrupted the event, which was heavily monitored by police. At the same time, the Serbian Orthodox Church, as well as a number of politicians issued statements containing hate speech and intolerance directed towards LGBTI activists. Earlier, in May and October, activists were physically attacked in Podgorica and Tivat.

In the field of security cooperation, despite official announcements, Montenegro was not invited to join the North Atlantic Treaty Organization (NATO) at the Wales summit in September. The reform of the security and intelligence sector has been set as a condition for NATO membership next year. This caused controversy in the security and intelligence branch; and the director of the National Security Agency resigned in December.

The economy was slowly recovering from a double-dip recession in 2013. Montenegro's economy expanded by a mere 0.3 percent in the second quarter of 2014, while the total GDP growth was expected at 2.5 percent.¹²

Electoral Process

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.50	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.50	3.50

Montenegro has had a multiparty political system since 1990, but the DPS has dominated the country's political landscape almost unchallenged for the entire period. Either on its own or in coalition with smaller and ethnic minority parties, the DPS and its precursor, the League of Communists of Montenegro, has held power without interruption for 24 years. The electoral process, based on the 2007 constitution and the 2011 Law on the Election of Representatives and Councilors, guarantees universal suffrage to all citizens aged 18 and older, with votes cast by secret ballot under a proportional system, and reserved seats for ethnic minority parties. Nevertheless, electoral legislation and the electoral process have had significant shortcomings with the potential to distort free and fair elections.

The parliament adopted amendments to the electoral legislation at the beginning of 2014. Most political parties supported the changes, except for the DPS, which backed out from supporting amendments to the Law on Political Party Financing and the Law on the Consolidated Electoral Register. Changes to the Law on Political Party Financing envisaged stricter budget controls to prevent abuse for party purposes. Following a complaint issued on 30 May by representatives of the DPS, the Bosniak Party (BP), and the Croatian Civil Initiative, the Constitutional Court declared the majority of the law's provisions unconstitutional. Annulled provisions included the prohibition of temporary employment before and after the elections and the banning of certain expenditures by local authorities during election periods.¹³ In December, the parliament amended the law again leaving out the controversial provisions and focusing on strengthening the provisions to prevent misuse of public funds.

The year 2014 saw numerous elections at the local level. In January, elections were held in the municipality of Ulcinj; citizens of Berane voted in March; while 12 local self-governments, including the capital Podgorica, had elections in May.¹⁴ At the end of the year, elections were also held in Herceg Novi.

The State Election Commission was not reelected in time for the May municipal elections. Its powers were extended in the amendments to the Law on Political Party Financing, and civil society representation was mandated in February; however, this stipulation was not met at the time of the elections. The Commission was finally elected in October. It now consists of 11 members, with one civil society representative.

In accordance with the provisions of the Law on Political Party Financing, SAI audits annual financial statements submitted by the parties. SAI's annual reports

covering 11 political parties in 2012 and 2013 highlighted, among other findings, that the audited parties did not operate on transparent annual budgets, making control of spending and appropriate allocation very difficult.¹⁵

Prior to local elections in May, media and nongovernmental organizations (NGOs) reported on new public administration posts opening up, in violation of legal provisions that prohibit such hiring practices in public administration during the election campaign.¹⁶ NGOs that monitored the elections reported a total of 71 cases to the State Election Commission; the offers came to light just days before the elections.¹⁷

Local elections were accompanied by numerous irregularities and shortcomings. Domestic observers drew attention to the misuse of administrative resources before the elections and irregularities in the voter lists.¹⁸ Alleged violations registered on election day included the presence of political party activists in a number of polling stations, violations of the confidentiality of voting, and other procedural violations.¹⁹ Despite a large number of complaints, all were rejected by the municipal election commissions.²⁰ However, all political parties accepted the outcome of the elections.

In the majority of the municipalities, including the capital, Podgorica, DPS held on to power, either on its own or in a coalition. The party won a mandate even in the opposition stronghold Herceg Novi, with the help of the newly formed civic group Izbor (Choice). At the same time, the opposition prevailed in Berane and Ulcinj, as well as in Plužine. In some municipalities, such as Kolašin, Rožaje, and Plav, the junior coalition partner, SDP, formed local governments with various partners, including opposition and minority parties, while DPS remained in opposition.²¹ At year's end, DPS remained the strongest political party at both the local and national levels, while the Democratic Front (DF) persisted as the strongest opposition force.

Coalition negotiations, especially between DPS and SPD, went on for months following the elections, and five municipalities remained without local self-government for a period of time. The mandate of Miomir Mugoša, Podgorica's mayor, also expired. As a result of the failure to adopt several amendments to the law on local self-government prior to the election, no law was in place to prescribe procedure for the interim period. The new mayor was elected in October.

Civil Society

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.00	3.00	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75

Montenegrin civil society encompasses a broad range of organizations, including trade unions, professional and business associations, advocacy and other NGOs. Official data from September 2014 show that 3,300 NGOs are currently registered in Montenegro, among them 3,104 associations, 99 foundations, and 97 offices of foreign NGOs. According to annual tax authority data, around 900 NGOs submit annual tax returns. While NGOs are no longer obliged to submit annual tax

statements, this number might serve as an indicator of active organizations, since the agency in charge of reallocating state lottery income, a major source of funding for NGOs, still requires tax reports to qualify for grants.

NGOs are among the most trusted institutions in Montenegro. According to a 2014 survey conducted by IPSOS Strategic Marketing for a region-wide project, compared to neighbors and Turkey, “a rather high percentage” of citizens trusted NGOs and found their work relevant in tackling societal challenges.²²

The law regulating civil society activity came into force in 2012, after the incorporation of suggestions and blueprints from international actors.²³ While international standards and even the rulings of the European Court of Human Rights (ECHR) were observed in the drafting process, the government has failed to adopt implementing regulations in many areas, including NGO financing, volunteering, as well as corporate social responsibility and philanthropy. The lack of bylaws negatively affects the long-term sustainability of the sector.

The organizational capacity of most NGOs remains weak, in particular at the local level. Specific programs for public funding schemes are lacking, mostly due to the absence of implementing legislation. The 2011 Law on Nongovernmental Organizations saw the state introduce both project grants and organizational funding, and vastly expanded the register of public interest issue areas from 6 to 21. Organizations dealing with rule of law and corruption, as well as many other NGOs, became eligible for state support, but only in theory as the law is still not implemented in practice. In November 2014, the Interior Ministry prepared a draft framework for decentralizing funding. Earlier, in July, SAI claimed that the system in effect was inefficient.²⁴

While the lottery fund remains the main source of public funding, the Law on Games of Chance has not been aligned with laws on NGOs. Additionally, although the budget laws call for it, the commission responsible for allocating treasury funds to NGOs is not functioning. State funding allocation remains out of sync with the reform commitments of the government and does not follow norms of good governance and transparency. Because of these problems, many NGOs, especially those dealing with advocacy, public policy, monitoring, and governance issues remain dependent on foreign funding—despite a planned nominal increase in available domestic funding.

The institutional framework for supporting civil society in Montenegro includes a network of contacts within ministries, as well as institutions tasked with coordinating contacts and collaboration, such as the Government’s Office for the Cooperation with NGOs and the Council for the Development of NGOs. The Council was set up in July 2014, in line with the EU-mandated action plan on chapter 23 of the *acquis*. Among other tasks, it will monitor the implementation of the civil society strategy.

Most NGOs, however, remain skeptical about the capacity and commitment of government contacts. The lack of well-defined competencies and qualified employees at these government agencies remained a key challenge to efficient collaboration and caused rows due to high expectations from both NGOs and the

government. Recent legal changes that extended the institutions’ competencies have not been accompanied by additional resources or funding.

Beyond controversies regarding the distribution of available funding, substantive cooperation between NGOs and the government has also failed to follow benchmarks of the action plan. Despite existing regulation, public hearing procedures and other forms of mandated cooperation were often not respected in practice. In 2014, the government failed to involve NGO representatives in the drafting of several important laws, such as the law on public procurement.

Good practices of cooperation do exist with the parliament, however. NGOs have participated in consultative hearings during the legislative process, in special sessions of the parliamentary committees, and in the parliamentary working groups in charge of drafting laws.

A small number of NGOs enjoy considerable media visibility. Research shows that in the Western Balkans, Montenegrin NGOs tend to be the most satisfied with their presence in the media.²⁵ In 2014, however, a number of outlets participated in smear campaigns against prominent NGO activists. The progovernment daily *Pobjeda*, the Belgrade-based *Informer*, and the broadcaster TV Pink participated in the campaigns, especially the targeting of one of the most influential NGOs, MANS. Government officials and ruling party leaders failed to condemn the articles. Moreover, DPS submitted a complaint to the European Commission in June, claiming bias in its grantmaking activities (the commission awarded €150,000 to MANS). The EU Delegation to Montenegro denied the allegations.²⁶

Independent Media

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.25	3.50	3.75	3.75	4.00	4.25	4.25	4.25	4.25	4.50

The 2007 constitution, along with secondary legislation, guarantees freedom of the press. Defamation was decriminalized in 2011, which decreased the pressure on the media while increasing their responsibility for maintaining their own professional standards. Persistent problems, however, include violence against journalists, stalled investigations of attacks against media workers, and the lack of independence of regulatory bodies.

The EU opened chapter 10 of the *acquis* (on information society and media) in March 2014, and by year’s end, Montenegro made some progress in harmonizing its legislation with EU standards. The 4th EU–Montenegro Civil Society Joint Consultative Committee, held in Podgorica in June, focused on freedom of expression and the media from a fundamental rights perspective.²⁷ The meeting aimed at empowering civil society and journalists to monitor progress within this area of the *acquis*.

Given the country’s relatively small population, media saturation is high. Montenegro has a national public broadcaster with radio and television services (RTCG); 14 public and 38 private radio stations with local coverage; 3 local public

television services; and 4 private television broadcasting services with national reach.²⁸ In addition, there are six daily newspapers, a news agency, and several online news portals and weekly magazines. *Vijesti* is the country's largest media conglomerate, with a daily newspaper of the same name, an online news portal, and television stations.

Self-regulation of the media has improved after some leading outlets, including *Vijesti*, *Dan*, and *Monitor*, set up ombudsperson offices to review complaints. These media are not members of the Media Self-Regulatory Council (MCSR) and do not accept its jurisdiction. However, media self-regulation mechanisms are still weak in practice. MCSR has not yet adopted rules on dispute settlement procedures. Also, criteria are often selectively applied, and the council has stopped monitoring online media. Violations of basic principles of the ethical codex of journalists, mainly by print and online media, continued in 2014.²⁹ In December, with assistance from the Organization for Security and Cooperation in Europe (OSCE), Montenegro set up a working group with representatives from all self-regulatory associations to revise the code of conduct.

Montenegro's media market remains polarized along political lines. Coverage in Montenegro's oldest daily, *Pobjeda*, is favorable to the government, while privately owned *Dan* and *Vijesti* are generally critical. This situation did not change even as *Pobjeda* went bankrupt in August and was subsequently privatized. Media Nea took over *Pobjeda* in December, which now operates as a private company. During the year, TV Pink came under criticism for its progovernment stance and its tweaking of reports so as to conform to the government line.³⁰

A major change on the media scene was the appearance of the Belgrade-based tabloid *Informer*. The newspaper started publishing its Montenegro edition in March, frequently breaching ethical standards. This culminated in the second half of the year, with a persistent smear campaign against prominent Montenegrin activist Vanja Čalović of MANS. Diplomats in Montenegro, representatives of civil society, and opposition representatives strongly condemned the campaign.³¹ Besides *Informer*, the progovernment *Pobjeda* and TV Pink also joined the anti-NGO campaign, which was expanded to target more NGO leaders. In July and October, the Basic Court of Podgorica banned *Informer* editions involved in the campaign.³² Additionally, anti-Albanian pieces by *Informer* provoked reactions from Albanian representatives on several occasions in 2014.³³

In this situation, politicians floated the recriminalization of defamation as a potential policy option in October. However, the NGOs that had advocated the decriminalization opposed it, and no revisions had been made to the law by year's end.³⁴ Also in October, deputies from all parliamentary parties, with the exception of DPS, submitted amendments to the media law. The new provisions would give the Chief State Prosecutor the right to ban the distribution of media in case of incitement to hatred or discrimination. The amendments, which were pending in the parliament at year's end, were heavily criticized by Dunja Mijatović, the OSCE Representative on Freedom of the Media.³⁵

The new supervisory council of public broadcaster RTCG was elected in June. The appointment procedure was marked by controversial actions on the part of

the parliament’s administrative committee. Two of the three applicants expressed objections to the evaluation process, considering that the committee excluded a large number of votes from NGOs due to a misinterpretation of the law.

The safety of journalists remains a concern for Montenegro. In January, Lidija Nikčević, a journalist working for the daily *Dan*, was brutally beaten by a masked assailant in Niksic. Members of all political parties, civil society, and representatives of the diplomatic and consular corps condemned the attack.³⁶ Arrests relating to the case were made by police in March. The commission focusing on violence against journalists, chaired by Nikola Markovic of *Dan*, nevertheless continued its work. The commission held seven sessions from February to May and set up three subgroups to investigate the 2004 murder of Dusko Jovanovic, and 2013 attacks on Tufik Softic and on journalists of the daily *Vijesti*, as well as the bombing of the offices of *Vijesti*.

Internet use is slowly increasing. Government surveys found the percentage of households that had internet access in 2014 was 53.7 percent.³⁷

Local Democratic Governance

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25

There were no significant developments in efforts to reorganize local governments or ensure financial sustainability at the local level during 2014. In January, citizens of Plav municipality supported the initiative to return the municipal status to Gusinje, a smaller municipality that had been part of Plav. In March, the parliament passed amendments to the Law on the Territorial Organization of Montenegro, recognizing the new municipality. This change is of significance, since Petnjica, recognized in 2013, and Gusinje have Bosniak majorities, and having the status of a municipality increases communal capabilities for the Bosniak minority. With this change, Montenegro is composed of 23 municipalities, of which Podgorica, the capital, and Cetinje, the historical capital, enjoy a somewhat special status.

The reform of local self-government in Montenegro is progressing at a slow pace. Competencies and resources are not being transferred by appropriate legislation to the municipal level. Public finances at the local level are characterized by declines in income, the growth of arrears, and large budget deficits. At the end of the first quarter of 2014, the total debt of all local self-governments amounted to €171.05 million, or 4.86 percent of estimated GDP for 2014.³⁸ The total outstanding liabilities of municipalities at the end of May amounted to €111.68 million.³⁹

All but three municipalities exceed their employee quotas, and restructuring stalled in 2014. Public sector reform plans foresaw a reduction of 10 percent by the end of the year.⁴⁰ No municipality has adopted a rationalization plan, even though all had been required to do so by the public sector reorganization plan.⁴¹

Two years into the implementation of the Law on Civil Servants and Public Employees, formal preconditions for its application at the local level have not been

met. Presented in July 2013 in the form of a bylaw to the law on local government, the draft is still awaiting approval by parliament. The same holds true for the Strategy for Professional Development of Local Civil Servants and Employees in Montenegro, drafted in September 2013. One of the reasons that these documents have not yet been adopted is that certain provisions in the Law on Civil Servants and Employees are not applicable at local level.

Municipalities frequently fail to adopt their annual budgets on schedule. As a result, almost one third of the municipalities had to seek bridge funding in 2014. Cetinje, Ulcinj, Plav, Mojkovac, Berane and Andrijevica adopted their 2014 budgets as late as March, necessitating three months of temporary financing. The reasons for the delays are diverse, including violations of the terms and procedures of the local executive authorities, lack of interest of local council members in budgetary issues, and shortcomings in the legal framework that do not promote budget transparency.

Local councils continue to be inactive, exercising poor oversight over local executives. The capacity of council members, citizens, and NGOs to influence decision making at the municipal level is limited.

Legislative changes in 2010 stipulated that 70 percent of concessions income should go to local budgets. However, municipalities have not benefitted from this provision as expected. Poor coordination between institutions at the national and local levels has resulted in a lack of local plans for concessions. The system is also hampered by inadequate mechanisms for collecting concession fees and monitoring the implementation of contracts. Most importantly, municipalities still have no access to information about the concession fees that the treasury collects and on the basis of which they receive funding from the treasury.⁴²

Due to its limited administrative and financial capacity, SAI, on average, audits a single local government each year. In 2014, the municipality of Cetinje was audited. The findings of the audit were critical of its finances, and the city's budget received a negative evaluation.⁴³

As a result of lengthy postelection coalition talks, a number of municipalities remained without elected representatives for an extended period. Incoming administrations did, however, initiate fiscal review in some instances. The new mayor of Berane launched an audit of the municipality as soon as he entered office. In the capital Podgorica, the new coalition composed of SDP and DPS agreed to set up a review commission to investigate transactions during the previous term, but the decision was yet to be implemented at year's end.

Judicial Framework and Independence

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
4.25	4.25	4.00	4.25	4.00	4.00	4.00	4.00	4.00	4.00

Montenegro has a multitiered judicial system, with permanent appointments for judges. The constitution guarantees judges functional immunity. The Supreme Court is the highest judicial authority, and the parliament appoints its president.

Vesna Medenica, a former supreme state prosecutor who has held the post since 2007, was reelected in July 2014. She has been repeatedly criticized for the perceived conflict of interest, and the academic community, lawyers, and civil society activists complained about the rotation of people loyal to the government in the judiciary.⁴⁴

The EU-mandated action plan for chapter 23 of the *acquis*, relating to the judiciary and the fight against corruption, proposed amending the laws regulating the Judicial Council, the courts, the prosecutorial system, and the Constitutional Court. Although the adoption of the changes was planned for October 2014, the amendments were only submitted to the parliament in December. The draft laws were also submitted to the Council of Europe's Venice Commission for review after a period of domestic public scrutiny. Reforms related to chapter 23 have not stalled completely; the first round in 2013 made changes to Montenegro's constitutional provisions related to the judiciary.

In April 2014, Montenegro adopted a new Strategy for the Reform of the Judiciary, with emphasis on strengthening the independence, impartiality, accountability, and efficiency of the judiciary within the next five-year period.⁴⁵ The strategy acknowledges the need for streamlining the court system and highlights current problems, such as the large backlog of cases, the lack of a unified system for appointments at the state level, and the judiciary's limited financial independence. To mitigate the latter, the 2015 budget increased available funding for the judiciary and the prosecution. The strategy also provided for the establishment of a council to oversee its implementation. The council was set up in October, with the deputy prime minister and the minister of justice appointed as its presidents.

Necessary guarantees to depoliticize the judiciary have not yet been adopted, despite repeated calls for action by the EU as well as watchdog organizations.⁴⁶ The media reported that some of the judges appointed to the Constitutional Court in December 2013 had been active in different political parties.⁴⁷ The appointment process to the Prosecution Council, a body that represents the autonomous powers of the public prosecutors, was completed in February 2014, and new Judicial Council members were elected in July. The Judicial Council is composed of a president and nine members. The president of the Judicial Council is Mladen Vukčević, former president of the Constitutional Court of Montenegro and former member of the Prosecution Council. While this is the first time that, in accordance with the new procedure, the Judicial Council is not overseen by the president of the Supreme Court, the apprehension over the government's appointment practices have not subsided.⁴⁸

A new chief state prosecutor was elected in October, after three unsuccessful rounds of voting in the parliament. While the third round was conducted according to the amended Rules of Procedure of the Parliament, it was heavily criticized by NGOs. In April, the organizations turned to the Constitutional Court to review the constitutionality of regulations, since the constitution provides only for two rounds of voting.⁴⁹ In July, the Constitutional Court ruled the parliamentary rules of procedure unconstitutional. By that time, however, Ivica Stankovic, a former Supreme Court judge, had been elected chief state prosecutor with the support of 49 MPs, a paper thin majority.

Cooperation with international judicial authorities has remained sluggish. War crimes have not been prosecuted with vigor, and while cooperation with the European Court of Human Rights has continued, the total number of pending applications stood at 670 at year's end.⁵⁰

Corruption

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5.25	5.50	5.25	5.00	5.00	5.00	5.00	5.00	5.00	5.00

Corruption remains widespread in many areas. There has been no improvement in Montenegro's track record of investigations, prosecutions, and convictions in cases involving corruption. The institutional framework is weak, with numerous institutions that lack either a sufficient degree of independence or investigative powers. In 2014, the European Commission progress report, for the first time, raised the possibility that continued lack of progress in the area might stall the accession process as a whole.⁵¹

There were delays in the adoption of anticorruption legislation. The laws on conflicts of interest, party financing, and lobbying were adopted in 2014, but without exception later than called for by the chapter 23 action plan. After a full year of delay, the parliament passed public procurement legislation relating to the utilities and defense sector in December, but anticorruption mechanisms are not sufficiently emphasized in the legislation.

Perceptions of corruption increased in 2014. Transparency International ranked Montenegro 76th out of 175 countries of the world, a slide of 9 places in the ranking.⁵² Domestically compiled data reaffirmed that Montenegrin citizens considered corruption more prevalent in 2014 than in the previous year.⁵³

In December, the parliament passed the Law on the Prevention of Corruption. The law determines the jurisdiction of a new agency to fight corruption and regulates, alongside other areas, the prevention of conflicts of interest and whistleblower protection. The latter improved protections for whistleblowers, but not sufficiently. Organizations advocated during the preparation of the text for a special law that would regulate this matter.⁵⁴ However, the strategy for the fight against corruption and organized crime expired at the end of the year, and the new agency is scheduled to commence its work only in 2016. Additionally, the number of government agencies and their various, but often insufficient, competencies and funding have not changed despite plans to the contrary. The National Commission for the Fight against Corruption, originally conceived as an important forum, had only two meetings in the reporting period.

A system of patronage persists in public administration. The coalition agreement between DPS and SDP in Podgorica contained provisions on the employment of party cadres, contradicting the Law on Civil Servants and Employees, which regulates the procedures to fill such positions.⁵⁵

Public-private partnerships exist without a legal and institutional framework, while problems in the regulation of concessions remain unresolved. The register of concessions is incomplete and contracts are frequently not scrutinized. Concession holders often miss due payments. According to SAI, the budget revenues from concessions to exploit natural resources stand out as unsatisfactory. SAI data show that despite failing to honor past obligations, some enterprises succeed in winning additional concessions.⁵⁶

The lack of prosecution of high-level corruption cases remains a significant concern. The mayor of Budva, just as that of Ulcinj, came under investigation in 2014 for corruption and abuse of office. As in the previous, similar cases, a final ruling has not been reached and, notably, there has not been a single ruling mandating the permanent confiscation of assets.⁵⁷ In the high-profile Zavala case, sentences of four and five years of imprisonment were handed down by the court, but the case was pending on appeal at year's end.⁵⁸

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¹ The body of common rights and obligations in the European Union.

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