

CHALLENGES AND EXPECTATIONS

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an overview of key priorities of work program of the 44th Government of Montenegro

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Introduction

Montenegro has voted in its third government after major political shifts that took place in 2020. After three months of negotiations marked by a number of political detours, this political saga finally came to an end on October 30, 2023, when the government was elected in the Montenegrin Parliament. It is structured as a coalition government (a coalition centered on the Europe Now Movement (PES), the Democrats and two coalitions of Albanian minority parties), with the backing of the For the Future of Montenegro (ZBCG) coalition, former Democratic Front. Following the political transition in 2020, minority governments have emerged as a defining feature of Montenegro's political landscape.

This act effectively ended the 43rd Government's caretaker mandate, which had lasted as long as 14 months.

According to media reports on coalition agreement to establish the 44th government, the reshuffle is scheduled for late 2024 with the ZBCG coalition officially joining the government right before the 2025 Budget Law is officially passed.

There are 19 ministries and five deputy prime ministers in the government. Some ministries will be "split" following the announced overhaul, resulting in a government with the most sizeable cabinet in the past 30 years.

This is the first time that political cards have been dealt in a way that gives a political group that does not share all of the values enshrined in national or European Union (EU) policies a major official role in the government. Also, this will be the first time that one of the three key posts in the state is held by someone that does not denounce Russia's aggression against Ukraine, supports the revocation of Kosovo's recognition and rejects international court judgements.

The ZBCG coalition could enter government for the first time since restoration of independence in 2006, having previously been known for its outspoken and fervent anti-NATO and pro-Russian stance.

Seeing how the new administration and the whole of ruling coalition interact with representatives of the international community will also be interesting to watch. There were conflicting opinions expressed during the coalition's formation. On the one hand, there were harsh criticisms of Western officials meddling in Montenegro's domestic affairs. On the other hand, there was a very unfavorable sentiment regarding the incoming coalition's value system, with reiterated necessity for our country to uphold the commitments and agreements made as part of its relations with the EU and NATO. It is amid such circumstances that the exposé of the prime minister-designate outlining the top priorities of the 44th Montenegrin government was presented to us. A few days before the government was voted in, Prime Minister Spajic made the exposé public and submitted it to the parliament within the deadline outlined in the rules of procedure.

This is a quick rundown of our main points regarding the content and quality of the new government's work program. We examined the document from the standpoint of the areas in which the Centre for Democratic Transition (CDT) has been active for decades, with a brief overview of the "Europe Now 2.0" program, a key pre-election pledge of this government's most powerful constituent.

We remain open to publicly discuss the findings of our analysis, as well as to any well-intentioned criticisms and suggestions.

CDT team



The outlined priorities, are they truly attainable?

"If I were to compare us to other countries, I would like for Montenegro to be like Luxembourg in four years..." Zdravko Krivokapic had said three years ago before the Assembly while laying out his government's work program. In his own exposé, Prime Minister Spajic says: "Our vision is of Montenegro as the Switzerland of the Balkans and the Singapore of Europe."

These bold statements may truly be a reflection of the way the state was run for a long time: a lot of "vision," but little in the way of an actual plan or mechanisms to achieve it. This very characteristic of our politicians, along with their general reluctance to adopt a "realistic" view of the future, is also, in a symbolic way, largely present in this government's work program.

The exposé lays out the future government's priorities in broad strokes, while identifying some of the pivotal points in the country's development over the next four years and raising a number of important, long-standing issues.

However, the document does not give us so much as a rough idea about where Montenegro would be at the end of this term or about benchmarks and deadlines for accomplishing the goals this government has set forth. After examining the document, citizens and experts will not be able to paint a picture of what comes first, what comes next, and how much this will impact their lives.

Of course, this need not be a concerning flaw in the exposé if the incoming administration happens to demonstrate the expertise, drive, and skills to develop outstanding mid-term and annual plans (programs) for government operations.

Political calculations or the fact that most ministers, including the prime minister, lack experience in this area and thus see the exposé as a wish list may have played a role in shaping the final version of the document. The worst-case scenario, however, would be if such a broad document also meant that pre-election promises would be abandoned.

It is also evident that different sections of the text, or descriptions of priorities by different departments, are of varying quality. While some sections have been expanded to paint a clearer picture of the government's future plans, others only give us a hint, whereas some make you wonder what it is that the government is actually aiming to accomplish in those respective areas.

Whichever the case may be, it is crucial that the government "convinces" us that the program is actually feasible through tangible actions and steps, and that it will not simply remain a wish list that would suffer the same fate as the unfulfilled programs of previous administrations.



Democratization of society, the priority of the new coalition in power?

The words used in the exposé to describe universal democratic values and principles are echoing catchphrases and buzzwords that are commonplace in the European integration-related discourse. And yet, its contents do not lead one to believe that this government prioritizes further democratization, or that it acknowledges the stagnation and regression of democratic processes as a problem requiring immediate and decisive action.

Although topics related to justice are covered in the appropriate sections, such as the judiciary and the fight against crime and corruption, and e.g. freedom of expression is addressed in the section on media, important segments concerning democratic institutions, an issue falling under the Fundamentals cluster of the revised negotiation methodology, were left out.

Thus, the overall electoral reform, which should include depoliticization and professionalization of the electoral administration, expanding the right of citizens to stand as candidates and have a bigger say in election candidacy process, the introduction of open lists, the purging of the electoral roll, and safeguarding the electoral process from undue influences and disinformation, has not been mentioned at all (except in the section on amendments to the law on the financing of political parties). Based on the exposé, one could infer that efforts to improve electoral processes — a crucial component of democratization — were abandoned.

The power sharing system is contributing to the continued breakdown of democratic institutions, as party forums have taken precedence over representative institutions, but the exposé makes no mention of unregulated relations between government and parliament or of the way to address this issue by adopting the Law on Parliament and Law on Government.

Though casually mentioned in different segments of the exposé, the principles of meritocracy, transparency, and equality are not sufficiently articulated into a clear intention to free the institutions from party control, if there was such intention, to begin with. If there was, it would, for starters, be communicated clearly by making the coalition's final and signed agreement and any of its potential annexes publicly available, something the CDT has already been requesting publicly.



Foreign policy priorities, value-driven or merely formal?

The key foreign policy priorities highlighted in the exposé are membership in the EU, active and credible participation in NATO, good neighborly cooperation, and enhancing Montenegro's standing in multilateral organizations. One of the government's first and most challenging tasks will be to put its value-driven commitment to EU and NATO postulates and policies to the test. Formally, the goals outlined in the program are the right ones, and it won't take long for the general public to determine whether the government is truly committed to them.

It is quite clear that Spajic, Mandic and Becic will be facing the challenge of having to converge their views on issues that have frequently caused the straying from the core EU and NATO postulates. Essentially, the key challenge will be in whether EU and NATO values get genuinely adopted and implemented.

This will not be an easy task, given that the political alliance, co-led by the newly elected parliament speaker, has never publicly denounced Russia's aggression against Ukraine, it unwaveringly pushed for Montenegro to withdraw its recognition of Kosovo and never truly accepted the rulings of international tribunals.

The newly appointed Speaker of the Assembly, the leader of the New Serb Democracy, was charged with criminal association. He will also be a member of the Defense and Security Council, which means he will have unrestricted access to all confidential documents, including NATO data exchange. This could undoubtedly present a major constraint to good relations and trust among NATO partners.

Whether the government can actually perform the task it had prioritized in its program and maintain cooperation with international

institutions is still very much questionable. Here, we are not just referring to formal, protocol-based cooperation; we are talking about cooperation that requires adherence to NATO and EU values. There is definitely cause for concern here, as there is a clear risk of conflict with the political entity that holds the key to the majority in parliament.

Spajic is correct in saying that "more clearly than ever before, Montenegro has a real opportunity to become the EU's first next member," but his predecessor, Prime Minister Abazovic, had stated the very same thing in his exposé. The facts have shown that very little progress has been made in the area of EU integration over the past three years, that the country is stagnating or even regressing in the process, and that European Commission (EC) reports are becoming increasingly negative.

We believe there is no doubt in anyone's mind that the general public will continue to scrutinize this statement by Prime Minister Spajic, particularly in light of actions to be taken by the government in a number of areas that are meant to produce outcomes that will jumpstart negotiations and eventually bring the country back onto the EU track.

Unblocking the judiciary and overcoming the acting head status in the Supreme Court and state prosecutor's offices are just the first of several major issues that need to be resolved as a way back onto the European accession track. It is indeed realistic to expect that these issues will get resolved as the government has the approximate three-fifths majority support in the parliament. It is important to remember, though, that the 2013 Constitutional amendments were not about reaching unanimity, but were intended to foster a wider consensus around the most qualified candidates with indisputable references at times where the DPS's authority was uncontested. Two-thirds majority aside, an agreement between the government and the opposition on these issues would lend more legitimacy to elected officials and their decisions, in line with the exposé's calls for fostering social cohesion. We know from experience that even though the new government has roughly the same amount of parliamentary support as the previous one, this "support" may not necessarily reflect on our progress on the EU path.

The "establishing of more basic courts and divisions of basic courts in the territory of Montenegro" is announced in the section of the exposé that covers judicial reforms. This announcement runs counter to previous analyses on the need for rationalizing the judicial network and is another illustration of absence of institutional memory culture.

Aside from the general proclamation on good neighborly relations, there is no discernible message regarding regional policy. Good neighborly cooperation is hard to develop without these clear commitments. While it is admirable that the exposé acknowledges Russia's aggression against Ukraine, it is concerning that no explanation was provided regarding the necessity of amending the law in order to apply the sanctions against Russia in a consistent manner.

Concerning the "credible membership in NATO," another contentious issue within the coalition, the messages of the exposé are consistent with a narrative that any NATO member should maintain. Maintaining the level of commitment in carrying out NATO goals and sending Montenegrin soldiers on defense and deterrence missions, exercises and other activities will surely be a challenge in just a few months' time, when those decisions are due to be reissued. Major dilemma still remains around how the whole of the newly formed ruling coalition plans to approach these important decisions.

Military training ground on Sinjajevina Mountain is yet another issue that remained unsolved for three years but was not brought up in the exposé. The army missed out on the opportunity to take part in major NATO trainings and exercises that were scheduled to take place in Montenegro, even though the government elected after August 2020 insisted they would find an alternative training ground location. This is precisely what contributed to the undermined credibility of Montenegro's membership in NATO, which Spajic is now referring to.

Furthermore, the new government should place special focus and effort on situation in the security sector. The top positions of the Army of Montenegro General Staff (GS), Police Administration (UP), National Security Agency (ANB), and Intelligence and Security

Directorate (Military Intelligence Service) of the Ministry of Defense have been filled by three different individuals each over the past three years. All of these institutions, with the exception of the General Staff, are still run by acting heads. This is concerning from the standpoint of both internal security and NATO's perception of Montenegro. Moreover, there are frequent claims of substantial political meddling in the security domain.



Did the new government forget about the laws on parliament and government?

The professional public and civil society's proposals to adopt the Law on Government and Law on Parliament as soon as possible were vigorously supported and encouraged by the majority that emerged following the political shifts three years ago; however, these laws have still not been adopted. We had the chance to see firsthand how important it is to have these systemic rules in place while the caretaker government was in power. Interestingly, though, Spajic's work program makes no mention of these laws at all. It is our hope that this does not imply that the new majority has "come to terms" with a number of unregulated issues in the functioning of government and parliament and how these institutions relate to one another.

The previous administration also pushed for the adoption of the so-called anti-mafia law and the law targeting the proceeds of crime, but this was never seen through to the end due to a number of issues the proposed provisions would have caused in practice. Amendments are now in store for a set of laws in the area of fighting organized crime and corruption. Confiscation of proceeds of crime and the criminalization of public officials' illicit enrichment are among them. However, aside from citing EU recommendations, it is unclear how the government plans to stand against individuals who

have amassed wealth unlawfully, as there is no such information in the exposé.

It remains unclear how realistic and applicable the adoption of the law on vetting might be, and one can't help but believe that this is just political marketing that will ultimately come to nothing, as we tend to forget that laws of this kind and other similar groundbreaking undertakings must be approved by the EC. However, strengthening internal and external judicial auditing is a viable alternative to the extremely complex vetting process—yet, this is not mentioned in the exposé. It is worth recalling that institutional reforms should go hand in hand with ongoing efforts to enhance the professionalism, transparency, and ethics in the judicial system, as was stressed by the Venice Commission in a recent opinion.

It should also be recalled that, despite repeated announcements following the 2020 government transition, the Law on Lustration appears to have been shelved by the new administration.



New administration: standing up against partitocracy?

Key obstacles in the process of public administration reform include professionalization, optimizing the number of employees in public sector, and creating a meritocracy system. Unfortunately, the public has been witnessing the continuation of widespread recruitment and appointments based on political party affiliation in practically every domain. Legal amendments that lowered the bar in employee selection criteria also allowed for very simple ways of rewarding party members.

The views expressed by former Prime Minister Krivokapic three years prior are now being reiterated by Prime Minister Spajic in his exposé: "It is necessary to optimize public administration through

the implementation of functional analyses." It is important to stress that the government must first announce the total number of employees in public administration, both at the local and central levels, in order for this process to unfold. From that point onwards, the public should be provided with regular updates on the number of employees and salary budget allocations, but the prime minister does not elaborate on this in the document.

The introduction of a meritocracy system i.e. merit-based recruitment was one of PES's main pre-election promises, and it therefore remains unclear why the government's HR policy and the depoliticization of public administration were not given more attention in the exposé. It is also announced that the corporate management of state-owned enterprises will be improved through the professionalization of staff; however, based on information from the coalition agreement, party affiliation will still determine the distribution of positions in company management bodies. It is worth mentioning that public companies were never included in the optimization plan in the first place, and it is unlikely that the hiring practices will change during this incumbency.

The watchword of the exposé's segment that mainly revolves around promises of digitalization is "Digital Montenegro - The future is now". It is a reiteration of a promise made during the 42nd Government.

The EC assessments in the previous three years' annual reports best describe the results achieved in the area thus far. They are either negligible or downright non-existent, so a great deal of caution is advised when expecting benefits from this priority area.

The idea of establishing the National Academy of Public Administration is noteworthy. It is certainly important to consider the role of the Human Resources Management Authority and the Regional School of Public Administration (RESPA), a regional project for strengthening administrative capacities funded by the EU, so as to ensure that this initiative does not result in an unneeded accumulation of public administration.



Transparent and open relationship with civil society, a priority of the new government?

It is highlighted in the program that the relationship with the civil sector is one of partnership and that there is an obligation to collaborate on key public-interest policies. Just like with every previous government. There is also the promise of adopting the new Law on Free Access to Information. We would like to recall that this very law was one of the top priorities back in 2020 as well, and yet it still has not been adopted in a form that would allow for more transparency in society.

The exposé also pledges to ensure a long-term, strategic, and high-quality partnership between government and civil society organizations, which is critical in light of the authoritarian trends of hostile labelling and the shrinking of civic space, which have also spread to the Western Balkans region and have their supporters among Montenegrin MPs.




No details about Europe Now 2.0 program

The prime minister fails to provide the long-awaited clarifications on the subjects that helped him secure a favorable election outcome in his exposé. His campaign message was succinct and to the point: “Minimum pension 450 euros, minimum salary 700 euros, average salary 1000 euros, seven-hour working day”. Nevertheless, this is hardly mentioned in the government work program. There is no mention of the promised minimum wages, minimum pensions, and average pay amounts, and the Europe Now 2.0 program—which has not yet been explained to the public—is only casually mentioned twice, and without any specific details whatsoever.

Pre-election message about the cancellation of contributions to the pension and disability insurance fund (PIO) was the issue where clarifications were most eagerly awaited, as grave concerns arose around the way of calculating pensions in the future and the disbursement of the already acquired pension rights. With the PIO Fund budget exceeding 600 million this year, it is reasonable to wonder how these funds are to be compensated in the future. These questions also remained unanswered in the work program.

As for yet another key pre-election pledge centered on a seven-hour workday, we were only able to track down one relevant statement in the exposé: “We will introduce shorter working hours, so that every citizen can have more time for family and friends”. It was anticipated that, should he win the public support, Spajic would outline his precise program, timeline, and strategy for delivering on his pre-election promises in the first year of the government’s term, as he himself had previously announced. The scantily explained program and Spajic’s several previous claims of Montenegro being set up for bankruptcy in September warrant public attention and caution around major economic pre-election pledges which secured him substantial public support.





An improved state asset management, a much-needed improvement

There are several ideas in the program that are worthy of special attention and praise. The “Solidarity House” for providing accommodation to parents of children receiving cancer treatment will undoubtedly be under the public’s watchful eye during the implementation phase.

The announcement of centralization and improved management of state assets is also encouraging. For decades, previous governments lacked the will to address this major issue, which has certainly been making a big dent in state budget. This is even more important in light of the fact that the state property register was supposed to be operational by the summer of 2010. However, more than thirteen years later, the registry has not yet been established.

It is commendable that the work to improve citizen security is to be carried on, as evidenced by the announced continuation of activities on setting up the Agency for Cyber Attacks. Until now, our citizens have been left to fend for themselves in the aftermath of these attacks, so if this Agency comes to fruition, it will have a major positive impact on their quality of life.

