

FIRST 100 DAYS: Between Expectations and (Un)kept Promises

CDT Analytical Team:

Darvin Muric, Dragan Koprivica, Milena Gvozdencovic, Milica Kovacevic



FIRST 100 DAYS: Between Expectations and (Un)kept Promises

CDT Analytical Team:

Darvin Muric, Dragan Koprivica, Milena Gvozdencovic, Milica Kovacevic

Podgorica, January 2024





The publication was produced with the support of the SMART Balkans – Civil society for shared society in the Western Balkans regional project implemented by the Center for the Promotion of Civil Society (CPCS), the Centre for Research and Policy Making (CRPM), and the Institute for Democracy and Mediation (IDM), and financially supported by the Ministry of Foreign Affairs of the Kingdom of Norway.

The content of the publication is the sole responsibility of the Center for Democratic Transition (CDT) and does not necessarily reflect the views of the Center for Promotion of Civil Society, Centre for Research and Policy Making, Institute for Democracy and Mediation, and the Ministry of Foreign Affairs of the Kingdom of Norway.



Introduction

The concept of the first 100 days in office has been a benchmark for evaluating the performance of nearly every new government since U.S. President Franklin Roosevelt's era during the Great Depression in 1932 when he enacted 15 significant laws within a very short timeframe.

However, the point is not the period of 100 days but rather the fulfillment of promises that the ruling coalition made during the election campaign and which the Prime Minister indicated as priorities in his Program.

Shortly after the new government took office, the Center for Democratic Transition (CDT) published an analysis, or rather a review of the key priorities of the Government's work program, which fall within the scope of our organization. At that time, we emphasized that the Prime Minister's Program highlighted some critical points of development and raised questions of importance that had remained unresolved for years. We also pointed out the lack of clarity in the Government's program regarding Montenegro's future trajectory and the interim stages or deadlines for achieving its priorities.

Today, on the eve of the Government's first "anniversary," we provide an overview of its achievements in areas aligned with CDT's mission. The Government and the coalition government, as well as part of the opposition, formally fulfilled what this society had not been able to do for years – the selection of judicial officials has been completed, which certainly represents a success. However, the extent to which these appointments will lead to the establishment of independent institutions remains uncertain despite some candidates possessing satisfactory qualifications.

An important feature of the Government's first 100 days of work is its apparent determination to meet the final benchmarks for chapters 23 and 24 before the European elections, a move that could unlock the closure of chapters in other areas.

Also, it is important to mention a very important political moment and success of the Government – the agreement reached regarding the implementation of the 2023 census, which satisfied all parties and was a crucial factor in reducing tensions that threatened to escalate into more serious social misunderstandings.

Another noteworthy achievement is a very important political development and success of the Government, ruling parties, and opposition – the agreement on conducting the census in 2023 – a key factor in defusing tensions that threatened to escalate into serious social tensions.

It is praiseworthy that some important processes overlooked in the Prime Minister's program, such as the beginning of electoral reform and work on the Law on Government, have been the subject of work by the Government or ruling coalition. However, only tangible results count. Due to negative past experiences, one should be very cautious in assessments.

The impression is that the differences in the quality of certain sectors, as outlined in the Prime Minister's Program, have actually been translated into the quality of the work of individual ministers. We have ended up having a government of uneven quality across ministries, and these differences should concern its President.

In the first 100 days of the Government, uncertainties about the achievability of its goals have not been clarified, so improvisation from the exposé has transferred to its functioning. This is best evidenced by the fact that the Government has still not adopted its annual work program, and the delay in adopting this very important document exceeds one month.

Instead of the Government steering a sustainable policy in the security sector in the first 100 days, thereby improving the security of citizens and the fight against corruption and organized crime, it has continued along well-trodden paths of internal struggles for political dominance in this sector.

Improvisation is obvious regarding the Government's communication with the public. After closing government sessions to the public

and announcing regular updates through press conferences afterward, it turned out that announced conferences were not held after half of the sessions. There are evident differences in communication with the public among various ministries, and the Prime Minister himself has given only one interview to domestic media just before the 100 days of the Government. The non-transparent borrowing of 109 million euros represents one example of this communication philosophy.

There is also an unusual phenomenon worth noting – immediately upon the formation of the Government, one of the ruling coalition members opened discussions about its reconstruction. According to the coalition agreement reported by the media, reconstruction is indeed scheduled to happen by the end of 2024. However, it remains to be seen whether the fact that discussions about changes in its composition are initiated within the first 100 days of the Government represents a signal of dissatisfaction with the work of certain ministries or underlying negative political relations within the ruling coalition.

All in all – this government is indeed doing something, although there is no documentary basis for a detailed analysis of the quality of that work. Whether this work will lead to the fulfillment of proclaimed goals and whether this government will be remembered as a reformist government of discontinuity or as a government of continuity of populism and abuse of office remains to be seen.

We remain open to public debate on the conclusions of our analysis, as well as to all well-intended criticism and suggestions.

CDT Team

Democracy on trial: Insights into elections, reform, media freedom, and government transparency

One of the fundamental prerequisites for real democratization of society lies in the implementation of electoral reform aimed at creating legislation aligned with international standards and an electoral process in which citizens have trust.

In this context, it is very important that after two failed attempts in 2019 and 2021, the Parliamentary Committee for Comprehensive Electoral Reform (the Committee) was formed and started its work in January. It remains to be seen whether, this time, there will be a genuine willingness to implement this complex reform endeavor or whether it will be another political show in the struggle for power.

One of the most important tasks is the reform of the political party financing system. The unfulfilled interim benchmark #26 from Chapter 23 states that legislation on political party financing must fully comply with GRECO recommendations. This means it is necessary to strengthen administrative capacities and independence of supervisory bodies, as well as to create a system of deterrent sanctions where necessary.

The current Government was met with the newly adopted Media Strategy 2023–2027, which envisages the establishment of the Council for Media Literacy and Network to Combat Hate Speech. However, the Strategy does not provide any other specific measures to combat disinformation. The Government also faces the necessary change in the set of media laws. Minister of Culture and Media Tamara Vujovic said that she anticipated the new media laws to be adopted as early as May this year. This is actually an announcement that progress will be made toward fulfilling part of the temporary measure #36 from Chapter 23. The other part of these demands relates to the Government refraining from verbal attacks and political pressures on Radio Television of Montenegro (RTCG), media, and journalists. There are also certain inherited problems concerning unresolved cases of threats and violence against journalists, including a murder case, where there has been no progress.

During its first 100 days, the Government avoided organized campaigns against the media, although individual assessments¹ from the ruling coalition hinted at political pressure, a practice carried over from previous administrations. In December 2023, the Government proposed amendments to the Law on the National Public Broadcaster RTCG, which envisaged that the amount for financing the Public Service would be determined by the executive branch without prior consultation with RTCG. This led to criticism from some domestic public and international organizations, such as Reporters Without Borders, who assessed that this funding model would subject the Public Broadcaster to political pressure. After these reactions, the ruling majority withdrew this proposal.

In December, the Parliament adopted amendments to the Law on Electronic Communications proposed by the Democrats parliamentary club, to which the Government of Montenegro gave a positive opinion². The essence of the amendments is that the Agency for Electronic Communications and Postal Activities (ECPA) is accountable to the Government, which appoints its Council, a role that was previously held by the Parliament. The President of Montenegro refused to sign the law and returned it for reconsideration because it was not aligned with the EU *acquis*³. This stance was publicly supported in statements by representatives of the European Commission⁴, just as they reacted to the first attempt to adopt this law in April last year. In the 2023 report, the EU drew attention to the fact that these amendments were proposed without public consultation and despite the negative opinions of the Government and ECPA, and that such a development seriously risks undermining the independence of the Agency⁵. After a strong public reaction and clear messages from Brussels, the Parliament did not adopt the draft law in the reconsideration vote.

¹ M.L.B, "U navodima iz "plave sveske" ne vidim ništa inkriminišuće" (*I don't see anything incriminating in the quotes from the 'blue notebook'*), RTCG Portal, January 24, 2024

² Government Opinion adopted at the session held on December 29, 2023

³ B.H., Nikola Dragaš, "Milatović vratio parlamentu tri zakona na ponovno odlučivanje" (*Milatović returns three laws to the Parliament for reconsideration vote*). Vijesti.me, January 3, 2024

⁴ Portal Analitika, "Pisonero-Hernandez: Zakon o elektronskim komunikacijama uskladiti sa tekovinom EU" (*Pisonero-Hernandez: Harmonize the Law on Electronic Communications with EU acquis*), Portal Analitika, January 12, 2024

⁵ European Commission, 2023 Report on Montenegro

One of the new Government's first decisions was to end the practice of broadcasting its sessions, which was criticized by civil society and some parties. Although open sessions do not necessarily mean increased transparency, and although there are more efficient ways in which the Government can ensure full transparency of its work, it is not good to exclude the possibility of broadcasting at least some sessions, depending on the topic the Government decides on. After abolishing the broadcast of sessions, the Government has yet to provide a suitable alternative for ensuring transparency, so the availability of information on the content of the discussion was reduced.

Regarding communication with the media or the public, the 44th Government demonstrated inconsistency. Initially, Prime Minister Spajic held regular press conferences after Government sessions, but this practice ceased, resulting in press conferences without a clear schedule. While the Prime Minister held six press conferences after sessions, the Minister of European Affairs and the Minister of Public Administration spoke at only one, despite the Government holding 14 sessions by early February.

Also, apart from sporadic media interviews, citizens had limited opportunities to hear from many ministers, with Prime Minister Spajic granting just one interview to domestic media in the first 100 days.

At the end of December, the Government finalized the Draft Law on Amendments to the Law on Free Access to Information, incorporating significant improvements compared to the existing law.



Pro-western orientation despite eastern influences

Following the formation of the new Government, the EU delivered a clear message – encouragement to fulfill the remaining temporary measures from Chapters 23 and 24 in the next few months and no later than the European elections in June when the mandate of

the current EC expires. Montenegro is urged to achieve this to obtain final measures for these chapters, potentially leading to their closure, conditioned by progress in the rule of law. The task for the new coalition government is to make progress in fulfilling 31 out of 82 interim benchmarks that remain partially or fully unmet. Particularly urgent is the preparation of amendments to important laws, the drafts of which must be ready well before June to receive a positive opinion from the EC before adoption. This was underscored by the intergovernmental conference between Montenegro and the EU at the end of January, where long-pending issues were addressed, and progress was made.⁶

The Government adopted a Decision on the establishment of a structure for accession negotiations between Montenegro and the European Union (EU) and appointed the Chief Negotiator at the proposal of the Minister of European Affairs, Maida Gorcevic, to whom he is also accountable for his work. It is concerning that the idea of politically empowering the position of the Chief Negotiator by making him directly accountable to the Prime Minister has been abandoned. This may pose a practical problem and make negotiations more difficult since they are horizontal processes, and the negotiator must coordinate both the negotiation structure and all line ministries, for which, under this model, he will not have formal authority.

The official Government policy and the ministers responsible for foreign affairs and defense have adhered to what is outlined in the Prime Minister's Program regarding relations with NATO, "we will continue to fulfill all obligations arising from membership; NATO is dedicated to the long-term stability and security of the region." Prime Minister Milojko Spajic met twice with NATO Secretary-General Jens Stoltenberg during this period and emphasized that Montenegro has a Euro-Atlantic Government determined to be a strong pillar of NATO.

Montenegro's relations with the countries of the region, in the first 100 days of the Government, can symbolically be represented by two events: the cancellation of the meeting by officials of the Republic of

⁶ Biljana Matijašević, Varhelji: Vidjelo se da je proširenje EU stvaran projekat; Spajic: Nova vlast dobila "vruć krompir", *Vijesti*, (Varhelyi: It was evident that EU enlargement is a real project; Spajic: New government got a "hot potato"), *Vijesti*, January 29, 2024.

Croatia, and the marking of the unconstitutional Statehood Day of the Bosnian entity of Republika Srpska.

Although Minister of Foreign Affairs Filip Ivanovic chose Croatia for his first official bilateral visit, and although messages of friendship, dialogue to resolve all contentious issues, and good neighborly relations were sent after the meeting⁷ – just a month later, there was a noticeable deterioration in relations between the two states.

Minister of Defense Dragan Krapovic's statement about the Morinj camp and the ship Jadran was the trigger for his Croatian counterpart Ivan Anusic to cancel the planned meeting⁸. After this, attempts were made by the two foreign ministries to de-escalate. Whether these events result from deteriorating relations between the two states or inexperience in international communication remains to be seen.

The President of the State, the President and members of the Government, and the President of the Parliament did not attend the celebration of the unconstitutional Day of Republika Srpska. The first two have stated clear positions that their presence would be against Montenegro's official policy and its stance towards the integrity of Bosnia and Herzegovina^{9 10}. The President of the Parliament, Andrija Mandic, conveyed congratulations for the "holiday," and justified his absence by citing private obligations¹¹. Instead of Mandic, the celebration in Banja Luka was attended by the leader of his party's electoral list, Milan Knezevic, and other members of this political alliance¹².

In addition to said events, the presence of the President of the Parliament in the election headquarters of the Serbian Progressive Party (SNS) and participation in the celebration of this party's electoral victory, which has been marked as questionable by foreign and domestic organizations, does not confirm good regional policy. Explanations

⁷ MINA, "Crna Gora da iskoristi poziciju predvodnika i ubrza pregovarački proces" (*Montenegro to leverage its frontrunner position and accelerate the negotiation process*), Vijesti.me, December 21, 2023

⁸ A.B., "Anušić: Otkazao sam sastanak sa Krapovićem zbog izjava o Morinju" (*Anusic: I canceled the meeting with Krapovic due to his statements about Morinj*), Portal RTCG, January 13, 2024

⁹ Mihailo Jovović, "Predsjednik (ne) vjeruje premijeru" (*President (does not) trust Prime Minister*), Vijesti.me, January 1, 2024

¹⁰ "Spajić o posjeti funkcionera NSD Republici Srpskoj: Vlada slijedi zvaničnu politiku" (*Spajic on the visit of NSD officials to Republika Srpska: Government follows official policy*), Dan, January 11, 2024

¹¹ A.I., "Mandić: Neću ići na proslavu dana Republike Srpske, tada mi je slava" (*Mandic: I will not attend the celebration of the Day of Republika Srpska, that's my Saint Patron's Day*), Pobjeda, January 6, 2024

¹² "(FOTO) Funkcioneri NSD i DNP kod Dodika na proslavi Dana RS" (*(PHOTO) NSD and DNP officials at Dodik's celebration of the Day of RS*), Dan, January 8, 2024

by Minister Ivanovic and representatives of the New Serbian Democracy that Mandic was there as the party president¹³, not as a representative of the state, were not convincing to either the domestic public or the citizens of Serbia, who consider the elections irregular.

Although the 44th Government of Montenegro found the Montenegrin diplomatic network to be in very poor condition, no procedures were initiated for the appointment of ambassadors in the first 100 days. Montenegro has had no ambassador in its Permanent Mission to the UN in New York for two and a half years. We have also been without an ambassador to NATO for six months, which is an exceedingly rare practice. Furthermore, no military representative in NATO has existed for two full years. Regarding bilateral representations, we only have resident ambassadors in five countries (Belgium, France, Greece, Italy, and Turkey), while most embassies operate at the chargé d'affaires level. Montenegro has no fully functioning ambassadors in any of the countries in the region, nor in some of the most important global capitals, such as Washington or Beijing, where ambassadorial positions have remained vacant for almost three years. The reasons for this delay remain unclear. It's uncertain whether it's awaiting a political agreement for the appointment of 30% of diplomatic-consular representatives who do not need to come from diplomatic ranks, or if disagreements between the Government and the President of Montenegro, who appoints ambassadors by decree, are the cause.



Power dynamics: Struggle for dominance in the security sector

One of the notable aspects of the Government's work in the first 100 days is the political dispute between the Movement Europe Now (Mne. abbrev. PES) and the Democrats regarding the security sec-

¹³ "Ivanović: Mandić u Vučićevom štabu nije boravio kao predstavnik države Crne Gore" (*Ivanovic: Mandic in Vucic's headquarters was not in his capacity of a representative of the state of Montenegro*), Pobjeda, December 21, 2023

tor, especially concerning the leadership of the Police Directorate (PD). Publicly available information suggests a brewing problem within the Government¹⁴ in this area, with actions taken by relevant authorities failing to dispel concerns. In short, significant changes that were pompously announced did not occur in the first 100 days. Instead, the status quo persists, following the political shifts in 2020, where despite discussions about professional institutions, concrete steps indicate a continuing trend of political control and misuse of the Police Directorate.

This Government inherited a disorganized state of affairs in this sector where most holders of key powers (assistant directors and key officers) were not selected based on public/internal competitions, as the law prescribes, but rather were appointed as interim officials. The fact that assistant directors of the PD have been in the same interim capacity for almost three years supports those who claim that this mode of operation actually facilitates political control over the work of the police.

Despite conflicting statements, the Government implemented the judgment of the Administrative Court¹⁵ confirming that the previous executive branch unlawfully dismissed the director of police, Zoran Brdjanin. Minister of Internal Affairs Danilo Saranovic, using his legal right and the non-adoption of semi-annual reports on the work of the police in the Parliament of Montenegro, proposed the dismissal of Brdjanin again¹⁶. Regardless of whether the Parliamentary Committee decided on these reports in a lawful manner and what potential repercussions a new judicial process may have, it remains a significant fact that Brdjanin, almost two months after the Committee's negative assessment, has not yet been removed. The recent statement by Prime Minister Spajic that Brdjanin is acting "in full mandate,"¹⁷ as well as Minister Saranovic's reaction to his statement¹⁸, are clear evidence that the party political struggle between the PES and the Democrats for dominance in the security sector

¹⁴ "Policija ni na nebu ni na zemlji?" (*The Police are neither in heaven nor on earth*), Vijesti, December 27, 2023

¹⁵ "Po presudi suda, Vlada vratila Brdjanina na čelo crnogorske policije" (*Following the court ruling, the Government reinstates Brdjanin as the head of the Montenegrin police*), Radio Slobodna Evropa, December 11, 2023

¹⁶ M.V./M.L.B. "Šaranović predložio Vladi da smijeni Brdjanina" (*Saranovic proposed to the Government to dismiss Brdjanin*), RTCG, December 26, 2023

¹⁷ Mirko Kotlaš "Premijer o smjeni Brdjanina: On je u punom mandatu, postoji prostor za dogovor" (*Prime Minister on Brdjanin's dismissal: He is in full mandate, there is room for agreement*), Vijesti, January 31, 2024

¹⁸ Nikola Dragaš, "Vlada ne smije ignorisati parlament" (*The Government must not ignore the Parliament*), Vijesti, February 1, 2024

continues. This raises doubts about the Government's sincerity in respecting the legal provision appointing the police chief for a five-year term, extending beyond the Government's mandate.

Minister of Justice Andrej Milovic has conditioned his stay in this position on the dismissal of the head of the Special Police Team, Predrag Sukovic¹⁹. He made very serious allegations that Sukovic allegedly participated in police fabrications and preparations for the arrest of Milojko Spajic during the election campaign. Investigating these accusations should be the responsibility of law enforcement agencies. Interestingly, the Chief Special Prosecutor (CSP), Vladimir Novovic, without whose consent the head of this team cannot be appointed or dismissed, publicly expressed positive assessments of Sukovic's work²⁰. The situation was further complicated when, after these debates, the "blue notebook" with alleged information, reminders, and records was published, in which Sukovic, as part of the executive branch, advised then-member of the Committee and Mayor of Budva, Milo Bozovic, now accused of organized crime, on how to behave and what to ask representatives of the same authority during the work of the Committee for Security and Defense.

On one hand, it is clear that the Minister of Justice is publicly intervening politically outside the scope of his authority. On the other hand, these are serious allegations that must be investigated, and it's not entirely clear whether Minister Milovic forwarded his findings to the CSP, for which he has a legal obligation. While the Minister has the right to express political opinions, failure to report these findings would politicize the function, undermining credibility in the security sector and the necessary judicial reform.

The only personnel change in the National Security Agency (NSA) was the dismissal of the Chief Inspector, Artan Kurti. His appointment had previously sparked controversy considering Kurti's biography and final convictions for serious criminal offenses. Minister of Justice Milovic announced that he filed a criminal complaint with the Special State Prosecutor's Office (SSPO) regarding handling Kurti's removal from the criminal record database and publicly ac-

¹⁹ "Milović: Neću biti u Vladi ako Šuković ostane na čelu SPO" (*"Milovic: I will not be in the Government if Šukovic remains at the helm of the SPT"*), Vijesti online, December 11, 2023

²⁰ "Novović: Šuković ima moje povjerenje i podršku" (*"Novovic: Sukovic has my trust and support"*), Dan, December 31, 2023

cused the Ministry of Justice of acting unlawfully in this case²¹. However, the Government did not address the accountability of the NSA director for failures in the "Tunnel" case, despite the Agency's legal jurisdiction in counterintelligence protection of institutions.

The issue of a military training ground for the Montenegrin Army remains unresolved, with Minister of Defense Dragan Krapovic questioning the decision for the ground to be in Sinjajevina Mt²², but failing to propose the annulment of the Government's 2019 decision. Montenegro has already missed several opportunities for joint exercises with allies on its soil, significantly complicating necessary training for its own army. Although the Draft Spatial Plan envisages the training ground in Sinjajevina, the minister has publicly mentioned some new locations, but they are still not known to the public. Prime Minister Spajic made a similar statement on the same topic.²³

The Council for Defense and Security held one session after the new Government took office. There remains a public dilemma about how the Council will function regarding issues related to proposing and implementing decisions arising from NATO membership obligations. Prime Minister Spajic's announcement that Montenegro is ready to send a new contingent of soldiers to Kosovo²⁴ within NATO forces could be the initial test, primarily for the Speaker of the Parliament Andrija Mandic, due to the stance of his political group that they will never support the deployment of soldiers within NATO missions. So far, this political bloc has always voted against such decisions in Parliament. Additionally, access to classified intelligence remains contentious, with Mandic's claim that "he doesn't need that data" raising skepticism among those familiar with the Council's workings.²⁵

²¹ "Milović: Službenici Ministarstva pravde nezakonito brisali kazne Artanu Kurtiju iz Registra kaznene evi dencije" (Milović: Ministry of Justice officials unlawfully deleted Artan Kurti's convictions from the Criminal Records Registry). Portal Analitika, November 9, 2023

²² Redakcija Pobjede, "Krapović: Sinjajevina nije opcija za vojni poligon" (Pobjeda Editorial Board, "Krapovic: Sinjajevina is not an option for a military training ground"), Pobjeda, December 21, 2023

²³ Redakcija Pobjede, "Spajić: Nema gradnje vojnih poligona na Sinjajevini" (Pobjeda Editorial Board, "Spajic: There will be no construction of military training grounds in Sinjajevina"), Pobjeda, January 23, 2024

²⁴ Radio Slobodna Evropa, "Spajić: Crna Gora spremna da pojača prisustvo na Kosovu..." ("Spajic: Montenegro ready to increase presence in Kosovo..."), January 26, 2024

²⁵ Anja Ivanović, "Mandić: Poslao sam jasnu poruku i dopise da mi tajni podaci nijesu potrebni" ("Mandic: I sent a clear message and letters that I do not need secret data"), Pobjeda, December 17, 2024

Progress in the judiciary: balancing between meeting criteria and political influences

In the first 100 days, a step forward was made in fulfilling interim benchmark #2, drafting the new Judiciary Reform Strategy 2024–2027, whose draft the Ministry of Justice submitted for public consultation.²⁶

Interim benchmark #3 from the same chapter remains unmet, which involves harmonizing the constitutional amendments on the judiciary from 2013 with judicial and prosecutorial laws per the recommendations of the Venice Commission (VC) and the EC.

Despite the previous Government's plans in the Accession Program 2022–2023 to adopt key laws on the judiciary and state prosecutor's office, this did not materialize. Towards the end of the year, the Ministry of Justice initiated public consultations involving NGO representatives to draft proposals for the Law on the Special State Prosecutor's Office, the Law on Confiscation of Illegally Acquired Assets, and the Law on Courts.

When discussing these obligations, it should be noted that additional time is needed to finalize the proposals as they require the opinion of the EC. Additionally, it is crucial to mention that the process of preparing the strategy and these important laws must be inclusive and open to ensure that the changes are prepared in line with the recommendations of the VC and the EU, with quality public debate on possible solutions.

In the first 100 days, significant judicial appointments were made that could contribute to meeting the interim benchmark from Chapter 23.

A significant outcome is that we finally have the Chief State Prosecutor (CSP), Milorad Markovic, who will serve in his full capacity for the next five years with the support of 75% of the MPs.

²⁶ Ministry of Justice, Invitation for public discussion on the draft text of the Judiciary Reform Strategy 2024–2027, with an Action Plan for the period 2024–2025, January 24, 2024

What preceded his election were non-transparent political agreements after the candidate Maja Jovanovic, proposed by the Prosecutorial Council, did not receive the required two-thirds support in the first vote. Minister of Justice Milovic exerted influence on this process, expressing the expectation that Markovic would be elected and publicly advising Jovanovic to withdraw her candidacy as she lacked political support. Similar announcements about Markovic's election were made by the Democrats.

The selection of Markovic was marked by a debate on whether the fact that the new Chief State Prosecutor lacks experience in judicial professions represents an advantage or a disadvantage, as well as criticism for the absence of his previous public engagement in the fight against corruption and organized crime. Nonetheless, he faces the challenging task of proving his capability in handling complex prosecutorial issues while resisting potential political pressures.

At the end of November, the appointment of the seventh judge completed the Constitutional Court of Montenegro (CC), thus formally meeting the EU's requirement. However, the process ended as it began, with party negotiations that lacked transparency, where the results and biographies of candidates were secondary to political interests. Such a method of appointing judges may be portrayed as a success in a situation where the CC was blocked and unable to make decisions for several months. However, this falls far below the standards for appointing judges to the CC of a democratic and well-governed state, and below the standards set for us in the interim benchmarks for Chapter 23²⁷. Furthermore, with another judge nearing retirement, concerted efforts will be necessary to finalize the court's composition.

In late December, the Judicial Council (JC) saw the election of three members from distinguished legal backgrounds, marking the end of a five-year journey and elevating it from its interim status. Although some of the selected members have the necessary credentials and integrity for this job, it is worth noting that this selection was also agreed upon at party meetings, and the discussion about the quality of candidates was of secondary importance.

²⁷ Interim benchmark #4: Montenegro establishes an initial track record of appointing of high/ranking judges and prosecutors based on transparent merit-based procedures and significant thresholds of qualified majority involving parliament

Whether these appointments will also mean the fulfillment of interim benchmark #4 for Chapter 23, and whether they will lead to professional and independent institutions, remains to be seen. The pivotal question is whether the EU will overlook Montenegro's evident political influences and recognize these appointments as the product of a transparent, merit-based process.



Between promises and practices: party forces on the path toward public administration reform

The practice of party employment, carried out to a greater or lesser extent by all previous governments, is a "hot potato" in the hands of the new one. In the initial 100 days, there are no significant indicators that this Government is moving towards discontinuity and implementing the long-awaited optimization of public administration. The announced introduction of a meritocracy system has also not yet been seen in action, so we hope to provide a more concrete assessment in a few months when we publish the next part of our analysis on the fulfillment of promises from the Prime Minister's Program.

The complexity of this optimization endeavor is evident in the long-standing inability of state institutions to agree on the actual number of public administration employees.²⁸

During this period, a new Public Administration Reform Council was formed, holding a session to discuss achieved results and advocate proactive disclosure of data owned by the government and state administration bodies.²⁹

²⁸ The Minister of Public Administration provided data indicating that there are around 54,000 people employed in the public administration, excluding employees in public enterprises and public institutions. However, according to the data from the Tax and Customs Administration, the total number of employees in the public sector is around 77,000, including the Government, ministries, administrations, agencies, institutions, local self-government, bodies of local self-government, and companies owned by the Government and local self-government.

²⁹ Ministry of Public Administration, "Joint Engagement for Efficient Public Administration," December 26, 2023

In addition to this, the Ministry of Public Administration also has a significant task ahead in drafting or amending a large number of laws – the Law on Public Institutions, the Law on Local Self-Government, the Law on Civil Servants and Employees, the Labor Law, the Law on Administrative Disputes, the Law on Inspection Supervision, and the Law on Governance and Internal Controls in the Public Sector – which, according to the Public Administration Reform Strategy, should have already been completed.

After the Legislative Committee determined, at the end of last year, that the Draft Law on Amendments to the Law on Local Self-Government was not in line with the Constitution, it was withdrawn from the parliamentary procedure. Among other things, the proposal included lowering the employment conditions at the local level, contrary to the recommendations of the European Commission.

Digital transformation at the central and local levels and the improvement of cybersecurity have been proclaimed as one of the Government's strategic priorities. So far, these areas are still in development, and citizens remain deprived of essential services. Additionally, despite the obvious shortcomings of digital services or their near-complete absence, it has been announced that Montenegro will have an e-counter or a centralized system of e-services by the end of the year, which should allow citizens to electronically perform administrative tasks. Furthermore, citizens of Montenegro still lack the option to use global payment services like PayPal.

The cyberattack that practically paralyzed the functioning of the Government underscored the critical need for enhanced information system protection. According to the Minister of Public Administration, Maras Dukaj, the current executive branch is preparing a new Law on Information Security, which involves the establishment of a National Cybersecurity Agency.

Laws on hold: The struggle for balance between the Government and the Parliament

The Government adopted information on the snapshot of the situation in ministries as of October 31, 2023, with proposals for measures and obligations for the preparation of the Government's Work Program for 2024. This program should be adopted by the end of the year for the next year.³⁰ However, as of now, it remains unadopted.

During the plenary session in October 2023, the Venice Commission provided its opinion on the draft Law on the Government, offering a crucial basis for enhancing this legislative text. The Ministry of Public Administration continued its efforts to finalize the draft Law on the Government and organized a round table at the end of last year to discuss proposals and suggestions from the public.

However, the main drawback of this process lies in the fact that this draft was not prepared simultaneously with the draft Law on the Parliament, with the necessary coordination between these two institutions. This coordination, along with quick and efficient work and overcoming political resistance to legally regulate this area, is crucial for creating a sustainable system of checks and balances.

³⁰ Rules of Procedure of the Government of Montenegro, Official Gazette of Montenegro, No. 003/12, 031/15, 048/17, 062/18, and 121/23, Article 28

Uncertainties surrounding the Europe Now 2 Program

Even after 100 days of the Government's work, the public remains unfamiliar with the content and measures planned in the Europe Now 2 program. The budget for the year 2024, as well as the Program of Economic Reforms (PER), did not offer clear measures in economic policy that would lead to the fulfillment of the promised goals, "a year after the Government's election, the minimum wage will be 700, and the average wage will be 1,000 euros, with a seven-hour workday."

One of the key election promises has been fulfilled: by amending the Law on Pension and Disability Insurance, the minimum pension amount has been set at 450 euros.³¹ However, this has sparked many conflicting opinions about how the change was made, the fairness of the solution given, and its effects. Montenegro is the only country where the minimum pension and the minimum wage are equal. There have been public announcements of lawsuits due to the "discriminatory" solution. There has been no adjustment of other pensions according to the new amount of the minimum pension, which has been criticized by some members of the public as well as several parliamentary clubs in Parliament.

The Government's lack of transparency regarding the Europe Now 2 program has been attributed to the need to "scan" the economic outcomes in the first quarter of the current year. They emphasized that a more detailed explanation would require the development of a Fiscal Strategy, a mandatory document adopted in the first year of the mandate for a period of 4 years, after which they would propose legislative and other reforms to ensure the implementation of this program. Prime Minister Spajic has publicly confirmed several times, without giving details, that key pre-election promises will be implemented a year after the Government's election.³²

³¹ "Zvanično izglasano - Minimalne penzije od januara 450 eura" (*Officially approved: Minimum pensions to be 450 euros as of January*), *Antena M*, December 29, 2023

³² Biljana Matijašević, "Spajić: Program "Evropa sad 2" će biti primijenjen kako smo obećali..." (*"Spajić: 'Europe Now 2' program will be implemented as promised..."*), *Vijesti online*, October 31, 2023

The impression of a good part of the public is that the unclear “communication” of the Government about the key pre-election messages on which the PES achieved a good election result still shows that they do not have clearly planned steps for their implementation, neither during the campaign nor today. This is indicated by the projections in the PER that do not include promised increases in the minimum and average wage. However, there is a note that this may change after the adoption of “reform laws” and the Fiscal Strategy.

Some constituents of the Government, as well as the parliamentary majority, have repeatedly emphasized that they are not familiar with the details of the Europe Now 2 program.³³

³³ "Krapović: Niko u Vladi nije nas do detalja upoznao sa programom Evropa sad 2" (*Krapović: Nobody in the Government has fully informed us about the 'Europe Now 2' program*), Dan, January 11, 2024

