

# Analysis of the Work of the 44th Government of Montenegro:

## European Progress vs. Domestic Political Intrigues

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## Introduction

After our review of the 44th Government of Montenegro's program and the coalition's initial achievements at the end of October 2023 including the results from their first 100 days (February 2024), we hereby present our third analysis of the Government's performance and the supporting parliamentary majority, covering the period from February to the end of July 2024 and focusing on areas within our organization's purview.

Without a doubt, the Intergovernmental Conference's conclusions, with the EU states' granting of final benchmarks for chapters 23 and 24, stand as the most significant achievement of the Parliament and Government in this period. This advancement allows Montenegro to move into the next phase of the accession process and begin closing negotiation chapters.

This represents a considerable success and a strategic step toward EU membership, which previous governments failed to achieve. It is the result of months of work during which Montenegro prepared updated strategies for combating corruption and judicial reform and adopted a set of relevant laws in the judiciary, anti-corruption, and media sectors. Montenegro also benefited from a favorable geopolitical moment, with Brussels viewing the enlargement process differently.

However, despite this success, the adopted strategic documents and laws in the judiciary and anti-corruption sectors bypassed fundamental reforms, and the process of their adoption lacked full transparency and inclusiveness. Media laws suffered in the political struggle for control over the public broadcaster, while responses to contemporary challenges regarding digital media and combating disinformation were remained unaddressed. Even government representatives acknowledged these shortcomings, citing tight deadlines as the reason.

The IBAR report gives opportunities for further reforms, but there is a significant risk that Montenegro could once again bypass real changes. Moreover, propaganda has turned IBAR into a totem, with critical voices labeled as enemies of European integration, which is a very dangerous phenomenon.

Despite evident success, doubts still linger.

Since the very formation of the government, there has been ongoing debate about its reconstruction. Part of the ruling majority (New Serbian Democracy) publicly advocates for changes in some ministers by the end of July this year, while another of its constituents (PES) refers to the coalition agreement which sets the reconstruction deadline in 2024. Publicly, the Democrats, who make up the third part of the coalition, seem largely indifferent. What is certain, however, is that the process will result in the creation of new ministries to satisfy all interests within the government. Instead of the promised efficiency and meritocracy, we are witnessing the tailoring of major state resources to suit partisan needs.

The entire process of adopting IBAR laws was accompanied by a dynamic political life where the coalition government did not always demonstrate European, democratic, or even “pro-Western” values.

Just a day after the major success, there was a negative shock with the passing of the Resolution on the Genocide in Jasenovac and the Dachau and Mauthausen camps, causing numerous domestic and international upheavals. Primarily, this document’s adoption provoked fierce reactions from the opposition and a significant portion of civil society, including differing opinions within PES and the ruling coalition on the necessity of its adoption. Internationally, official responses came from the Croatian Government. A visit by the President of the European Council, Charles Michel, was canceled, and clear messages about the need for Montenegro to “stay on the European path” were conveyed.

Disagreements among coalition partners were evident in several key areas during this period.

Events leading up to the United Nations General Assembly vote, when a resolution was adopted proclaiming July 11 as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, once again highlighted serious differences within the ruling coalition in foreign policy. The response to this was the adoption of an entirely unnecessary resolution on Jasenovac, showing that compromises made related to this policy could harm Montenegro.

The period in question was marked by a political conflict between PES and the Democrats regarding the appointment of senior police officials. The marathon “midnight” session preceding the appointment of the acting director of police will remain a significant testament to how political structures are still “obsessed” with this sector.

The Defense and Security Council thrives in a kind of blockade as its sessions have not been held for over five months, raising questions about fulfilling several NATO membership obligations, EU common security policies, and partially the functioning of the Armed Forces system.

Besides differences, the ruling coalition also shares similarities that no democratic government should boast about. The ping-pong between the Government and the Assembly, which, once again, prevented the adoption of the extremely important Law on Free Access to Information, is certainly one such example.

The electoral reform was blocked for most of the observed period, and the announcement of adopting the controversial law on dual citizenship significantly moved the already inefficient Committee on Comprehensive Electoral Reform further from success.

Throughout most of the observed period, electoral reform was blocked, and the announcement of a controversial dual citizenship law significantly distanced the already ineffective Committee for Comprehensive Electoral Reform from achieving success.

Additionally, the government failed to pass the laws on the Parliament and the

Government, the very laws that representatives of the current administration firmly advocated and promised to adopt while they were in opposition. Without these laws, there is no efficient balance of power, and, therefore, no adherence to the Constitution.

After nine months, the government presented the Europe Now 2 program but continued to neglect public administration reform and, in some cases, maintained a highly questionable attitude towards the media, especially those critical of the work of the government.

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

***CDT team***



## **Why political parties do not like electoral reform and free media?**

The Committee on Comprehensive Electoral Reform has failed to achieve significant results in its first seven months. The only tangible “result” of its work was the completion of its membership, i.e., the selection of associate members from NGOs and academia.

Unfortunately, the previous practice of conditioning critical reforms on less significant issues has continued. During earlier attempts at electoral reform, the work of this Committee was halted due to debates on the official language, the adoption of the Law on Freedom of Religion, and other topics. This time, the reason for nearly a three-month pause in its work was the decision to introduce emergency administration in the municipality of Savnik. Without disputing the view that this decision is on the borderline of legality, we note that this legality should be determined by the competent courts, not in negotiations between different political options.

In a nutshell, everything is more important than working on electoral reform, and if parties persist in behaving according to this pattern, it is hard to expect a successful completion of this Committee’s work in its current session.

An additional problem for electoral reform is the announcement of the Law on dual citizenship, which would significantly increase the number of Montenegrin citizens, and after two years, increase the electoral roll by several tens of thousands of voters. The manner in which the Prime Minister commented on this possibility provoked justifiably sharp reactions from part of the public, as the proposal put forward is not in line with our constitutional order and certainly represents a path towards electoral engineering. Following these reactions, the Prime Minister’s Office provided additional clarification that these changes would only occur after the procedure for amending the Constitution. We will not deal with hypothetical situations in this document, but it is important to note that such behavior by the Prime Minister and his close political subjects will be a significant burden on the continued work of this Committee.

In July 2024, a working group was initiated within the Committee to prepare a new draft Law on the Financing of Political Entities and Electoral Campaigns. It remains to be seen whether it will manage to prepare a text that complies with recommendations and international standards, thereby achieving its first concrete result, by the set deadline (July 31).

The government’s attitude towards the media during the period covered by our report has not improved. This is best illustrated by the fact that during the session on the director of the Police Directorate, a large number of journalists waited outside the Government building for ten hours, in the rain and cold, without being allowed to enter the press room. The Prime Minister later apologized and promised better working conditions for journalists.

There has also been no progress in responding, or rather not responding, to media inquiries. This government has continued the negative practice of ignoring most media queries, reducing its communication with the media, in most cases, to tweeting and issuing press releases, indicating that the government views the media as bulletin boards rather than as guardians of democracy.

In February, when the government marked its first 100 days in office, we observed that only seven press conferences had been held since the start of the mandate, with the Prime Minister speaking at six of them. Since then, press conferences have become somewhat more regular. However, Prime Minister Spajic spoke at only four press conferences, while ministers and associates answered journalists' questions at six conferences. The opportunity for the media to question the government is not available after every government session, which was a promise made at the beginning of this government's mandate.

Besides communication practices, the government and the ruling majority have expressed their vision of protecting media freedom and developing the media scene through the adoption of a package of so-called "media laws." The lengthy drafting process resulted in regulations that neither touched upon modern European standards regarding the regulation of digital media<sup>1</sup> nor resolved some enduring issues.

Unfortunately, it has been shown that even after the change of government in Montenegro, the prevailing attitude within the ruling class is that the public broadcaster (Radio Television of Montenegro, RTCG) should remain under political control. Thus, in the final stages of amendments to the Law on Public Broadcasting Services, we witnessed the imposition of certain solutions<sup>2</sup>. The upcoming election of the management structure of RTCG will answer whether the regulations were written to liberate the broadcaster or ensure political domination.

Controversy was also sparked by the issue of allowing paid advertising during prime time on public broadcasting service. This is not merely about placing advertisements but is closely linked to regulating the internal market to create conditions for equality, competition, and media pluralism. The public is not aware of any analyses on which these decisions were based, which should include an assessment of the future impact on the market and media pluralism. In an environment where public broadcasters are influenced by the government and the influx of foreign media with clear political agendas is increasing, this opens an additional risk for the survival of independent media and could make Montenegro a state of media capture, where all media sing in the same, ruling choir.

<sup>1</sup> CDT, "Medijski zakoni se površno bave savremenim problemima, hitno ih uskladiti sa EU standardima" (*Media laws address present-day issues superficially, urgent alignment with EU standards needed*), June 21, 2024.

<sup>2</sup> Ne.V., "Rudović: Ministarstvo nikada nije vidjelo amandmane na medijske zakone koje je Spajićev kabinet uputio EK" (*Rudovic: The Ministry has never seen the amendments to media laws sent to the EC by Spajic's office*), Vijesti online, June 28, 2024.



## Does the pro-western orientation of the government sink in a sea of political bargains?

When considering the events covered by this document, we can say with significant certainty that there is no unified stance on the value determinants of our foreign policy and that these differences have begun to produce visible effects that do not favor the interests of the state of Montenegro.

On May 23, the United Nations General Assembly adopted a resolution proclaiming July 11 as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica. The events leading up to the vote once again highlighted serious disagreements within the ruling coalition on foreign policy and attitudes towards the wars in the region during the 1990s.

The government refused to communicate on this topic and respond to questions from the interested Montenegrin public. Instead, citizens learned about Montenegro's position from unofficial meetings abroad<sup>3</sup> and the amendments submitted from unofficial sources<sup>4</sup>. Montenegro ultimately supported the Resolution but did not co-sponsor it with the majority of regional countries. Representatives of part of the ruling majority publicly claimed that Prime Minister Spajic broke his promise to them that Montenegro would abstain<sup>5</sup>. Serbian officials made numerous harsh statements regarding Montenegro's decision to submit amendments and support the resolution, and Montenegro's Minister of Foreign Affairs sharply responded to insults from the Serbian president<sup>6</sup>.

The part of the ruling coalition that opposed voting for the Srebrenica genocide resolution, in response, requested that the Montenegrin Parliament adopt a resolution on the genocide in Jasenovac, signed by MPs from the ruling majority, including PES MPs<sup>7</sup>. Before the resolution was adopted, Croatia sent a protest note, and their Foreign Minister warned that the adoption of the resolution would "negatively affect Montenegro's European path and bilateral relations with Croatia."<sup>8</sup> However, these warnings did not influence the ruling majority's decision to persist with proposing the resolution, which they superficially expanded from Jasenovac to include the Dachau and Mauthausen camps. The Resolution was adopted with the support of 41 MPs.

<sup>3</sup> "Nič: Spajic kazao da će Crna Gora podržati Rezoluciju UN o Srebrenici, ali je neće kosponzorirati" (*Nic: Spajic said Montenegro will support the UN Resolution on Srebrenica but will not co-sponsor it*), *Portal Analitika*, April 29, 2024

<sup>4</sup> Slavica Brajović, "Stejt department imao uvid, ali ne posreduje u vezi sa amandmanima Crne Gore na rezoluciju o Srebrenici" (*State Department saw Montenegro's amendments to the Resolution on Srebrenica, but will not mediate*), *Radio Slobodna Evropa*, May 8, 2024.

<sup>5</sup> Pobjeda editorial board, "Knežević: Spajic je meni i Mandiću obećao da će Crna Gora biti uzdržana povodom Rezolucije o Srebrenici" (*Knezevic: Spajic promised me and Mandic that Montenegro would abstain on the Resolution on Srebrenica*), *Portal Pobjeda*, May 27, 2024

<sup>6</sup> "Ivanović poručio Vučiću: Neprimjerene i žalosne ocjene" (*Ivanovic to Vucic: Inappropriate and saddening remarks*), *AlJazeera Balkans*, May 20, 2024

<sup>7</sup> Predlog rezolucije o genocidu u Jasenovcu (*Draft Resolution on Genocide in Jasenovac*), Parliament of Montenegro, 00-71/24-3, May 17, 2024

<sup>8</sup> Sanja Novaković, "Grlić Radman: Rezolucija o Jasenovcu mogla bi ugroziti evropski put Crne Gore i odnose sa Hrvatskom" (*Grlic Radman: The Resolution on Jasenovac could threaten Montenegro's European path and relations with Croatia*), *Voice of America*, May 15, 2024



Croatia issued a strong protest and a new warning about jeopardizing Montenegro's European path<sup>9</sup>, and European Council President Charles Michel canceled his previously announced visit to Podgorica<sup>10</sup>. The Council reminded Montenegro that the EU expects a sustained positive reform momentum and a clear strategic path towards the EU in words and actions by all political actors. It was emphasized that good neighborly relations remain an important element of the accession process and should not be endangered<sup>11</sup>.

Montenegro has unresolved bilateral issues with Croatia, which could arise as a new issue in negotiations with the EU. Additionally, Croatia has selflessly provided important support to Montenegro in the NATO and EU integration process. There is no objective perspective from which it can be concluded that adopting this resolution does not cause serious harm to Montenegro. To an objective observer, the political misuse of the Montenegrin parliament is entirely clear, aimed at diminishing the significance of the UN Resolution on the Srebrenica genocide and fulfilling tasks from other agendas. Montenegrin diplomacy faces the difficult task of trying to mitigate the negative consequences of this act and return to the policy that all neighbors are equally important to us, rather than obediently fulfilling the interests of some of them.

Montenegro's stance on Kosovo's membership in the Council of Europe has also highlighted the lack of alignment within the ruling coalition on foreign policy issues. First, in March, the head of the Montenegrin delegation in the Political Committee of the Parliamentary Assembly of the Council of Europe (PACE), Maja Vukicevic, voted against the proposal for Kosovo to become a member of the Council of Europe<sup>12</sup>. Following this, Minister of European Affairs Maida Gorcevic (PES) stated that Montenegro would support Kosovo's entry into the Council of Europe when the Committee of Ministers of that organization decides on it<sup>13</sup>. Then, in April, the three representatives of Montenegro at the PACE plenary session voted differently. Maja Vukicevic (DNP) voted against it, Vasilije Carapic (PES) abstained, while Boris Mugosa (SD) voted in favor of the report recommending the Committee of Ministers of the Council of Europe accept Kosovo's application for membership<sup>14</sup>. The vote in the Committee of Ministers has been postponed indefinitely as some member states, including France and Germany, have conditioned Kosovo's membership on the formation of the Association of Serb Municipalities. However, it is clear that there is a fundamental value disagreement within the ruling coalition, and that conducting foreign policy, despite the coalition agreement, will be very challenging.

<sup>9</sup> D.C., "Hrvatska: Postupak Crne Gore ne može se smatrati dobronamjernim i dobrosusjedskim" (*Croatia: Montenegro's actions cannot be considered good-natured and neighborly*), *Vijesti online*, June 28, 2024

<sup>10</sup> Predrag Milić, "Mišel otkazao posjetu Crnoj Gori, Milatović kaže da je razlog - rezolucija o Jasenovcu" (*Michel cancels his visit to Montenegro, Milatovic says the reason is the Resolution on Jasenovac*), *Voice of America*, July 1, 2024

<sup>11</sup> Sanja Jovović, Jovo Radulović, "Mišel se sastao sa Milatovićem u Briselu, posjeta Crnoj Gori odložena zbog "političkih dešavanja" (*Michel meets with Milatovic in Brussels, visit to Montenegro postponed due to 'political developments'*), *Voice of America*, July 2, 2024

<sup>12</sup> "Maja Vukičević glasala protiv: Prihvaćena preporuka da Kosovo bude primljeno u Savjet Evrope" (*Maja Vukicevic votes against: Recommendation for Kosovo's admission to the Council of Europe accepted*), *CDM*, March 27, 2024

<sup>13</sup> "Gorčević: Vukičević iznijela stav stvoje stranke, podržaćemo ulazak Kosova u Savjet Evrope" (*Gorcevic: Vukicevic conveyed her party's position, we will support Kosovo's admission to the Council of Europe*), *Portal Dan*, March 29, 2024

<sup>14</sup> "Poslanici iz Crne Gore u SE: Jedan za, jedan protiv i jedan uzdržan u glasanju o Kosovu" (*Montenegrin MPs in the CoE: One for, one against, and one abstention on Kosovo vote*), *Kosovo Online*, April 16, 2024

On the positive side, the Government of Montenegro has consistently communicated its positions on supporting Ukraine and Montenegro's credible NATO membership through the statements and activities of Defense Minister Dragan Krapovic. He stated that Ukraine must emerge victorious from the war and be firmly supported, and that the complete integration of the region into NATO is the only guarantee of lasting stability in the Balkans<sup>15</sup>.

However, the silence of the Speaker of the Montenegrin Parliament and member of the Defense and Security Council, Andrija Mandic, on the issue of sending soldiers to the NATO naval operation<sup>16</sup> is not in line with these statements by the Defense Minister.

Nine months after the Government's election, most of Montenegro's embassies are still operating at the level of chargé d'affaires. Until recently, Montenegro had resident ambassadors in only five countries, and the President of the state, Jakov Milatovic, has only recently signed six decrees appointing ambassadors<sup>17</sup>.

According to information from the Government, the procedures for consultations and requesting agréments have been initiated.<sup>18</sup> This delay can be partially justified by the fact that the duration of the process to obtain agréments in the receiving country is beyond their control. However, agréments are not required for heads of missions in international organizations, so there is no justification for not having ambassadors in the United Nations in New York or in NATO. It is worth reminding ourselves that Montenegro has not had an ambassador to NATO for almost a full year, and a permanent representative to the United Nations for more than three years.

It is entirely unjustifiable that ambassadorial appointments are on hold, especially when the procedures for some appointments are nearly complete. The political interests of various factions within the government must not continue to keep Montenegro's diplomatic network in a provisional state. It is essential to promptly fill at least those positions where there is no disagreement.

<sup>15</sup> Aljoša Turović, "Krapović: Potpuna integracija regiona u NATO jedini garant stalne stabilnosti na Balkanu" (*Krapovic: Full integration of the region into NATO is the only guarantee of lasting stability in the Balkans*), *Vijesti online*, March 5, 2024

<sup>16</sup> Nikola Dragaš, "Mandić nije glasao za slanje vojnika u NATO operaciju zbog predsjedavanja zaboravio taster" (*Mandic does not vote for sending troops to NATO operation due to forgetting to press the button while chairing the session*), *Vijesti online*, May 15, 2024

<sup>17</sup> Ne.V., "Milatović potpisao ukaze za postavljenje pet ambasadora" (*Milatovic signs decrees for appointing five ambassadors*), *Vijesti online*, July 8, 2024  
"Redakcija Pobjede, „Jovan Mirković ambasador Crne Gore u SAD-u“, Portal Pobjeda, 19.07.2024." (*Editorial Board of Pobjeda, "Jovan Mirković Ambassador of Montenegro to the USA*), *Portal Pobjeda*, July 19, 2024

<sup>18</sup> "Ivanović: Činimo sve da ambasadori budu što prije imenovani, čeka se odluka Milatovića" (*Ivanovic: We are doing everything in our power to appoint ambassadors as soon as possible. We are waiting for Milatovic's decision*), *Portal Dan*, June 20, 2024



## **Is the desire for political control and the “bargaining” with positions more important than the reform of the security system?**

Although the Government promised to build professional institutions free from partisan interests and to break away from negative practices, the observed period was marked by contrary actions.

The “political conflict” between PES and the Democrats over appointments in the security sector continued, and the third verdict of the Administrative Court, which ruled that the Government unlawfully dismissed Zoran Brdjanin, demonstrated the Government’s poor conduct. The court ordered Brdjanin’s reinstatement as the head of the police<sup>19</sup>. The fact that two governments (in less than 18 months) unlawfully dismissed the police director three times, who was chosen through a public competition, clearly shows the level of compromised rule of law principles and the relentless political struggle for control over the security sector. After the third unlawful dismissal of Zoran Brdjanin, the Government “managed” to violate legal provisions again by appointing an acting director of the Police Directorate (PD) without the formal proposal of the competent minister (which is a clear legal obligation).

The marathon “midnight” session preceding this appointment will remain a significant testament to the current state of the security sector and the government’s blatant unlawful decisions. The third court ruling that the Government has continuously violated laws is a defeat for the rule of law and an example of the executive branch’s political arrogance. The Administrative Court’s rulings and the appointment of the acting director contrary to the Law on Internal Affairs (the director is appointed by the Government on the proposal of the Minister of Internal Affairs) have undermined the integrity of the PD, the relevant minister, further deepened the dysfunctional work of the institution, and called into question the relations between the Government, the minister, and the police director.

Public competitions for assistant directors have been unresolved for almost two years. The PD’s management has been in an acting state for over three years. The selection of candidates based on public competitions for assistant directors has apparently been halted by a political decision that contradicts legal provisions. We have not had the opportunity to hear a clear explanation for this behavior from the Government and the minister, although it is clear to everyone that this way, the assistant directors of the PD are effectively kept under political control. This behavior sends a striking picture of the struggle for political dominance and the lack of need to respect the principles of meritocracy.

<sup>19</sup> “Vlada Crne Gore vratila smijenjenog direktora policije nakon odluke suda” (*The Government of Montenegro reinstates dismissed director of Police following court decision*), RSE online, July 4, 2024

The struggle for dominance and the overall state of the security sector is also illustrated by the fact that the Minister of Internal Affairs sued the Government in the competent court due to the Government's actions in selecting the acting police director. Formally, the minister is in a legal dispute with the institution that employs him. The Administrative Court dismissed this lawsuit as inadmissible, but the minister announced that he would initiate a procedure for extraordinary review of this decision before the Supreme Court.

Although credible NATO membership and alignment with European foreign policy are priorities in the statements of the Government's leaders, it is noticeable that the work of the Defense and Security Council (Council) does not fully follow these priorities, giving the impression of a sort of blockade. It seems that primacy is given to the political needs of the Speaker of the Parliament, who opposes Montenegro's NATO membership. Although the relevant defense minister, in line with the policy of supporting Ukraine, proposed the engagement of up to three Army members in the EU military assistance mission to Ukraine (EUMAM), who would participate in training Ukrainian soldiers, the Council has not made a decision to forward this proposal to the Parliament for final decision-making even after three months<sup>20</sup>. A significant part of the public believes that the reasons for this lie in the lack of support from the Speaker of the Parliament and Council member Andrija Mandić, and that the Council's failure to meet for more than five months calls into question the fulfillment of numerous obligations from NATO membership, the EU's common security policy, and partially the functioning of the Army system.

The report on the work of the National Security Agency of Montenegro (ANB), which the Defense and Security Committee is reviewing, was not adopted<sup>21</sup>. Although not formally, this act opened the question of support for the ANB's management. For illustration, in a similar situation, its director was dismissed after the non-adoption of the PD's work report. However, this time, the Government, specifically its president, did not initiate the dismissal. The worrying fact remains that the deputies mostly gave a negative assessment of the work of the institution crucial for the state's security. Therefore, the deputies of the ruling majority also voted differently on this report, which could be another indicator that the "political conflict" over the appointment of the director of the PD is spilling over into the ANB.

<sup>20</sup> RSE, "Crnogorski vojnici će obučavati pripadnike ukrajinskih oružanih snaga" (*Montenegrin soldiers to train members of the Ukraine's armed forces*), *Pobjeda online*, April 12, 2024

<sup>21</sup> "Izveštaj o radu ANB bez podrške Odbora: Ima li posljedica po Milića?" (*Report on ANB's work without Committee's support: Will there be consequences for Milić?*), *CDM online*, May 31, 2024



## Has IBAR brought us the rule of law?

The European Commission, in its Report on the Assessment of Interim Measures (IBAR), has evaluated that Montenegro has met the interim benchmarks in Chapters 23 and 24.

This success is the result of several months of intense communication between the European Commission and the Montenegrin government, during which Montenegro prepared strategies for combating corruption and reforming the judiciary, and adopted a set of relevant laws in the fields of justice, corruption, and media.

Previously, after years of judicial blockades, the highest judicial officials were appointed, but the eighth attempt to elect the President of the Supreme Court failed. This position has been vacant and in an acting state since the end of 2020. The European Commission expressed regret “over the long-term inability of Montenegro to appoint the president of the Supreme Court for a full term.”<sup>22</sup>

Despite the progress, the process was criticized for its speed, lack of consultation with the interested public, and lack of transparency. Both domestic experts and international bodies such as the Venice Commission have expressed numerous reservations regarding the quality of the adopted regulations and pointed out the need for further alignment with standards and long-standing recommendations.

The European Commission, eager for positive news at the end of its mandate, welcomed Montenegro’s efforts, but significant issues remain unresolved. The adopted strategic documents and laws in the fields of judicial and anti-corruption reform have bypassed fundamental changes necessary for genuinely improving the rule of law. Media laws have “suffered” in the political struggle for dominance over public broadcasting, and modern challenges related to the regulation of digital media, combating information manipulation, and alignment with new European regulations have been neglected.

These shortcomings have not been denied by government representatives, who justified themselves with tight deadlines. Nevertheless, propaganda has turned IBAR into a totem, and critical voices are less publicly, but more frequently in political circles, labeled as enemies of European integration, which is a very dangerous phenomenon.

The IBAR report opens possibilities for further reforms and progress in other negotiation chapters. However, there is a risk that Montenegro might see this as a way to bypass deeper changes, which could hinder real progress.

The authorities have persistently announced changes to the Law on Free Access to Information for years. Although it was planned to finally regulate limitations through the application of a harm test and expand the scope of information institutions must publish proactively this year, the public will have to wait further for the new law.

<sup>22</sup> Biljana Matijašević, “Pisonero: EK žali zbog nesposobnosti Crne Gore da imenuje predsjednika Vrhovnog suda, preduzeti hitne korake” (Pisonero: EC regrets Montenegro’s inability to appoint a President of the Supreme Court, urgent action needed), Vijesti online, May 20, 2024

For the third time in the last three years, the Government of Montenegro has submitted a proposal for amendments to this law to the Parliament, but due to procedural and technical reasons, it has not appeared on the Parliament's agenda. While this ping-pong between the executive and legislative branches continues, institutions are still able to conceal even basic information about their work, raising the question of whether improving the public's right to know is a genuine or merely declarative intention of the new government.

Over the past 12 years, since the start of negotiations, Montenegro has missed numerous opportunities by choosing strategies of fake reforms, copying, cosmetic changes, and covering up problems. This moment should serve to ensure that past mistakes are not repeated, but that after IBAR, the implementation of adopted changes begins, and remaining issues are addressed more boldly and decisively, leading not just to optimistic messages and nice papers, but to a qualitative improvement in the rule of law for all citizens of Montenegro.



## **How do we stop partisan forces from obstructing public administration reform?**

Public administration reform, particularly the optimization of processes and personnel within agencies, has been presented as a priority for almost a decade, yet in practice, little has changed. Unfortunately, the pattern of behavior of previous governments has been adopted by the current one.

According to the latest data from March this year, the total number of employees in the public administration at the central level stands at 46,727, while at the local level, there are 7,103 employees, totaling 53,830 employees. However, these are not final numbers. The data provided by the Ministry of Finance are incomplete as they do not cover the entire public sector (state-owned and municipal enterprises). Additionally, there are no figures on individuals engaged under service contracts and temporary or occasional work contracts, which are often used as a “first step” toward permanent or indefinite employment. In other words, a significantly higher number of people are actually working in our public administration than the Government officially reports..

According to the Public Administration Reform Strategy, the share of total employees at the central and local levels in the overall number of employees in Montenegro is planned to be 23.7% by 2024 and 22.3% by 2026. Interestingly, there is a reported decrease in the number of employees in public administration relative to the total number of employees (21.7% in 2023) despite the increase in the number of public administration employees. As general employment in the country increases, the proportion of public administration employees becomes smaller, which is not a result of the optimization and rationalization of public administration. Supporting this thesis is the fact that the budget for 2024 plans expenditures for gross salaries of public administration employees to reach a record €678 million. For comparison, in 2023, about €643 million was allocated for salaries, and in 2022, around €542 million.

The practice of partisan employment remains one of the pressing issues in the country. Reports and evidence of continued partisan employment, primarily in public enterprises, still appear in the public domain, and the promised introduction of a meritocratic system has yet to be seen in practice.

## Why don't parties want the balance of power as prescribed by the Constitution?



The executive branch has been working on the Law on the Government for two years, but despite this, it is unlikely that Parliament will discuss it soon, as the draft law needs to be sent to the European Commission for opinion. According to information from the Ministry of Public Administration, the draft has been modified to align with GRECO recommendations and will still be submitted to the European Commission<sup>23</sup>. Last year, the Venice Commission provided important suggestions for improving the draft Law on the Government. The Medium-Term Work Program of the Government of Montenegro 2024–2027 planned for the proposal of the Law on the Government to be finalized in the second quarter of 2024, which is not feasible.

In the meantime, there has been a renewed announcement for the adoption of the Law on the Parliament. At the end of last year, the Speaker of the Parliament announced that a draft law would be proposed by the end of March this year. In May, his office stated that the legal team was preparing a draft proposal to be submitted to the Collegium of the Speaker of the Parliament<sup>24</sup>. Clearly, work on this law is being done behind closed doors, excluding local and international experts from the drafting process, and the public is being deprived of any information about the plans and work on the law. We have not even heard that the members of Parliament have any details about the drafting of the Law on the Parliament, which further illustrates the lack of transparency and seriousness in preparing one of the most important pieces of legislation.

<sup>23</sup> Nikola Dragaš, "Iako je u pripremi tri godine, Zakon o Vladi neće ubrzo pred poslanike: Nacrt opet šalju Briselu" (Although in preparation for three years, the Law on the Government will not soon go before MPs: Draft to be sent to Brussels again), *Vijesti online*, May 3, 2024.

<sup>24</sup> Tijana Pravilović, "Mandićev kabinet: Pravni tim priprema predlog Nacrta zakona o Skupštini" (Mandić's Office: Legal team preparing Draft Law on the Parliament), *TV Vijesti*, May 1, 2024



## The Europe Now 2 Program – Were pre-election promises fulfilled?



Nine months after its formation, the Government presented the key features of the announced Europe Now 2 program, which was a major pillar of the pre-election campaign of the strongest parliamentary party. Very clear promises, which were condensed into a few key messages<sup>25</sup>, raised citizens' expectations for a rapid increase in living standards. However, after presenting the fiscal strategy, there was a bitter aftertaste.

The key promise that salaries for all employees (both in the public and private sectors) would be increased by 25%, illustrated by a salary calculator<sup>26</sup> (which mysteriously disappeared from the PES website before the program was presented), remained unfulfilled and was merely a pre-election promise. The announced reduction to a seven-hour workday has been “forgotten” by the Fiscal Strategy. There has been a withdrawal from the substantial pension system reform. Instead, only a correction of contributions to the pension fund was implemented, reducing the employee's share from 15% to 10%, and redirecting the money that previously went to the state to the employees. This will result in a 5-6% salary adjustment for all employees with salaries above €800, which is significantly less than what was promised during the campaign. Minimum wages have been increased from €450 to €600, and up to €800 for employees with secondary and higher education, respectively. This is a significant increase and partially fulfills the promise (the average minimum wage of €700), but labor market imbalances, especially in the central and southern parts of Montenegro, have largely determined these wage amounts. In northern Montenegro, citizens working in the private sector will feel this effect much more, but it remains to be seen what impact this will have on the quite vulnerable small and medium-sized businesses. Employers have had part (5.5%) of their pension contributions abolished, which is to be praised as it creates a competitive advantage for businesses and investors regarding labor-related burdens. The establishment of a new VAT rate of 15% for the hospitality sector is a measure that follows the experiences of other countries with a strong tourism sector.

<sup>25</sup> Zoran Radulović, "Koliko koštaju predizborna obećanja?" (*How much do pre-election promises cost?*), Center for Civic Education, June 9, 2023

<sup>26</sup> <https://web.archive.org/web/20231001153954/https://evropasad.com/program-es2-za-zaposlene/>

If inflation is assumed to continue over the next year (measures to curb inflation remain vague), and any salary increase not resulting from increased productivity brings additional inflationary risk, it is clear that despite these adjustments, purchasing power and living standards will remain at the same or similar levels. Without fundamental reforms, the economic system remains highly exposed to negative external impacts, bringing constant risks. Fiscal corrections made under the Europe Now 1 and Europe Now 2 programs have been concluded with these government moves as there is no longer any minimal space to shift part of the state's revenue from contributions to employees. Salary increases in this manner are not a result of a key economic postulate by which that salary increases result from increased productivity.

President Jakov Milatovic, who was a member of PES until recently, has commented on the government measures in a manner that can be characterized as negative.<sup>27</sup>

It is becoming increasingly evident that the Europe Now 2 program was much more of an unrealistic pre-election story than a call for fundamental reforms of the economic system and its healing on solid grounds.

<sup>27</sup> D.C. Milatović: "Ekonomski populizam je u suprotnosti sa održivim razvojem Crne Gore" (*Milatovic: Economic populism harms contradicts Montenegro's sustainable development*), *Vijesti online*, July 18, 2024



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