



# MONTENEGRO

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## BETWEEN REFORM LEADER AND REFORM SIMULACRUM

MARCH, 2018

## **FIRST SIX YEARS OF ACCESSION NEGOTIATIONS – ONE STEP FORWARD, TWO STEPS BACK**

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Six years since the start of accession negotiations, Montenegro is still a showcase of state capture. In the same manner it has been exhausting domestic democratic public for decades, Montenegrin Government masterfully applies the exhaustion strategy to the process of European integration, abusing the EU's need for a new integration optimism.

Citizens cannot see progress in curbing the entanglement of public and ruling party's interests, or in dismantling the links with organised crime and corruption at all levels of the government. Weak and politicised institutions, impunity for the corrupted officials and misuse of public funds, state interference into media market and jeopardizing of the independence of public broadcaster feat by ruling Democratic Party of Socialists (DPS), hostile actions towards critically oriented NGOs and targeting its leaders – all of them are still alive and well in Montenegro, Western Balkans “frontrunner” toward EU.

Hence, a key question in the EU-Montenegro relations must be answered – will the EU keep turning a blind eye to the absence of track record, perseverance of old and introduction of new undemocratic practices?

Accolades for the progress, as well as the persistent emphasis of the “leadership in the region” fail to motivate the authorities to do more and to do better. They also neither strengthen nor meaningfully include civil society, media and democratic opposition interested in reforms.

No one in Montenegro expects the EU to change the government or influence political

developments in that respect. However, it is reasonable for the promoters of European integration to expect the European Commission (EC) to credibly demonstrate that a candidate country can earn leadership status and achieve progress by no means other than political will and implementation of reforms that deliver sustainable results.

It is about time that good neighbourly relations and constructive foreign policy, aligned with the EU and confirmed by the NATO membership, do not stand as major indicators of the country's success and cease to be a trade-off for ever-growing need for the internal democratic reforms.

This paper presents a series of examples illustrating failure or facade of reforms in the key areas of rule of law, including the lack of follow up to electoral frauds, inflated statistics which mimics the lack of substantial results in the fight against organised crime and corruption, and selective approach of key anti-corruption institutions. They demonstrate a need for a different attitude of the European Union towards Montenegro, which would prevent authorities from faking reforms and make them deliver results needed for the lasting societal change.

## **BALLOT BOXES FULL OF LIES**

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The OSCE and ODIHR consider elections fair and free, but their reports do not consider the context in which elections are conducted. EU-funded scientific research project „*Inform*“ provides most reliable measure of the extent of clientelistic practices in the WB6 by asking the question “*Have you ever been offered money or a favour in exchange for your vote in elections?*”. This question directly measures citizens' experiences of clientelism, and therefore can be deemed a more suitable indicator of the presence of clientelism than reports that

measure citizens' perceptions of the extent of this phenomenon. Notably, one in five respondents in Montenegro (22.5%) reported receiving an offer of money or favours in exchange for a vote, which is the highest percentage in the region.<sup>1</sup>

Opinion poll conducted by CEDEM in December 2017 reveals another interesting and concerning state of affairs when it comes to the trust in the electoral process. One of the question posed to the citizens was: *"Recently, elections were held in several Montenegrin municipalities. Opposition claims that government used a large number of illicit activities to win the elections. What is your opinion about this?"* Only 21.6% of citizens said *"I think DPS has won the elections fairly"*, while as much as 41% stated *"I think DPS won the elections by using illicit means"*, and 31.5% answered *"I don't know / I have no opinion"*.

For years, the EU has been calling for judicial and political epilogue of the „Audio Recordings Affair“. Absurdly, the epilogue finally took place when one of the key actors of the affair, **Zoran Jelić**, known for his statement that employment of one person gets four votes for DPS, was appointed as a life-long member of the State Audit Institution's Senate by the Parliament. This appointment was approved by the Committee for Economy, Finance and Budget on the day when Federica Mogherini, the EU High Representative, spoke in the Parliament of Montenegro (March 2017). The key actor of the „Audio Recordings Affair“ got a political promotion instead of a conviction. Also, Jelić violated the law for years by simultaneously occupying the position of an MP and a civil servant in the Employment Bureau and has earned an adverse opinion of the SAI for his management of the Employment Bureau. Hence, at the end of this years-long story, the culprit became the controller.

While at the state level there were no convictions, political resignations or dismissals, few officials at the local level were sanctioned for vote-buying but suffered no grave consequences and managed to keep their posts as public officials. For example, two DPS officials, employees of the Pljevlja Municipality, still hold their offices despite being convicted of violating freedom to vote in 2012 and 2014 elections. **Sead Vesnić** was sentenced to six months of suspended sentence for abuse of short-term assistance ahead of the 2012 parliamentary elections. **Joka Đačić** received the same sentence for buying votes ahead of 2014 local elections. The Administrative Inspectorate found that the criminal offences for which they were convicted rendered them unworthy of public office and ordered the removal of irregularities. Nevertheless, the President of the Municipality did not recall these persons but appointed them to new acting positions. In January 2018, the Ministry of Public Administration annulled the decision of the Administrative Inspectorate on shady grounds, mostly by arguing that acting positions, to which these persons were appointed, are not explicitly regulated by any law.

## **ACTION PLANS FOR CHAPTERS 23 AND 24 - MAKE-BELIEVE STATISTICS**

When we look at the implementation of the Action Plans for Chapters 23 and 24, it is evident that a significant number of measures have not been implemented even more than five years after the opening of negotiations. The Government boasts with progress in capacity building of certain institutions, organisation of trainings and legislative activity.

<sup>1</sup> / See the results at: <http://www.formal-informal.eu/files/news/2017/Deliverables%20and%20Milestones%202017/IDSCS-Informal%20Life%20of%20Political%20Parties-Report-27092017.pdf>

Official statistics often cannot be trusted, both because of poor data management by government bodies and because it is fashioned in a way that paints a positive image and obscures the problems.

Time has also shown that, especially in the labyrinth of police, prosecution and judiciary, a single case that was presented as an indication of progress in one year, can collapse and annul the progress in the next year, hence denying the previous statistics. Monitoring methodology in measuring track record in the field of organised crime and corruption which would be based on combination of qualitative and quantitative indicators, has never been developed.

Also, certain benchmarks are not fully developed, which makes them subject to free interpretation, being either too broad or impossible to actually break down to measurable indicators.

Furthermore, it seems that a much bigger problem represents the fact that even when the measures were fully implemented, they have not substantially contributed to the achievement of expected goals. This indicated that even if all the remaining measures were implemented, most of the issues identified by the interim benchmarks would persist. This stems from the Government's craft of devising and carrying out harmless measures and avoiding the essential ones, reflecting in fact genuine lack of political will to conduct this process in adequate manner.

Perfect examples of this are the Special State Prosecutor's Office, the Agency for the Prevention of Corruption, Judicial and Prosecutorial Councils and their Disciplinary and Ethical Commissions, which are more or less as ineffective as before the reforms.

## PROSECUTION'S ARBITRARY (IN)ACTIVITY

Public opinion survey (November 2017) on citizens' perception of corruption shows that most of Montenegrin citizens (56%) do not consider that Special State Prosecutor's Office (SDT) has contributed to the fight against corruption and organised crime. In the same time, one fifth of citizens do not recognise any contribution at all of SDT to the solving of this problem.

The epilogue of organize crime **Šarić** and **Kalić** cases is an embarrassment to the state, as they were acquitted by the Appellate Court, with the state now facing claims for damages. These and several other cases were persistently used in the past to boost the statistics on organised crime proceedings, seizure and confiscation of criminal assets. Needless to say, no one in the Government or the judiciary wants to determine accountability for this fiasco.

Another failure of the state is the absence of effective investigation in the case of torture done by members of the Special Anti-Terrorist Unit (SAJ), which was confirmed by the decision of the Constitutional Court acting on a citizens' appeal. This was followed by an obviously simulated process against only two SAJ members (out of dozens clearly visible on a video, beating an innocent citizen). The SAJ commander, **Radosav Lješковиć**, previously a member of the official security unit guarding Milo Đukanović, president of ruling DPS, was sentenced to 5 months for concealing his colleagues and obstructing the investigation. He spent most of his sentence out of prison, allegedly at a health institution due to illness, while finally his sentence was shortened by one third (under conditional release). The public is now being prepared for the possibility of his re-appointment as the SAJ commander. Meanwhile,

SDT officially confirmed that his assets are legally obtained, which include a hotel and tourist complex bought in the privatisation process for 329,600 EUR. During 2017, the state Investment and Development Fund granted a refinance loan in the amount of 72,714 EUR to a company co-owned by Lješković.

The SDT also succeeded in finding out that there was no high level corruption in the case known as „Limenka“. This happened in spite of the fact that activities and failure to act by several interior ministers, heads of police and other officials caused a multi-million damage to the state budget, and at the same time, multi-million profit for the brother of Milo Đukanović. Moreover, the Protector of Property and Legal Interests has not filed an objection to this SDT's decision, although it had the authority and the basis to do so. Later on, the Basic State Prosecutor's Office also determined that there is no basis for criminal prosecution. Therefore, criminal, misdemeanour, disciplinary, ethical or political accountability was never determined for the damage to the state budget amounting to about 7 million EUR.

Preliminary investigation of the corruption case of **“Telekom”** privatisation lasts for more than six years. The US authorities have requested information from relevant Montenegrin authorities in 2008 and in 2011 determined that there is evidence of corruption. In 2014, the US Embassy announced that *“The Securities and Exchange Commission (SEC) has come up with evidence of bribery in Montenegro. In January 2012, Montenegrin authorities agreed to open an investigation into these allegations. Since then, the US Embassy supports the investigation by helping the authorities obtain documents related to this case”*.

During 2016 and 2017, Montenegro was awash with mafia assassinations in the clashes of clans dealing with international cocaine smuggling.

Brutal confrontations are just the tip of the iceberg in the international drug smuggling business of large scale to which the Security Services and the Prosecution turn a blind eye. Instead of a substantive action in combating this phenomenon, the public was offered a series of propaganda acts – filming of petty search of persons and premises that gave minimal or no results, but served to give an impression that something is being done.

Administration for Prevention of Money Laundering and Terrorist Financing is barely visible, with less than ten proceedings for money laundering over a decade. However, the SDT is prosecuting the leader and several senior members of the opposition party Movement for Changes for this crime.

What is already an unacceptably mild penal policy of the courts, is being further diminished by frequent presidential pardons, used more than anywhere else in the region, as well as regular general parliamentary amnesties, that have occurred five times since 2006.

The state has failed (although there is a reasonable doubt that it even tried) to bring Svetozar Marović, former speaker of Montenegrin Parliament and president of State union of Serbia and Montenegro, and his son Miloš Marović to justice after the confirmation of plea bargain agreement in which he admitted to be head of the organize crime group. They are in Serbia for over a year, “on health treatment” after gaining Serbian citizenship, and thus unavailable to the prosecuting authorities of Montenegro. Hence, in this allegedly paramount case praised by the state as the greatest evidence of its success, which also boosted official statistics, actually no prison sentence has been served so far, nor has the fine been paid, while the financial investigation is still ongoing with numerous controversies.

## THE AGENCY FOR PREVENTION OF (ANTI) CORRUPTION?

IPSOS public opinion survey from November 2017 shows that only 22% of citizens consider that the Agency for Prevention of Corruption (APC) treats all officials and public servants equally, regardless of party affiliation. Nearly a quarter of citizens (24%), have not even heard of the Agency at all. Contribution of this institution to the fight against corruption is not recognised by 44% of Montenegrin citizens – and if we count out those citizens who have never heard of the Agency, as many as 57% of them do not consider that the Agency has contributed to the solving of corruption issues.

Although the statistics of the Agency in its 2016 Report indicates that most public officials (73%) and civil servants (76%) "have nothing to hide", that is, that they have given their consent for their bank accounts to be checked, these statistics are dismal for the highest-ranking public officials. The Prime Minister Duško Marković, Deputy Prime Minister for Regional Development Rafet Husović and 9 out of 19 ministers, chose not to give access to their bank accounts to the Agency. Also, out of 16 leaders of parliamentary political parties, seven chose not to allow the Agency to check their bank accounts, including the President of the DPS and former Prime Minister Milo Đukanović. Director of the APC did not give access to his bank account. Although this does not constitute a breach of law as such, it indicates the lack of proactive attitude of those who should lead by example.

Another case that illustrates how institutions operate in different dynamics, with a selective approach, under political influence or self-censorship, is the case of attempted murder of

the journalist, **Tufik Softić**. The State Prosecutor's Office has not efficiently investigated this case in over seven years. On the other hand, he expressly received a decision from the Agency that he is in a conflict of interest as a director of a local radio because his wife is a councilor in a local assembly.

People who dare to become whistle-blowers have done so in spite of the legal framework and institutions that should protect them, as the Government openly discourages them and helps spreading the widespread of belief that it is wiser to keep silent and choose loyalty to the bosses over loyalty to the public interest. A telling example is the case of director of Railway Montenegro, **Nebojša Obradović**, convicted of using public funds to pay the hotel bills for the organisation of meetings of the smaller partner in the ruling coalition, Social Democrats of Montenegro (SD), led by the current Speaker of the Parliament, Ivan Brajović. In January 2018, the Higher Court reduced his first-instance sentence. In this case, the Agency did not provide whistleblower protection to the person who revealed the incriminating information as an employee of the company that managed Ramada hotel. The ill-fated whistleblower lost her job and went through a smear campaign by the regime's officials and media. Đukanović himself expressed understanding for the employer who decided to treat a whistleblower in such a manner. Taking into account Đukanović's influence in the system, this surely does not contribute to strengthening of this institute nor encourages public servants and employees to come forward and reveal evidence that indicates corruption.

The recent case where the APC, on the basis of an NGO initiative, has established the conflict of interest of the already nowadays former minister of European Affairs/chief negotiator/ambassador, suggests that it is not a tiger without teeth, if it has the motive to produce results.

## **PUBLIC SPENDING OUT OF SIGHT**

When it comes to financial management, accountability and transparency, there are several illustrative examples that showcase the lack of results of reforms and the reluctance to introduce more transparency into spending of public funds.

For more than a year, the Ministry of Finance has not appointed a budget inspector. In the period in which it was active, from the adoption of the Law on budget and fiscal responsibility in 2014 until November 2016, the budget inspector did not file a single misdemeanour charge. The Ministry of Finance classified as confidential all the documents on the work of the budget inspector.

In 2017, nearly 2 million EUR were allocated from the state budget for short-term social assistance. Out of that, only 700,000 EUR have been allocated to the most vulnerable cases. Almost twice as much went to employees in state institutions and ministries through discretionary procedures. People in need of social assistance can count on short-term aid of five, ten or twenty euros through social work centres, while state employees receive 500 or even several thousands of euros. Recently leaked information shows that that public officials and civil servants from local self-government of Berane and the DPS councilors received short-term social assistance in 2012, amounting to 500 euros each. This amount equals the average net salary in the country, which they received although they were not in a state of social need, as their salaries ranged from 500 to 1200 EUR. Additional 4 million EUR were allocated for various forms of assistance by the decisions of the Government's Inner Cabinet and

the Commission for Allocation of Budget Reserve, while documentation regarding this process was classified as confidential.

The scope of problems at the local level is further illustrated by the Municipality of Tivat's decision in January 2018 to donate 5,5 million EUR to "Adriatic Marinas", a private company that operates exclusive yacht resort Porto Montenegro. Even the DPS majority of the local Assembly admitted that this "is not a legal obligation, but a political decision". This may be a subsequent and additional confirmation of the 2011 statement of the then Director of "Adriatic Marinas", Oliver Corlette. For "Toronto Life" magazine, he praised the extraordinary opportunity provided in Montenegro to sit with the prime minister and agree on the tax and labour legislation.

## **PUBLIC ADMINISTRATION REFORM AT A STANDSTILL**

Despite the Government's declarative commitment to bring public administration closer to citizens, it seems to be getting farther away. Citizens and CSOs have been persistently and regularly put through the vicious circle of the competent Agency and Administrative Court in pursuit of free access to information, whereas the amended law introduced even more limitations. Citizens still do not have free access to consolidated texts of laws and other legal acts online. Montenegro is still at the very beginning of introduction of open data practices, being ranked as low as 83rd of the 115 countries surveyed in the Open Data Barometer.<sup>2</sup>

Three years of Public administration reform (PAR) strategy preparation and two years of its implementation were spent on collecting basic

<sup>2</sup> / Open Data Barometer results for Montenegro: [http://opendatabarometer.org/4thedition/detail-country/?\\_year=2016&indicator=ODB&detail=MNE](http://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=MNE)

data, such as number of employees in public sector, despite the legal obligation on proactive publishing of this information and the adopted specific measure of “proactive publishing of employment figures in municipalities”.<sup>3</sup>

Government neglected public discussions on important regulations (i.e. amendments to the Law on public procurement), conducted only partial discussions (i.e. amendments to the Law on the free access to information) with major changes introduced via parliamentary majority in the Parliament at a later stage. It organised discussions under the so-called ‘urgent procedure’ (i.e. amendments to the Law on social and child protection), and public consultations instead of public discussions (i.e. the set of eight education-related laws). None of these laws contained regulatory impact assessment when sent to public discussions, even though the PAR Strategy has recognised the need to provide these assessments alongside draft laws. Reports on public discussions are often not comprehensive enough, and they do not provide evidence-based reasoning as to why some of the suggestions are acceptable or not. The latest amendments of the Law on State Administration allow regulations addressing “security, defence or annual budget” to be prepared without a public consultation process.

## THE SCOURGE OF POLITICISATION

In line with the politicised public sector at all levels, there is also party control of all the “independent” oversight institutions or the ongoing processes of introducing party personnel in their managing bodies, such as: Agency for the

Prevention of Corruption, State Audit Institution, Agency for Personal Data Protection and Access to Information, Protector of Human Rights and Freedoms, Judiciary, Public Broadcasting Service.

Overwhelming majority of senior state officials are members of the ruling parties, and even primary and high school principals, board members and heads of health care institutions are chosen from the same ranks. Healthcare, education and public companies are outside the scope of civil service law, with employment in these sectors formally regulated much more liberally, same as in the private sector, but in fact strong interference of the Government/ruling parties. Disastrous discriminatory practice of job vacancies being published on weekends and lasting a day, already tailored to the desired applicants has continued undisturbed.

An example of party’s control over the institutions is the public procurement system, where almost all key institutions are headed by the members of ruling political parties. The previous Director of Administration for Inspection Control was **Božidar Vuksanović**, member of the DPS Main Board. Currently, this position is covered by **Alija Košuta**, a member of the Municipal Board of the Bosniak Party Podgorica. Chief Procurement Inspector Hivzo Kajević was previously a member of the DPS Executive Board and is currently a member of the party’s Municipal Board in Rožaje. The Director of Public Procurement Administration, **Mersad Mujević**, is a member of the DPS Main Board. Current Minister for Public Administration, **Suzana Pribilović**, member of the DPS Main Board and Vice President of the DPS Budva Women Alliance, was previously the head of the State Commission for Control of Public Procurement Procedures.

<sup>3</sup> / As stated in the Operational Document for the Prevention of Corruption in Areas of Particular Risk, which is an Annex to the Action Plan for Chapter 23 (on Judiciary and Fundamental Rights).

## **EROSION OF MEDIA FREEDOMS INTENSIFIES**

With no progress in resolving attacks on media and journalists, the ruling party has abused the institutions to orchestrate a crackdown on independent media, as well as seizure of party control over the public broadcaster.

Public Broadcaster (RTCG) has been under attack by DPS for quite some time, which has flagrantly used the Agency for Prevention of Corruption (APC) and its parliamentary majority to remove council members who are not to the party's liking. The Parliament has dismissed the two members of the Council of RTCG, after the APC determined that they violated the Law on Prevention of Corruption. Although some of these were annulled by the Administrative Court, the Parliament did not wait for the final court's verdicts nor respected temporary court's decisions, and these members were expressly dismissed, and new ones appointed. The newly appointed Council members have unquestionable loyalty to DPS - one being a senior official of DPS, another being member of the DPS consultative body, and the last one being known as author of a celebratory book on Milo Đukanović. This scale of the organized action is underlined with the fact that the Government is for months obstructing the signing/verification of two important contracts concerning RTCG – one being contract of the Government and RTCG on provision of public broadcasting services, in line with the Law on RTCG, and the other is collective agreement that RTCG management upon the approval of the Government can sign with the employees. The brutality of the DPS action, followed by the

misuse of governmental authorities, is one of the most convincing examples of the retrograde processes happening within the country, similar to which was not seen even decade ago. DPS has been adamant in this initiative, despite the clearly voiced stance of major international actors that this is not acceptable and that independence of the RTCG should not be jeopardized.

In the same time, Agency for Electronic Media is not applying the Law on Electronic Media, allowing a private TV station with national frequency (Pink M), to breach professional standards of reporting and spread hate speech 32 times in last three years (2015, 2016 and 2017), without sanctions or temporary recalling of the license. Pink M is continuously leading smear campaigns against the critics of the Government from the NGOs, independent media and opposition, being also strongly instrumental in the crackdown on the two members of the RTCG Council.

Also, financing of media from public funds in Montenegro remains unregulated, uncontrolled, discretionary and non-transparent, which brings media in unfavourable market position, aiming to exert control and pressure on their editorial policy. Government ignores the imperative recommendation from EC Report on Montenegro for 2016 to make necessary legal interventions in order to prevent or restrict illegitimate influence of money from public funds on freedom of media and their economic (in)stability.<sup>4</sup>

In 2017, the Constitutional court stressed the issue of ineffective investigations and the need for state authorities, to work harder on resolving attacks.<sup>5</sup> Nevertheless, no one has been held accountable so far for ineffective investigations,

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<sup>4</sup> / See CGO's report: <http://media.cgo-cce.org/2017/10/ke-sanse-za-sve-medije-2017-ENG.pdf>

<sup>5</sup> / Decision of the Constitutional Court on the adoption of the constitutional complaint ("Official Gazette of Montenegro" No. 088/17 from 26th December 2017)

and there is no progress by the police and prosecution in resolution of the attacks. Commission that was established to monitor the investigation of cases of intimidation and violence against journalists faced numerous obstructions in performing its work. Only after the appeal of 11 non-governmental organisations, Ministry of Interior published the reports of this Commission. New attacks on journalists have been occurring, while the old cases have not been resolved yet, such as one murder of a chief editor in 2004 and murder attempt of a journalist in 2007.

During 2017, DPS and top government officials competed in condemning freedom of expression, hate speech and labelling of critically oriented media and NGOs. One of the most telling examples happened in September, following an incident in the local elections campaign in Mojkovac. In a phone conversation with the journalist of Dan, Prime Minister's brother threatened the journalist by saying that if his statements received political interpretation, he should not ask "why someone got killed later". Official Government statement that followed, instead of apologising and denouncing such behaviour, referred to Dan's journalists as "media special forces from the Democrats newspaper" and qualified the incident as "dirt and fabrication of parties and media".<sup>6</sup>

## GOVERNMENT AND CSOs - MORE FOES, THAN FRIENDS

Despite Prime Minister's public commitment to hold regular consultations with NGOs, the first such consultations that were held in January 2017, organised and initiated by an NGO, were also the only ones. Moreover, his assessment that that "NGOs a whole year and every day passes in some kind of abuse because they live from donations, not actual work"<sup>7</sup>, became to the great extent the roadmap for entire Government's approach towards civil society, especially to those critical towards the Government's work.

Consequently, conditions for functioning of critically oriented NGOs have worsen at various levels, including also effective cut off from the process of preparation of systemic acts, followed by the Governmental discretionally support to the selected NGOs, such as the example of so called "Civic House".<sup>8</sup>

In the last minute changes, the Government introduced civil servants as independent evaluators, thus diminishing the objectivity and independence of procedures for financing the projects of NGOs.

Strategy for enhancing stimulative environment for the activities of NGOs was prepared in 2017 without NGOs in the working group. Out of numerous proposals of NGOs for its improvement, the Government accepted only one partially. Hence, this Strategy neither contains the key measures for stimulating the development

<sup>6</sup> / Official Government's press release: <http://www.gov.me/vijesti/176068/Reagovanje-predsjednika-Vlade-Duska-Markovica-povodom-politickog-i-medijskog-ugrozavanja-njegove-porodice.html>

<sup>7</sup> / See: <http://www.dan.co.me/?nivo=3&rubrika=Politika&clanak=613690&najdatum=2017-09-06&datum=2017-09-07>

<sup>8</sup> / More on this issue also available at <http://cemi.org.me/wp-content/uploads/2017/12/Policy-brief-Political-crisis-in-Montenegro.pdf>

of NGOs nor is it a reflection of the sector's real needs, but primarily serves to the Government false track record.

Despite alleged improvements in the Law on NGOs in regard to state funding for NGOs, the Ministries of Interior, Finance, Foreign Affairs, Science, Sustainable Development and Tourism and Public Administration have not allocated funds in 2018 budget for projects of non-governmental organisations that could assist them in the implementation of public policies.

Smear campaigns against the critically oriented NGOs and their leaders have continued. For example, during 2017, pro-government daily newspaper **Pobjeda**, repeatedly published information about alleged savings on NGO's bank accounts, amounting to 45.7 million EUR. Data of the Central Bank of Montenegro was cited as a source of this claim, and the institution never provided explanation that the funds in question, due to accounting classification, actually belong to foreign NGOs, international organisations and diplomatic missions. This kind of spin is widely used as an instrument in a propaganda war against NGOs, aiming to discredit them, lower citizens' trust, reduce the state's support for their work, but also to damage their sustainability, credibility and impact. In 2018, Pobjeda continued the same approach and published a headline story about the same issue at the end of February.

Other parts of CSOs which show critically oriented stance have the same treatment. Accordingly, after decades of control over the management of the Medical Chamber, a legitimate will of doctors to elect a new management, was not welcomed by the Government. Ministry of Health annulled the change of the elected leadership in the official register. Only after a year of obstruction, doctors succeeded to hold another Chamber assembly

where the leadership was re-elected and the Ministry was forced to accept their legitimate decision. Still, they face attempts of pressures via SDT which, based on anonymous report, calls the doctors to take statements about the whole process of organization of the assembly.

## A CALL TO ACTION

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The EU should act quickly and resolutely in order to save the reform process of Montenegro and to put it on right track, as it is nowadays to the great extent producing results that neither lead to the democratization of the country nor to its alignment to EU best standards and practices, hence threatening also to decrease the popular support for the EU integration process.

The example of diminishing leverage of the USA is a warning one. Namely, as the NATO membership became a done deal, Montenegrin Government ignored its obligations towards the Open Government Partnership (OGP), or calls and assessments related to the Government's political attacks on the independence of the Public Service Broadcaster RTCG. In the same manner, as the technical process of negotiations is being completed, the EU's leverage is shrinking and the Government is more resolute in defying to deliver the true results of the reform process that are demanded.

Although the EU's new approach which puts into focus Chapters 23 and 24 and a somewhat more precise language of the non-papers are a certain progress in explaining the most pressing issues, these means of pressure are still unclear and insufficient within the Montenegrin context.

Therefore, the EU should take a different attitude towards Montenegro, and the change should happen in three key directions:

## **1. BALANCE CLAUSE MUST BE MORE THAN A PAPER TIGER**

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To push for a actual track-record, more is needed than findings and ratings such as “initial track record established” or the general calls to “accelerate essential reforms”, that can be found in the EC’s reports. The lack of internal reform dynamics and the degree of resistance to changes demonstrated by Montenegrin authorities within various branches and levels constitute a probable cause for the EC to seriously consider activating the balance clause. The very fact that EC would seriously announce consideration of this option could serve as a wake-up call for decision makers in Montenegro who currently pursue solely party interest seriously endangering entire democratisation and Europeanisation of the country.

## **2. BENCHMARKS MUST BE IMMUNE TO FAKE AND SUPERFICIAL STATISTICS**

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The EU needs to set clearer and more precise targets that will credibly demonstrate tangible and sustainable results to everyone (the EU itself, the Government and citizens). Benchmarks for the Chapters 23 and 24 should be specified in a manner which would not allow the Government to deliver only descriptive results and reports on the progress in meeting the benchmarks, but would lead to the substantial change visible to Montenegrin citizens as well.

## **3. PROVIDE SUPPORT FOR CRITICALLY ORIENTED NGOS AND MEDIA**

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There is an urgent need for much more than the usual support for non-governmental organisations (NGOs) and media initiatives. The EU ought to take a decisive political action and political stance in regard to what has been

happening in Montenegro in the past several years, which is actually an intensified continuation of previous bad practices that is reaching its peak in 2017-2018. The EC should extend its proactive communication in Montenegro to NGOs, media and democratic opposition to boost genuine reform process.

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