

**SUMMARY OF REPORT ON THE
FRAMEWORK FOR NGO ACTIVITY ON THE
LOCAL LEVEL**

**- MONITORING REPORT -
(1 January 2015 - 30 June 2016)**

1. INTRODUCTION

1.1 General Information on the Report

Centre for Development of Non-Governmental Organizations (hereinafter: "CRNVO"), within the period July - December 2016, conducted the research on the framework of NGO activity on the local level. **The goal of this research was monitoring of implementation of the regulation related to the cooperation of local self-governments and non-governmental organizations, as well as publicity and transparency of work of local self-governments during 2015 and the first half of 2016. The research also contains information on the viewpoints of representatives of non-governmental organizations and local self-governments, i.e. the level of assessment of their satisfaction with the implementation of each type of cooperation prescribed by law: information, consultation, participation of NGO representatives in the work of working groups/bodies, organization of joint events, financing of projects, as well as ensuring working conditions for NGOs.** The research was also focused on the publicity and transparency of the work of local self-governments, since the fulfilment of these principles is actually the precondition for NGO activity and performance of their functions on the local level, and for cooperation with local self-governments. The goal of the research is the analysis of the existing problems in cooperation between local self-governments and non-governmental organizations and in the very work of local self-governments, as well as finding clear and direct ways of overcoming the existing problems.

Implementation of this research is one of the key activities of the project: **"Stronger NGOs, stronger democracy", implemented by CRNVO in partnership with NGO Bonum, NGO "Nada-Herceg Novi", NGO New Horizon and NGO Bijelo Polje Democratic Centre.** The Project has been financially supported by the European Union and managed by Delegation of the European Union in Montenegro. The goals of this project are strengthening and encouraging civil society for active participation in social, economic and political life in Montenegro, via the establishment of four local resource centres for the provision of support to local NGOs. This Project is the follow-up of activities implemented by CRNVO for a number of years, aiming to improve cooperation of local self-government and local NOGs and to strengthen further process of establishing good governance principles.

1.2 Research Methodology

The Methodology used for the research involved requests for free access to information, focus groups, questionnaires, monitoring of websites of local self-governments, as well as the review and analysis of relevant legislation.

Requests for free access to information

For the research purposes, CRNVO sent 92 requests for free access to information to addresses of 23 Montenegrin municipalities. Four types of requests were divided into two groups. By the first group of requests related to the cooperation of local self-governments and non-governmental organizations, we conducted monitoring of the Law on Local Self-Governance (Article 116). Requests were sent to addresses of chief administrators and committees for the allocation of funds to NGOs. By the second

group of requests, we required information on the implementation of duties related to publicity and transparency of the work of local self-governments, provided for by Article 138 of the Law on Local Self-Governance. We also monitored the fulfilment of key obligations envisaged by Article 12 of the Law on Free Access to Information. A request was sent to municipal parliament and chief administrator in each municipality in Montenegro.

Focus groups

With a view of detailed data collection, within the research, there were 10 focus groups (5 with representatives of local self-governments and 5 with NGO representatives). Focus groups were a way to come to specific experience of municipalities and non-governmental organizations and thus complement and specify the information obtained via requests for free access to information. Apart from collection of information, focus groups have proved to be useful as they were good mechanism for the exchange of experience and good practices among participants.

Focus groups were organized according to the following schedule:

- Podgorica, 30/09/2016; Municipalities involved: capital city of Podgorica, old royal capital of Cetinje, Danilovgrad, Nikšić
- Bijelo Polje, 14 - 15/09/2016; Municipalities involved: Berane, Plav, Andrijevica, Rožaje, Bijelo Polje, Gusinje, Petnjica
- Pljevlja, 20/09/2016; Municipalities involved: Pljevlja, Kolašin, Mojkovac, Šavnik, Žabljak i Plužine
- Ulcinj, 05/10/2016; Municipalities involved: Bar, Ulcinj, Budva
- Herceg Novi, 10 and 26/10/2016; Municipalities involved: Herceg Novi, Kotor, Tivat

Focus groups covered 43 representatives of non-governmental organizations and 32 representatives of local self-governments.

Questionnaires

Questionnaires were used for the assessment and collection of data related to viewpoints (opinions, beliefs) on the implementation of all types of cooperation of municipalities and non-governmental organizations. Two types of questionnaires were used, one for NGO representatives and another for the representatives of local self-governments. Questionnaires also contain scaling - evaluation of various forms of cooperation ranging from 1 to 5. The questionnaires were responded by 127 NGO representatives and 55 municipal officials.

SUMMARY

The Report contains the results of the research on framework for NGO activities on the local level, conducted by CRNVO in all Montenegrin municipalities within the period July – December 2016. **The goal of this research is monitoring of the implementation of regulations which lay down the cooperation between local self-governments and non-governmental organizations, as well as publicity and transparency of the work of local self-governments during 2015 and the first half of 2016.** The research also contains information on viewpoints of the representatives of non-governmental organizations and local self-governments, i.e. the evaluation of the level of their satisfaction with the implementation of each type of cooperation specified by law: information, consultation, participation of NGO representatives into the work of working groups/bodies, organization of joint events, financing of projects, as well as provision of conditions for the work of NGOs. The research was also focused on publicity and transparency of the work of local self-governments, as the fulfilment of these principles is a precondition for NGO activity and implementation of their functions on the local level, and for the cooperation with local self-governments.

The research covered 170 representatives of non-governmental organizations and 88 representatives of local self-governments. The Methodology used for the research involved requests for free access to information, focus groups, questionnaires, monitoring of websites of local self-governments, as well as the review and analysis of relevant legislation. Questionnaires contain scaling – evaluation of various forms of cooperation ranging from 1 to 5. The results achieved by the use of the above mentioned methods reflect current level of achieved local cooperation, regarded through the implementation of the provisions of the Law on Local Self-Governance.

Structure:

The first part of the Report presents general information on the research, its goals and methodology. The second part of the Report encompasses individual findings of the research by municipalities which are categorized according to obligations of local self-governments in the area of cooperation with NGOs, as well as according to obligations of municipalities in the area of publicity and transparency of work. For each type of cooperation of municipalities and NGOs there are evaluations of current level of achieved cooperation done by NGO representatives and municipal officials. This part of the Report also covers the review of adopted documents which regulate certain types of cooperation in each Montenegrin municipality, as well as the recommendations for the improvement of cooperation of local self-governments and non-governmental organizations, publicity and transparency of work for each municipality. The third part of the Report presents general recommendations for the improvement of cooperation of local self-government and non-governmental organizations, and publicity and transparency of work which are common for all municipalities in Montenegro.

COOPERATION OF LOCAL SELF-GOVERNMENTS AND NON-GOVERNMENTAL ORGANIZATIONS

▪ **Informing on all matters important for NGO sector**

Average grade of satisfaction of examinees by this type of cooperation:

NGO: 2.5

Local self-government representatives: 3.3

Mechanisms via which local self-governments informed NGOs are websites of municipalities, local media, and information boards. Also, sources of information on matters important for NGO sector they mentioned are: CRNVO mailing list, NGO focal points in municipalities, competent secretariats and cabinets of mayors. All municipalities, except Gusinje, appointed NGO focal point. Gusinje is the only municipality which does not have a website. NGO representatives state that in certain municipalities, it is necessary to improve transparency and capacities of NGO focal points. Majority of municipalities have special links on their websites named "NGO" on which only the information related to NGO financing from municipal budget are posted, but not all information significant for the work of NGO sector (news, public calls for consultations with NGOs, public debates, working groups, regulations in the area of cooperation). Positive example in this context are municipalities of Mojkovac, Kotor and Tivat. The main drawbacks in informing NGOs in majority of municipalities is the lack of mailing lists, by which the representatives of both sectors would forward all important information and calls, as well as confusing and non-updated municipal websites.

▪ **Consulting NGO sector on local self-government developmental programmes and draft general enactments adopted by the Parliament**

Average grade of satisfaction of examinees by this type of cooperation:

NGO: 2.34

Local self-government representatives: 3

NGO representatives were hardly consulted by local authorities during the creation of plans and programmes of municipal development, budget and general enactments adopted by the Parliament (grade 2.34 on the scale from 1 to 5). They are not very much satisfied by feedback they have received from municipality during this process (average grade 2.38). Consultation process is slightly better evaluated by municipal officials (grade 3 on the scale from 1 to 5) and they are also partially satisfied by the feedback they have received from NGOs during consultation process (grade 2.8 on the scale from 1 to 5). The most frequent form in which NGOs were consulted are public debates. The procedure of prior consultation of interested public as important form of consultation in initial phase of the creation of certain document, was applied during the creation of a smaller number of local enactments and programmes, but not in all Montenegrin municipalities. Municipalities which did not apply prior consultation procedure are: Andrijevica, Berane, Gusinje, Herceg Novi, Kolašin,

Kotor, Petnjica, Plužine and Šavnik. This trend is particularly negative, considering the fact that in all municipalities different local enactments were adopted and public debates were organized. This is why, in view of adopting high quality local enactments, the phase of prior consultation should have been integral part of the process of their adoption. One of the key reasons of such situation is the fact that representatives of certain local self-governments do not understand completely the process of prior consultation, and they think that this phase is not obligatory, although provided for by the Law on Local Self-Governance (Article 110 paragraph 1 item 1). In certain municipalities, officials fail to differentiate consultation from public debate, which entails already created draft enactment. Another important cause is the fact that in majority of municipalities, the procedure of implementation of this type of consultation is not regulated in detail by local decisions. The capital city of Podgorica is the only municipalities which regulated in detail the procedure of prior consultation by adopting the Decision on Cooperation and Partnership of the Capital City and NGO in 2015, which represents a positive example in the implementation of this type of consultation.

Public debates are mainly conducted in compliance with prescribed rules. However, the obligation of creating reports from public debates and their publication on websites of municipalities is not fully fulfilled. Certain reports do not contain detailed overview of rejected comments, and individual explanations of reasons for rejections, or they do not contain information on whether the comments are accepted or rejected. One of the problems is the inaccessibility of premises in which public debates are held for the disabled.

- **Ensuring participation in the work of working groups for the creation of normative enactments and development of projects and programmes**

Average grade of satisfaction of examinees by this type of cooperation:

NGO: 2.5

Local self-government representatives: 4.1

During the reporting period, non-governmental organizations were mainly ensured participation in the work of working groups for the creation of normative enactments or development of projects and programmes. NGO representatives are partially satisfied with the procedure of selection of NGO sector representatives in working groups and their position (grade 2.5 on the scale from 1 to 5), while representatives of municipalities think that this form of cooperation is satisfactory (average grade 4.1 on the scale from 1 to 5). Key problem in the implementation of this type of cooperation is the lack of systemic solution, i.e. a decision on the local level which would regulate the process of selection of NGO representatives. Representatives of municipalities usually contact NGOs from their database which deal with topics related to the tasks of working groups. These are the reasons why the process of selection of NGO representatives in working groups and bodies is, to a certain extent, marked as insufficiently transparent. The only municipality which adopted the decision regulating the criteria and procedure of selection of NGO representatives in working groups is the Capital City of Podgorica – Decision on Cooperation and Partnership of

the Capital City and NGO. It is recommended to use this model in other municipalities when adopting the decisions aimed at ensuring transparency of the process of NGO participation in working groups.

- **Organization of joint public debates, round tables, seminars, etc.**

In majority of Montenegrin municipalities, there were examples of organization of joint events. Joint public debates were organized in Kotor during the creation of Draft Decision on criteria, procedure and manner of allocating funds intended for NGO financing and in Ulcinj on the occasion of creation of Draft Local Youth Action Plan (with NGO "New Horizon") and on the occasion of creation of Draft Local Plan on Gender Equality with NGO "SOS Phone for Women and Violence Victims" from Ulcinj. Other municipalities mainly organized joint seminars, round tables, various manifestations, etc. There were no joint events organized in municipalities Andrijevica, Gusinje, Plužine, Šavnik and Žabljak.

- **Financing of NGO projects of interests for local population under the terms and procedure prescribed by general enactments of municipality**

Average grade of satisfaction of examinees by this type of cooperation:

NGO: 1.7

Local self-government representatives: 3

NGO representatives are poorly satisfied with financial support provided for NGO projects by municipalities (grade 1.7 on the scale from 1 to 5). However, representatives of municipality assess the provision of financial support to projects as partially satisfactory (grade 3 on the scale from 1 to 5). Some municipalities did not publish call for the allocation of funds to NGOs, regardless of adopted decisions on budget (Bar, Old Royal Capital of Cetinje, Kolašin, Petnjica, Pljevlja, Ulcinj and Šavnik). The greatest problem is the reduction of funds for NGOs. The funds are largely allocated on another legal ground, most frequently by the decision of a mayor. Specifically, in 2015, 13 municipalities allocated funds to NGOs on this ground, which is not a violation of regulations, but it introduces negative and non-transparent practice in these processes. The largest amounts on other legal ground were allocated by Nikšić municipality (55 273.00 EUR), Herceg Novi (39 172.49), Kotor (27 398.00 EUR) and Pljevlja (21 494.21 EUR). Municipalities of Danilovgrad and Plužine allocated funds according to other legal grounds and based on the call for allocation of funds to NGO projects. In Danilovgrad, 8100.00 EUR were allocated via the call and 9 514.00 EUR via decisions, while in Plužine 8 000.00 EUR were allocated via the call and 10 775.60 EUR via decisions. Procedures for the implementation of projects and reporting are not developed, and monitoring is mainly done in the form of review of submitted reports, without requiring additional explanations related to certain segments of reports. Rarely, commissions for the allocation of funds to NGO projects which adopt special monitoring plans for the implementation of projects funded from the budget are rare. Thus, the commissions do not perform continuous monitoring and evaluation of projects and they do not have needed insight into the implementation of projects. Members of the

commissions for allocation of funds to NGO projects usually lack knowledge on the meaning and purpose of project, methodology of writing and programme and financial reporting on implemented projects. With a view of improving such type of cooperation, the examinees mainly think that it is necessary to establish a system in which all funds will be allocated to NGOs based on a call for NGO projects, which are aimed at the implementation of local public policies and which will ensure professional composition of the commission which will continuously monitor the implementation of NGO projects supported by budgetary funds.

- **Ensuring conditions for work of non-governmental organizations in compliance with possibilities of local self-governments**

Average grade of satisfaction of examinees by this type of cooperation:

NGO: 1.9

Local self-government representatives: 3.7

NGO representatives are poorly satisfied by municipal provision of non-monetary support to non-governmental organizations (average grade 1.9 on the scale from 1 to 5). Consigning space owned by local self-governments (office premises, halls and land) to be used by non-governmental organizations exists in a number of local self-governments. Municipalities which did not consign premises for use to NGOs are municipalities of Plav, Gusinje and Šavnik, due to the fact that they do not own premises which are eligible to be used, but the representatives of these municipalities state that NGOs may use available municipal premises for meetings and similar events. Key problem is the fact that no municipality has adopted a local enactment which prescribes procedures and criteria, based on which premises are consigned for use to NGOs, and thus the implementation of this type of cooperation is insufficiently transparent. Besides that, regarding the premises consigned to NGOs, in a number of municipalities there are neither contracts nor any individual enactment based on which these premises are consigned to certain NGO.

PUBLICITY AND TRANSPARENCY OF THE WORK OF LOCAL SELF-GOVERNMENTS

- Currently, 14 municipalities have established Information System Centre or similar organizational unit, in charge for maintenance and updating of websites. Municipalities which do not have Information System Centre are the following: Andrijevića, Bar, Kolašin, Nikšić, Petnjica, Plav, Šavnik and Žabljak. Besides that, municipality of Gusinje does not have web presentation, which is particular obstacle for completing the duties related to publicity and transparency of the work.
- All municipalities, except from Gusinje, have published their Articles of Associations and Rules of Procedure on their websites.
- All municipalities published decisions on budget for 2015 and 2016, and majority of them published final account for 2015. Municipalities which did not publish final accounts for 2015 are Budva, Danilovgrad, Kolašin, Plav and Rožaje.

- Municipalities usually do not publish semi-annual reports on implementation of budget and investment policy.
- More than a half of municipalities published the report on the work of mayor for 2015. This report was not published by 8 municipalities: Budva, Herceg Novi, Kolašin, Petnjica, Plav, Plužine, Ulcinj and Šavnik. These municipalities also failed to publish reports on the work of public services founded by local self-governance unit, and, besides the mentioned ones, Andrijevića, Bar, Pljevlja and Rožaje also failed to do so.
- Municipalities mainly published planning documents, spatial arrangement programmes, plans of development of local self-governance community.
- Municipalities usually have decisions on the allocation of affairs and services published on their websites, as well as concluded contracts with natural and legal persons and individual decisions and other individual enactments and contracts concluded in the procedure of disposal of municipal property. However, municipalities publish neither contracts nor other individual enactments based on which, they provide their premises to be used by NGOs free of charge.
- Municipalities usually have on their websites published forms for submission of request for free access to information, data on focal point for acting upon these requests, as well as guides for free access to information. Only 8 municipalities have published on their websites records on direct insight of citizens in enactments, pursuant to Law on Free Access to Information, and these are: Berane, Budva, Old Royal Capital Cetinje, Kotor, Nikšić, Mojkovac, Capital City of Podgorica and Tivat.
- Less than a half of Montenegrin municipalities published the names of the members of bodies of public services administration, founded by municipality. Municipalities which did not publish such names are: Bar, Prijestonica Cetinje, Danilovgrad, Herceg Novi, Kolašin, Mojkovac, Petnjica, Plav, Rožaje, Ulcinj and Šavnik.
- Municipalities usually do not publish enactment which regulates the number and structure of employees in public services financed from local self-governance units.
- During 2015 and first half of 2016, in 10 municipalities which responded to our request for free access to information, mayors held meetings with representatives of local NGOs.
- Majority of municipalities published on their websites the decisions adopted by the parliament during 2015 and the first half of 2016. Municipalities which did not publish all enactments adopted by local parliaments are Kolašin, Petnjica and Plav.

- Municipalities mainly announce the sessions of local parliament via official website, including agenda, but not all municipalities publish materials related to agenda items, and not all of them publish minutes of the meetings held.
- NGO representatives mostly do not attend local parliament sessions, according to “empty chair” institute. During the reporting period, the greatest interest for the use of this mechanism was expressed in Herceg Novi, where 24 NGO representatives attended 8 sessions of the local parliament, and in the Capital City of Podgorica, in which 10 NGO representatives used this institute. One NGO representative attended the session of local parliament in Old Royal Capital of Cetinje, Danilovgrad, Mojkovac, Plav, Rožaje and Ulcinj, and two NGO representatives attended the sessions in Bar and Tivat.
- Council for Development and Protection of Local Self-Governance in majority of municipalities still does not exercise its function in optimal way, which statement is supported by the fact that we have not received reports on the work of this body for 2015 by the majority of municipalities in which it was created. The reason for this is the fact that the reports were not submitted to parliaments for adoption (in municipalities: Danilovgrad, Kotor, Mojkovac, Šavnik and Žabljak). Besides that, in certain municipalities this body could not have been created as nobody applied to public calls for the proposal of candidates. The Council does not have its budget, and its reports, requests, initiatives etc. are mainly not published on the website of municipality.
- Council for Cooperation of Local Self-Governments with NGOs has not been established in majority of municipalities. During the reporting period, the Council most frequently convened in Nikšić and considered various enactments from the area of cooperation of municipality and non-governmental organizations. However, the Council in Bijelo Polje was created in 2011, but during its terms of service, no session has been held.

RECOMMENDATIONS

With regards to these key findings, it is possible to draw general set of recommendations for the improvement of the situation, whose implementation and its manner depend on specificities of local self-governments:

- **Exercising cooperation of local self-governments with non-governmental organizations**
 - Improve the knowledge of NGO sector and publish all relevant information for NGO sector on the link: “NGO” (news, public calls, approved projects, reports, documents regulating cooperation of municipalities and NGOs, needed templates, etc.).
 - It is necessary to improve the knowledge of municipal officials on civil sectors and cooperation mechanisms.

- Consulting non-governmental organizations on development programmes of local self-governance and drafts general enactments adopted by the parliament should be further upgraded in compliance with a clear plan. During the creation of all municipal developmental programmes/plans and general enactments adopted by the parliament, it is necessary to apply prior consultation procedure. In view of detailed regulation of this type of cooperation, it is necessary to adopt local decision, similar to the Decision on Cooperation and Partnership of the Capital City of Podgorica – or amend the existing decisions on participation of local population in performance of public affairs.
- It is necessary to organize public debates in the premises accessible to persons with disabilities, and, primarily, it is necessary to adjust the websites to persons with sight disabilities.
- All reports from public debates have to be published and submitted to participants of public debates. The reports also have to contain detailed overview of accepted and rejected comments, as well as individual explanations of rejected ones.
- It is necessary to regulate the participation of NGO representatives in working groups, and it is proposed to use governmental Regulation on the Manner and Procedure of Cooperation of State Administration Authorities and NGOs or the Decision on Cooperation and Partnership of the Capital City of Podgorica.
- Regarding financing, it is necessary to amend decision on financing, which ensures sustainable investment of local self-governments into NGO sector. This can be provided by defining the percentage of the budget which will be allocated on annual basis for NGO projects, in order to ensure the security of funds for this purpose, as well as by the core change of the manner of decision making on projects, which have to be aligned with priorities and complementary with public policies. It is also necessary to abolish the practice of allocating funds to NGO based on the decision of a mayor, and all funds from municipal budget should be allocated based on a call. It is necessary to establish efficient monitoring of implementation of projects supported from municipal budget by the adoption of monitoring plan and allocation of tasks among the members of the Committee for the allocation of funds in such process.
- It is necessary to regulate the procedure of granting state-owned premises to NGOs for free of charge use, by the adoption of the Decision on granting state-owned premises to NGOs for free of charge use.

- **Publicity and transparency of the work of local self-governments**

The following should be published on the website of municipalities:

- reports on work of public services founded by local self-government units;
- names of the members of management bodies, supervisory bodies and administration bodies in public services founded by local self-government units;

- records on direct insight of citizens into enactments, pursuant to the Law on Free Access to Information;
- enactment regulating the number and structure of employees in public services financed from local self-government units;
- semi-annual reports on the implementation of budget and investment policy for current year and final accounts for previous year;
- make available materials related to agenda items of the municipal parliament session. Information Centre has to be established in municipalities in which it does not exist, and its function should be constantly improved. The Council for Development and Protection of Local Self-Governments has to become functional. It has to own its budget and its recommendations, initiatives and requests have to be published on the website of municipality. It is also necessary to adhere to legal obligation of organizing the meetings of a mayor with representatives of local non-governmental organizations.