



European Movement
Montenegro



Policy Brief

Enhancing Local CSOs for Advocating Better Cooperation with Local Authorities

November 2016

*The policy paper has been produced under the auspices of the EU-funded project Advocacy for Open Government, which aims to foster inclusive, accountable and transparent governance and policymaking through enhanced civil society expertise and strengthened dialogue, and structures for dialogue between civil society and government within the framework of the Open Government Partnership.



For the project

Advocacy for Open Government

Publisher

European Movement in Montenegro

For the publisher

Momcilo Radulovic

Authors

Ivana Boskovic

Marko Lubarda

Design and printing

Studio MOUSE- Podgorica

Circulation

25

European Movement in Montenegro (EMIM)

Sima Barovića 4, 81000 Podgorica, Montenegro

Tel/Fax: 0038220268651;

email: office@emim.org

web: www.emim.org

www.facebook.com/epucg

www.twitter.com/EPuCG

Abstract

Bearing in mind the importance of civil society engagement in the process of European and Euro-Atlantic integration of Montenegro, advocating for higher transparency and accountability of Government, therefore local governments, is highly needed in order to have quality outcomes of the relevant laws, strategies and action plans. Foremost, enhancing quality cooperation of the public and civil sector can ultimately bring value added to above mentioned processes.

A critical role of the civil society is not a new concept, but in certain parts of the country, where strictly adversarial roles between governments and CSOs exists, or where civil society is less robust, such a role for civil society can be quite challenging.

In Montenegro, high dispersion of civil society organizations, dealing with the different aspects of a society development, is witnessed. As well, the power of civil society sector in Montenegro is quite dispersed, therefore, it should primary rely on the level of cooperation developed within the local government.

Enhancing cooperation of the Government with CSOs on many levels, is one of the main priorities under the initiative Open Government Partnership. This partnership acts as multilateral initiatives aimed at strengthening the partnership between state institutions, civil society organizations, citizens and other stakeholders that will act in the interest of citizens with primary focus on the development of transparency and sustainability.

In this point of time it is crucial to examine the position of civil society organizations in regard to level of cooperation with local authorities, and vice versa, in order to create quality, evidence-based recommendations.

Therefore, this policy paper intends to address the need for better cooperation of the civil society organizations on local level, and in line with the priority referred to - activities enabling NGOs outside capital cities to get engaged in Open Government issues.

To create positive synergies on national level, cooperation of CSOs and Governments on local level, has to be supported by transparency and accountability, which will have a positive impact on the course of society advancement.

Podgorica, 2016





■ ■ ■ ■ BACKGROUND

Many civil society organizations in Montenegro, still face the difficulties in accessing and collecting data from public authorities, when needed for a particular program creation, coordination or research. The reasoning can be found in the fact that Law on Free Access to Information, many institutions still do not perceive it as a binding legal document, which leads the uneven application of the same.

As well, it is perceived as difficult to obtain relevant information unless documents are up to date and published on the web pages of local governments and other local public authorities, which is an issue to examine further.

Quality of the civil society and local governments cooperation is negatively affected in long-term, if the Law on Free Access to Information is not respected from both sides, which creates further pressure within different stages of society progress. Many CSOs find it hard to obtain an information, since the time frame for receiving the response on request for free access to information, in most cases, is not respected.

Therefore, there is an existing need for raising awareness of the importance of the free access to information and transparency of the local governments.

CSOs must assure the good cooperation at the local level, not only with citizens, but within local governments.

On the other hand, successful cooperation of the local governments with the CSOs, utmost has a positive impact on strengthening the capacities of local governments and transfer of knowledge and know-how.

Within the Action Plan for Open Government Partnership for Montenegro, section Commitments, priority no. 12. refers to: "Direct contact with non-governmental organisations – Government authorities will ensure continuity in appointing contact persons for cooperation with non-governmental organisations and make available data on the contact persons on its websites."¹

In line with the OGP for Montenegro and stated priorities, focus has to be on analyzing the framework of the public and civil society cooperation on a local level and achievement of following objectives:

1. A sustainable and efficient cooperation established on a local level, therefore fostered exchange of information between local governments and CSOs;
2. Raised awareness on the need for transparent and accountable information sharing between local governments and CSOs, in order to create positive synergies;
3. CSOs interactions with local municipalities and data availability increased, and application of the Law on free access to information enhanced;
4. Social media tools exercised in order to inform CSOs and wider public on local municipality actions and decisions;

¹ Open Government Partnership – Action Plan for Montenegro, section Commitments on page 10, can be found at: <http://www.opengovpartnership.org/country/montenegro/action-plan>

5. Higher level of involvement of CSOs in the decision making process, on local level, via timely and comprehensive informing by the local public authorities.

Since OGP recognizes that all countries will be starting from different baselines, within this policy paper, the emphasize will be on transparency of the local governments in terms of the freely available information and open data standards, as a basic conditions for the quality cooperation between the CSOs and local governments.

METHODOLOGY

This policy paper is produced as a part on extensive research focused on 1) *cooperation of CSOs with local authorities under the principle of open communication and access to information* and 2) *openness of the local authorities and enabling the CSOs to be in the decision making processes by timely and comprehensive informative activities*.

Within first phase, the drafting of the survey was undertaken. It consisted of four parts:

I Assessment of the availability, comprehensiveness, volume and quality of information provided by the local authorities to local CSOs; defining the scope of use of Law on free access to information by the local CSOs;

II Assessment of the communication of local authorities with CSOs and involvement of the same in the decision making process, by available means of communication – web site, social media, contact person etc;

III Assessment of the knowledge and awareness of the Open Government initiative and relevant Action Plan for Montenegro, so as the work of the relevant WG in Montenegro;

IV Proposing recommendations for improvement of the framework of cooperation of CSOs and local authorities, in terms of free access to information, timely informing and the Open Government Partnership initiative.

The inquiry was sent to up to three CSOs based across 23 Montenegrin municipalities, dealing with the variety of programs, with the aim to collect, analyze and present both quality and quantity data and to explore the position of CSOs at the local level, so as the level of their influence on local government actions. On the other hand, the level of inclusion of the local CSOs in decision making process by the local authorities, has been evaluated.

The policy brief focus is on the need for advocating better cooperation of CSOs with local governments and vice versa, in line with Open Government Partnership and within the examples of good practice. Therefore, main findings and recom-





mendations will serve to all relevant stakeholders, primarily public and civil sector in order to improve existing framework of cooperation. As well, it will be of use to the media and academic community, in order to raise awareness on the importance of improving cooperation on local level, based on the principle of open communication and free access to information. Another objective is informing on the Open Government Partnership initiative.

■■■■ FINDINGS

Main findings of the research are collected by accessing the answers and recommendations given under the four survey sections, by the relevant CSOs, across central, south and northern part of Montenegro.

I. When it comes to availability, volume, comprehensiveness and quality of information provided by the local authorities to local CSOs, it is witnessed:

- Low level of availability of information. The informative tools are negatively marked by CSOs, in terms of timeliness and availability. There are few examples of good practice, such as Municipality of Danilovgrad and Municipality of Tivat.

The highest level of discontent, when it comes to the transparent and timely informing of the CSOs by the local self-governments, is perceived in the north municipalities of Montenegro.

CSOs put a great effort in being informed on the local municipality actions by mainly three channels: local radio broadcasting, contacting officials in the local municipality secretariats or via newsletters of the other CSOs.

- The local radio broadcasting shows are mainly labeled as quality and timely informative tools.
- When it comes to the secretariats' officials, even though there is a satisfying level cooperation and relevant and open information sharing, as well communication with employees in local government is enabled, only 2 local municipalities have stated contact person for communication with CSOs of their website.
- The newsletter of the local CSOs provided, so as the newsletter of NGO Centre for development of CSOs, are marked as a good tool for sharing information and enhancing communication.

On the other hand, when it comes to the volume and the quality of information provided to CSOs by the web presentation of local municipalities, it is marked from very bad to decent.

Mainly, website of local municipalities, as stated, serve for informing on activities such as tours, meetings, project event etc. of the municipality management.

It is highly observed that all these activities are not specific and measurable successes of local governments, and even less useful information for citizens, business and the NGO sector. Therefore it is found that:

- The website sections of the local municipalities, dedicated to civil sector, are nor updated or easy to find/access.
- The percentage of municipalities who have no updated section “CSO” is 70%.
- Mainly, information available refer to announcements of availability for allocation of funds to CSOs with criteria and finally a rank list.
- Social media tools and website services such as “Ask municipality” are only formally available, with no regular feedback.

The local governments web page, as an informing tool about the local CSOs programs, activities, initiatives, is not used for purpose of comprehensive and timely sharing of a relevant and valuable information, that can serve to CSOs in order to network, integrate or act on a local/national or even regional level. As well, 80% of local self-governments do not have even basic information about the name/vision/mission/activities and contact of the registered and active CSOs on local level on their website.

The CSOs cooperation, not only with local self-governments, but across civil sector, would be enhanced if their programs and activities are promoted by the local government through the available means of communication. Therefore, the share of good practice and quality information would be enabled.

Concretely, the local governments could benefit too, by strengthening their administrative capacities, if they would be involved in educational and training programs of CSOs. It is possible only if the exchange of information is more practiced.

On both sides, it would be an opportunity to reflect on obstacles and strengths of the both local CSOs and local self-governments and to improve the framework of the functioning of both civil and public sector on local level.

II. When it comes to the use on Law of free access to information, it is found that:

- Local CSOs do not use the Law on free access on information to an extent that could benefit their aims to receive, use and communicate the valuable information.
- Those who use the Law in a fair extent, within the discussion on the quality of the answers provided to the local CSOs, based on the responses to the Requests on free access to information - it is mainly stated that information are not comprehensive.
- Across municipalities, there is an existing negative trend which shows that common responses on the requests on free access to information, were given in order to satisfy legal form, rather than the public interest of the citizens.

It also shows that because of inadequate answers, or because of not receiv-





ing answer at all, local CSOs reduced the use of requests for free access to information or completely stopped submitting them.

- The highest level of dissatisfaction with the functioning of the Law on free access to information is witnessed across northern Montenegro.

A positive example, as stated, is Capital City of Podgorica, which provides adequate and timely answer when the requests are submitted, so as the Municipality of Kotor.

The *selectivity* is a phenomena which is present when it comes to the both information available on the web-site of the local municipalities or the information given by the means of communication, such as 1) email or 2) responses on the requests for free access to information.

When it comes to the Law on free access to information, even though some shortcomings are witnessed, CSOs describe it as fair and adequately designed in terms of its potential for good, fair and open communication and the free flow of information.

On the other hand, it is considered that Law itself can not function if it is not consistently applied by both CSOs and local governments.

III. Assessment of the communication of local authorities with CSOs and involvement of the CSOs in the decision making process, by available means of communication – web site, social media, contact person etc. showed that:

- Local governments are not accurate in publishing the Calls for membership and participation in the Working groups.

Those who are, do not give a regular feedback on the work of the WG, reports, planned and undertaken activities etc.

It is also witnessed, that even within WG established, meetings are either not on a regular basis, feedback is low and follow up almost does not exist. As well, the proposals of CSOs representatives in the WG of local self-governments are mainly ignored, as survey show, which is an issue to examine further.

- Mainly, communication is developed via e-mail. But those CSOs who are not involved in the work of the WG and have programs related to the field of WG, can not accurately access or receive comprehensive information via web presentation, emailing, or social media tools of the local governments.
- The participation of CSOs in consultations, decision-making, planning and creation and implementation of strategic documents of local self-governments is on low level, mainly because of three factors discussed: 1) low level of information provided by the local governments 2) low level of communication with appointed contact person with CSOs.

Except the fact, that the respective CSO member, as a representative of the civil society in the WG, is in charge of timely and open share of information, the better effect would have the timely publishing of relevant documents, strategies and action plans produced by the WG, on the web presentation of local governments.

CSOs explain that across those local municipalities who appointed the official for communication with CSOs, their communication is fair, which proves that this concept works. Therefore in future it would be good to improve basic conditions for fair and accurate communication, therefore the share of information, data and good practice, first by appointing person for communication with the CSO, and there where exist, organize frequently meetings in order to address the main concerns of both sector in regard to their cooperation.

As well, it would be of great benefit to launch e-consultation of different processes between public and civil sector on local level, in regard to planned or undertaken activities.

On the other hand, the CSOs should put greater efforts in receiving feedback when they propose activities in the working program of local municipalities, within formulation of strategic documents or financial planning in regard to allocation of funds from local self-governments to local CSOs.

As well. CSOs must put greater effort in advocating higher level of inclusion in the local planning, decision making and follow-up activities, by 1) formal means of communication – use of request for access of information, meetings, strategic planning and proposing joint initiatives and 2) informal meetings; providing the regular update of activities, programs, its results and impact made; networking across civil sector and than lobbying within public sector for higher level of openness of public authorities on local level.

To conclude, higher level of cooperation is witnessed with officials from local self-governments who are appointed in secretariats than the ones officially in charge of communication with CSOs (where they exist). Therefore, the *cost-effective strategy for a communication of CSOs and local self-governments* must be developed, and adequate positions, in charge of the strategy implementation, defined.

Specific reason related to the previously said is that it is time consuming for each and every CSOs to individually communicate with the different secretariats of the local governments and vice versa. Furthermore, this creates a huge gap in continuity of undertaking informative and educational activities, and has a negative effect on the cooperation because it is established only in short term - “when needed”.

Creating a communication synergies, involving CSOs in decision making and informative and educational activities on local level, could positively affect the local governments and CSOs inter-municipal cooperation, so as the cooperation on a national level.

IV. Assessment of the knowledge and awareness of the Open Government initiative and relevant Action Plan for Montenegro, so as the work of the OGP WG in Montenegro, showed that:

- The awareness and knowledge of the Open Government Partnership is on low level. CSOs mainly stated that they are not aware of the vision, mission and concrete program in regard to this initiative
- The awareness and knowledge about the Action Plan for Open Government Partnership for Montenegro is on low level. Local CSOs as well state that they





not familiar with the work of the Operating team of Montenegro in charge of the Partnership for Open Government initiative for Montenegro.

- The awareness and knowledge about the position of local CSOs and the possibility of cooperation with the local governments in the framework of the Partnership for Open Government and relevant Action Plan for Montenegro, is on low level.
- As well, the level on being informed on the possibility of contribution to the activities within the Action Plan, expansion of cooperation with local governments in regard to this particular initiative, is on low level so as the level of knowledge of concrete activities to be implemented under the Open Government Partnership.

The OGP initiative, as an as multilateral initiative, aims at strengthening the partnership between state institutions, civil society organizations, citizens and other stakeholders that will act in the interest of citizens with primary focus on the development of transparency and sustainability.

Therefore, this initiative must be primarily promoted on a local level, in order to create quality national synergies based on cooperation and share of good practice.

Since the most important objective is to serve the citizens, by quality informing of the same, this initiative has to be promoted and adequately accessed on local level.

Both CSOs and local governments must ensure quality communication and cooperation with an aim to create concrete impact by using the OGP principles as a basic ones for mutual understanding and cooperation.

At first, the level of knowledge about this initiative must be raised by the local governments actions.

In addition, CSOs should use this initiative as a tool for advocating a better cooperation with local governments, especially in regard to the priority stated in the OGP Action Plan for Montenegro.

This is related to improving direct contact with non-governmental organisations by the government authorities, and ensuring continuity of the communication by appointing contact persons for cooperation with non-governmental organisations and making available contact data of the contact persons on the local governments website.²

In montenegrin Action Plan for the OGP, it is stated that the Government of Montenegro has already recognised the significance of cooperation and establishment of partnerships with non-governmental organisations for further development of Montenegro and its process of association to the European Union; In addition to building a democratic and open society, the Strategy for cooperation with non-governmental organisations also defines the improvement of transparency of work of administration authorities, preservation of independence and significance of the role of NGOs, creation of partnership relations between NGOs and government

² Open Government Partnership – Action Plan for Montenegro, can be found at: <http://www.opengovpartnership.org/country/montenegro/action-plan>

institutions, creation of institutional mechanisms for improvement and further development of cooperation and mutual communication and improvement of work conditions for NGOs.

Therefore, the findings of the survey done are worrying in the terms of not recognizing the importance of this initiative, therefore not using it as an advocacy tool for creation and improvement of partnership between NGOs and government institutions, primarily on local level.

CONCLUSION AND RECOMMENDATIONS

Practicing the openness of the local government authorities, cherishing the transparency principle in engagement of NGOs in processes of creating public policy acts, joint projects and presentations, as some of the main principles on which the AP for the OGP in Montenegro relies, should contribute to the better understanding and closer cooperation of the Government and civil society, therefore recognizing the need for joint actions and strengthening of confidence in each other.

Previously said is primarily valid on local level, in order to create quality communication and cooperation, which will lead to an action focused on making a positive impact on a course of a society advancement.

Therefore, recognizing the need for advocating better cooperation of local CSOs with local authorities, primarily on local level, would have a positive impact on the implementation of the OGP Action plan.

Recommendations:

- *It is recommended to appoint contact person for communication with CSOs, across local governments. Where the contact person is present, improve its collaboration with the CSOs.*
- *Create the section dedicated to the work of the local CSOs, on the web presentation of local governments. Where section is available, update the relevant information on existing and registered CSOs, contact, their main programs.*

Within this section make available relevant documents, strategies and action plans that can serve to functioning of CSOs, as well for improving their cooperation with local authorities. The section should be regularly updated with calls for memberships in WG, joint initiatives, participation at tenders, allocation of funds and national and regional networks.





Within this section, make available the links of the web pages of the CSOs on a national level, separated by the program fields.

- *Improve and exercise social media tools, so as web services such as “Ask Municipality”, in order to share timely and comprehensive information.*
- *Improve the email communication and regularly update newsletters.*
- *Respect the Law on Free Access to Information, in terms of prompt and comprehensive share of relevant information, based on open data principle.*
- *Local self-governments should avoid selectivity when it comes to the both information available on the web-site or the information given by the different, formal means of communication.*
- *CSOs should exercise the use of the Law on Free Access to Information to a higher extent, in order to obtain relevant information and improve cooperation.*
- *CSOs should put efforts in receiving feedback when they propose activities in the working program of local municipalities, within formulation of strategic documents or financial planning in regard to allocation of funds from local self-governments to local CSOs.*
- *CSOs must put greater effort in advocating higher level of inclusion in the local planning, decision making and follow-up activities, by 1) formal means of communication 2) informal meetings and lobbying activities.*
- *The cost-effective strategy for a communication of CSOs and local self-governments must be developed, by mutual cooperation of the both sides.*
- *Activities dedicated to raising awareness and knowledge about the Open Government Partnership and relevant AP for Montenegro, should be more often implemented on a local level.*
- *Enable activities dedicated to raising awareness and knowledge about the position of local CSOs and the possibility of cooperation with the local governments, in the framework of the OGP initiative.*

By accessing the level of communication and cooperation of the locals CSOs with local governments, we witness many irregularities: sometimes CSOs are not dedicated to sharing information received from the local authorities, with their colleagues from the civil sector; it is also common that CSOs misinterpret it, limit the share of information or far worse - they do not search for information on the right place or their mean of communication is inadequately designed.

On the other hand, capacities of the local self-governments are quite limited when it comes to collaboration with local CSOs, due to lack of administrative and financial capacities. Where this is not the case, and some framework for cooperation is established, the quality tools of communication still have to be developed from both sides, such as basic use of email, newsletters, presentations and accurate share of valuable information.

All of the previously stated creates communication gap, which finally produces mistrust among citizens in activities and services of both public and civil society sector.

Therefore, improving the initial contact of both CSOs and local governments has to take place so as higher level of inclusion of the local CSOs in the decision making process in order to tackle issues that primarily relate to improving the standard of the local citizens and empower the trust in the system, that it can create basic conditions for every citizen to be informed and involved on a local level.





■ ■ ■ ■ BIBLIOGRAPHY:

1. Bulletin "Our Community", Union of Municipalities of Montenegro
2. Constitution of Montenegro
3. Decree on procedure for achieving cooperation between state bodies and NGOs
4. EU Montenegro 2015 Report, can be found at:
http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf
5. How to contribute to a collective action: Explanation of Paris Declaration
6. Inspiring Story - "Citizens Voice" Pioneering e-Democracy, Montenegro
7. Law on Free Access to Information, Montenegro
8. Law on Local Self-Government, Montenegro
9. Law on NGOs, Montenegro
10. Monitoring Matrix on Enabling Environment for Civil Society Development - Montenegro Report, Centre for Development of NGOs
11. Open Government Partnership – Action Plan for Montenegro
12. Open Government Partnership Declaration
13. Report on compliance with principles of good governance in local government in Montenegro in 2013, Centre for Development of NGOs and OSCE mission to Montenegro
14. Strategy on Development of Non-Governmental Organisations in Montenegro for 2014-2016, Ministry of Interior

Useful links:

<http://paris-declaration.ogpsummit.org/>

<http://uom.me/>

<http://www.crnvo.me/>

<http://www.gsv.gov.me/sekretarijat/ogp>

<http://www.me.undp.org/>

<http://www.opengovpartnership.org/>



Project Advocacy for Open Government has been funded by the European Union

