



Evropski pokret
Crna Gora



Nada Crne Gore



MINISTRY
OF FOREIGN AFFAIRS
OF THE SLOVAK REPUBLIC

National Convention on European Integration of Montenegro

Final Report on Cycle 1 of NCEI of MNE
(finalized activities, recommendations, conclusions)

March – July 2011

Edited by Momčilo Radulović

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FOREWORD

Dear friends,

When we first started the implementation of the project entitled the National Convention on the EU Integration of Montenegro six months ago, there were many more reasons for concern than optimism and many more questions than answers. How to implement the idea of reaching consensus between the public and civic structures and how to reconcile the antagonism which exists between their most important actors in the Montenegrin society? How to organize a professional, quality, argued discussion of the problems and challenges of the European integration and democratization of the Montenegrin society, which would be based on expertise and which would not be burdened by current political and party topics and content?

However, today, after 117 recommendations and conclusions reached by 120 experts from the public and the civic sector, who worked in four working groups and three sessions in the period April-July 2011, all questions and unresolved issues seem to be far away and to be surpassed by the diligence and the enthusiasm of the members of the National Convention and the team of the European Movement in Montenegro.

This success and the result would not have been possible if there had not been for the good coordination and open cooperation between all stakeholders in the programme – the European Movement in Montenegro and the Slovak Foreign Policy Association, which are partners in the implementation, the SLOVAKIAD and the Government of the Slovak Republic, which financially supported our efforts, the Government and the Parliament of Montenegro, which have supported us, and a large number of individuals and organizations from the civic society and

the public institutions in Montenegro who have made a huge, immeasurable contribution to the unique result of the first NCEI cycle.

In this regard, at the very beginning, I want to express gratitude to our partners in the Slovak Republic, the Government and the Ministry of Foreign Affairs of the Slovak Republic, the SLOVAKAID and the Slovak Association of International Relations, for recognizing Montenegro as a place with great potential for achieving social consensus that will enhance and accelerate the process of European integrations of Montenegro.

Also, I want to thank the Government and the Parliament of Montenegro for having accepted our initiative and giving us full support to create the right atmosphere within the National Convention project, which could allow all the learning and the creative potential of Montenegro's civic society to be fully reached.

But above all, I wish to thank all the participants of the project National Convention on EU Integration as well as the co-chairs of the working groups and the rapporteurs from the public institutions and the civic society, who accepted to be participants in a challenge that was before us.

This challenge was particularly important for NGOs, media, universities, trade unions and all other entities and structures that make up the civic society, as this significant part of the Montenegrin society had fought for years for their place in the process of the EU integration.

With the project of the National Convention on EU integration of Montenegro, the civic society finally got the opportunity to participate in the decision-making process on an equal foot and thus in a transparent manner impact the decisions, guidelines and documents guiding the process of reforms, transition and the European future of Montenegro.

We were looking for an opportunity to have our knowledge, arguments and initiatives recognised as part of our European road to future and I am confident that the civic society of Montenegro has begun to use this opportunity and actively take part by defining these 117 recommendations and conclusions.

I want to believe that these joint recommendations, conclusions, advice and initiatives, which have come about as a product of all individuals within the National Convention, will become an integral part of all good, reform decisions that will be reached by the public institutions.

This process and the degree of acceptance of these 117 recommendations will be followed through by our organization through a monitoring system that was

already established in June 2011 and will run until October of that year, with the aim to have as many of these suggestions and demands adopted, which would show that it is necessary that all the social actors be united to reach success in the process of the EU integrations.

And that is really the whole point and purpose of the "National Convention on the EU Integration of Montenegro." The Convention is, in fact, entirely devoted to creating a synergetic effect of all the social forces in Montenegro, with the aim of strengthening and replicating our efforts to accelerate social, political and economic reforms in the European integration process.

The central issue of creating such a synergy effect was how to establish and strengthen the models and methods of communication and cooperation between civic society actors (NGOs, media, trade unions, academic institutions, individual experts, etc.), as well as the Government, the Parliament and other public institutions.

This model and methods of communication that we have established within the National Convention should also lead to strengthening the role of the civic society in the creation and the implementation of different reform and institutional policies, but also increase the efficiency and effectiveness of the activities of the public institutions in the European integration of Montenegro.

To this end, the project "National Convention on EU Integration of Montenegro" formed four working groups in April 2011 within which the representatives of the civic society and the public institutions in Montenegro, as well as foreign experts and the representatives of international institutions, openly discussed and exchanged arguments and proposals, with the aim of defining the obstacles to the process of European integration, as well as reaching their conclusions and recommendations to overcome them successfully.

This integration of knowledge and action capacities of the society was made through the professional engagement of experts from the public and the civic sector, who were invited to take part in the work of the expert working group.

The results of this hard work are before you and in the following pages of this publication you will have the opportunity to familiarise yourself with a detailed report on all the activities implemented within the first cycle of the National Convention on the EU Integration of Montenegro, which was implemented between March - July 2011.

At the very end, I want to stress that this project was a great challenge for us - a challenge of the readiness of the authorities to finally, with complete openness

and understanding, accept what comes from the civic sector as a legitimate contribution to the democratic development of Montenegro and the improvement of the work of these institutions themselves, as well as a challenge for the civic society and its organizations, institutions and individuals to show, in a systematic, scientific and professional way, how great our willingness, energy and determination are, and above all, how our knowledge, expertise and experience can contribute to the European future of Montenegro and all its citizens.

The results of the project show that we have, so far, all passed this initial test of readiness for dialogue and joint construction of a European future of Montenegro. We have shown that governmental and other public institutions are open to cooperate with the organizations and the individuals from the civic society and that this dialogue brings only good fruits for the entire Montenegrin society.

Now it is up to us all, but especially the public institutions and their representatives, to continue in the same spirit and to reap the benefits of this work, through an open and professional implementation of most of these 117 recommendations and conclusions.

In the hope that the results of the implementation will be visible in the coming months, we use this opportunity to announce a new cycle of the National Convention on EU Integration of Montenegro, due to begin in October 2011, through the activities to be implemented in accordance with the plan and the results of the work that is planned for the first half of 2011.

At the same time, we invite all the independent experts, civic society organizations, media, institutions and public servants who are not yet part of the National Convention, to join us and to contribute to the achievement of even better results and to greater convergence of our society through their ideas, principles and standards of modern European societies in the next cycle.

Mr. Momčilo Radulović

Secretary General

European Movement in Montenegro

Podgorica, 15 July 2011

General information about the programme

European Movement in Montenegro and Slovak Foreign Policy Association, with the support of the Ministry of Foreign Affairs of the Republic of Slovakia and SLOVAKAID, and participation of the Government and the Parliament of the Republic of Montenegro, have launched the project „**National Convention on European Integration of Montenegro**“.

The goal of this project is to establish durable, coherent and stable framework for a thematically structured discussion forum focusing on the relationship between the EU and Montenegro.

The objectives of this project are:

- Institutionalization of public debate between civil and public sector regarding EU issues.
- Strengthening the capacity of the overall society of Montenegro for European integration process and for the process of EU accession negotiations.
- Creation of synergy effect of all social forces in Montenegro, with an aim to strengthen and multiply efforts in order to accelerate social, political and economic reform in the European integration process.
- Establishing of new and strengthening of existing models and methods of communication and cooperation between civil society actors (NGO, media, trade unions, academic institutions, individual experts, etc.) and Government, Parliament and other public institutions.
- Strengthening the role of civil society in the process of creation and implementation of various reform and institutional policies.
- Increasing efficiency and effectiveness of the activities undertaken by public institutions in the process of European integration of Montenegro.

Taking into consideration aforementioned objectives, as well as previous experience gained during implementation of similar projects in Slovakia, Serbia and Bosnia and Herzegovina, we thought that this sort of integration of cognitive and action capacities of the society can be achieved in the

best and the most efficient manner through **professional involvement of experts from public and civil sector**, who would actively participate in work of expert working groups, whereat they would discuss various social issues, problems, tasks, reforms and challenges.

In connection with these objectives and within the project „National Convention on European integration of Montenegro“ **four Working groups** have been formed. Within these working groups representatives of civil society and public institutions of Montenegro, with participation of foreign experts and representatives of international institutions, through an open discussion exchange ideas and proposals, in order to define the obstacles on the path to European integration, as well as to create adequate **conclusions** and **recommendations** to successfully overcome the identified obstacles.

Working groups within National Convention on European Integration of Montenegro encompass the following areas:

1. **Group I – Rule of Law** (judiciary, fight against corruption and organized crime)
2. **Group II – Reform of public administration** (improving institutional and legislative framework of public administration, strengthening administrative capacities)
3. **Group III – State institutions, local self-government and civil society** – Creating new and strengthening existing models and methods for improvement of relationships, communication and cooperation between public and private sector (Government, Parliament and other state institutions on one side, and NGOs, media, academics, trade unions and other civil society structures on the other side)
4. **Group IV - EU funds and strengthening of competitive position of Montenegro in European integration process**

Working groups are **composed** of representatives of various institutions and organizations from **public and civil sector**. Working groups are chaired and co-chaired by one representative from civil and one from public sector. Each **session of the working groups** is dealing with specific **topics** which are defined by participants themselves, and which are connected with reforms and European integration process, and are further elaborated by rapporteurs and members of the working groups.

Through the work and discussion in working groups the participants come to **common conclusions and recommendations** which are **disseminated**

to the Government and Parliament of Montenegro and other state and local institutions, civil society, business sector, international organizations and institutions and other interested parties.

Activities envisaged within the National Convention are as follows:

- Joint Conference (ceremonial session with all participants of the project, 5th of April 2011)
- 3 working meetings (Sessions) of each of the Working groups (6-8 hours per meeting, in the period April – July 2011)
- 3 press conferences (presentations of recommendations and conclusions, one press conference for each session of the Working groups, April – July 2011)
- Final conference (working session for all participants, with presentation of their results and conclusions, 19 July 2011)
- Creation and presentation of final joint publication which will entail all project outcomes, by Working groups, therein including all conclusions and recommendations for social and state structures which are involved in the European integration process of Montenegro (August – September 2011)

It is planned that the project National Convention should be continued in the further course of European integration process of Montenegro. Continuation of work in the new cycle is envisaged for October 2011, through the activities which will be implemented in accordance with the same working plan which was used for the first half of 2011.

Implemented activities during the period March - July 2011

Preparatory activities

Consultation between the partners in the project and relevant institutions of the Republic of Slovakia and Montenegro that supported this project took place in the period November 2010 – February 2011. In that period, all necessary contacts between the partners and between partners and institutions have been established, basic guidelines and timeframe for realization of the project have been determined, and basic program activities necessary for

achievement of program goals of the National Convention on the European integration of Montenegro have been defined.

After this period, project team was formed. The project team consisted of a Program Coordinator and Program Assistant in Slovakia, whereas project team in Montenegro consisted of a Program Coordinator and two Program Assistants. After project proposals have been written and applications submitted, work on preparatory activities was continued in order to organize Working groups in the project and initial conference planned for 5th of April 2011.

European Movement in Montenegro team has sent over 160 letters to the addresses of public institutions and civil society organizations in Montenegro, with the invitation for participation in the program of National Convention. We have received over 120 positive replies for membership in the Working groups. We consider this to be a great success and an indication that there is a strong social will to support the reforms and process of European integration of Montenegro.

Conference and opening ceremony of the National Convention, 5th of April 2011

The project National Convention on European Integration of Montenegro was officially opened at the Conference held on 5th of April 2011. Opening ceremony was held in a main chamber of the Parliament of Montenegro, in order to honor this idea and its bearers, because this was the first social event which has no direct connection with the parliamentary activities, and which took place in the Parliament's main chamber.



The Conference was attended by over 120 invitees, members of the working groups, high government officials of Montenegro, representatives of diplomatic corps, non-governmental organizations and media and others.

Opening ceremony of the National Convention on European integration of Montenegro (NCEI) was broadcasted live on national television of Montenegro (RTCG).

Speakers during the opening ceremony of NCEI were: Mr. Ranko Krivokapić, Speaker of the Parliament of Montenegro, Mr. Milan Roćen, Minister of Foreign Affairs and European Integration of Montenegro, Mr. Milan Ježovica, Director of Ministry of Foreign Affairs and European Integration of the Slovak Republic, Mr. Alexander Duleba, Director of Slovak Foreign Policy Association and Mr. Momčilo Radulović, General Secretary of the European Movement in Montenegro.

Presidency

In order to broaden the impact of the work and results of the program National Convention on the European integration of Montenegro, the partners have decided to form a special Presidency of the program which would involve high officials from various institutions in Montenegro, as well as representatives of civil society, local self-government and other structures of Montenegrin society.

This idea was met with extremely positive response from all interested parties and institutions that were invited, and thus the Presidency of the NCEI is currently made of:

1. Government of Montenegro, Mr. Milan Roćen, Minister of Foreign Affairs and European Integration, Chairman of the Presidency
2. Government of Montenegro, Ms. Ivana Pajević, Chief of Cabinet of the Prime Minister of Montenegro
3. Government of Montenegro, Ms. Slavica Milačić, State Secretary for European Integration
4. Parliament of Montenegro, Mr. Damir Davidović, General Secretary
5. Parliament of Montenegro, Mr. Miodrag Vuković, Chairman of the Committee for international relations and European integration
6. National Council for European Integration, Mr. Nebojša Medojević, President

7. European Movement in Montenegro, Mr. Momčilo Radulović, General Secretary
8. Slovak Foreign Policy Association, Mr. Alexander Duleba, Director
9. Association of Municipalities of Montenegro, Mr. Rajko Golubović, General Secretary
10. Confederation of Trade Unions of Montenegro, Mr. Zoran Masoničić, General Secretary
11. Union of Free Trade Unions of Montenegro, Mr. Srdja Keković, General Secretary
12. Montenegrin Employers Federation, Mr. Predrag Mitrović, President



Working groups

In accordance with professional orientations and fields of work and activities of the invited experts, their membership within four working groups was determined.

1. **Group I – Rule of Law** (judiciary, fight against corruption and organized crime). Number of members – 26.
2. Group II – **Reform of public administration** (improving institutional and legislative framework of public administration, strengthening administrative capacities). Number of members - 18

3. Group III – **State institutions, local self-government and civil society** – Creating new and strengthening existing models and methods for improvement of relationships, communication and cooperation between public and private sector (Government, Parliament and other state institutions on one side, and NGOs, media, academics, trade unions and other civil society structures on the other side). Number of members - 39
4. Group IV - **EU funds and strengthening of competitive position of Montenegro in European integration process.** Number of members – 38

This manner of definition of working groups and their scopes of work represents an expression of a need to conduct group debates about the issues which represent a priority for democratic transformation of Montenegrin society, as well as for intensifying of the process of European and Euro-Atlantic integration of Montenegro. In accordance with this, in assessing the needs for defining of working groups and issues the groups will be dealing with we relied on the seven requirements of the European Union that Montenegro needs to fulfill in order to get the date for opening of negotiations for EU membership.



Co-chair/s of the Working groups

Every Working group is chaired by **1 co-chair from the public sector and 1 from the civil sector.** The role of the co-chairs is to chair the sessions and participate in formulation of conclusions and recommendations, as well as to prepare a part of working materials. Co-chairs have decided on the topics for the first session of the Working groups.



Expert Rapporteurs

Expert rapporteurs are bearers of professional activities within working groups and they are responsible for preparing expert keynote address at the beginning of the each Working group session. Expert rapporteur also prepares preliminary draft conclusions on a given topic, which they then present at the end of their speech. His/her conclusions do not have to be adopted, and members of the Working group vote on these conclusions, in the same way they vote on all other proposals, in accordance with the voting procedure. Expert rapporteur makes a selection of working materials for Working group sessions, and delivers the material to European Movement, in reasonable time before the session, for further distribution to all members of the Working groups. Expert rapporteur is elected from among the members of the Working group, and exceptionally a different solution may be proposed, if the majority of members of the Working group agree with the proposal. During the first sessions of the Working groups the duties of expert rapporteurs were performed by co-chairs.

During Sessions 2 and 3 of the Working groups, we had number of expert rapporteurs, from different areas and regarding different topics. Those were:

Expert Rapporteur Mr. Stanko Marić, Independent expert for local self-government) **TOPIC:** Local self-government in Montenegro today- situation, problems and challenges

Expert Rapporteurs Mr. Boris Mardjonović and Mr. Vojislav Delić (Chamber of Crafts of Montenegro), Ms. Ljiljana Belada (Directorate for Small and Medium sized Enterprises) **TOPIC:** Small and medium sized enterprises, trades and entrepreneurship in the process of European integration in Montenegro

Expert Rapporteur Mr. Goran Djurović, Independent expert for civil society, **TOPIC:** Financing of civil society organizations from public funds in Montenegro

Expert Rapporteur, Mr Zlatko Vujovic, Centre for Monitoring, CEMI **TOPIC :** Fight against corruption, situation and perspectives in Montenegro

Expert Rapporteur Momčilo Radulović, European Movement in Montenegro, EMIM)

TOPIC: Local self-government in Montenegro and citizens

Expert Rapporteur Duško Vuković, **TOPIC:** Role of media in society and in process of European integration

Expert Rapporteur Ms. Marina Vuković, Centre for Development of NGOs – CRNVO

TOPIC: Corporate social responsibility in Montenegro

Rules of work in the Working groups

Due to the need for effective and rule-based work within the Working groups in NCEI, on the first session of all Working groups the following rules of work have been adopted:

Rules of work and some clarification about the work in the Working groups

1. Every Working group is chaired by 1 co-chair from public sector and 1 co-chair from the civil sector.
2. Co-chair/s determines the topic/s of the first session of the Working group. Apart from the topics defined by co-chair, other topics can be put on the agenda if they are proposed by members and adopted by majority vote. For all other sessions topics are determined at the end of the previous session, with vote of all present members.
3. Official opening speeches can only be presented by co-chairs and expert rapporteur. All other members of the Working group are entitled to have opening speech and present their views within 3 to 7 minutes. It is recommended that in the rest of the debate the rule is that every of the speakers should not exceed 5 minutes per presentation. This rule can be waved in cases when some members of the group have larger documents to present (draft laws, sets of legislative amendments, personal expert analysis, individual case studies and the like) and this can be done after consultation and obtaining prior approval from co-chairs.
4. Conclusions and recommendations- Co-chair/s define draft conclusions of the first session in advance. These conclusions that have been proposed in advance do not need to be final and this depends on the flow of the discussion. If these draft conclusions are rejected during discussion and voting, new conclusions shall be adopted. During all other sessions of the Working group, draft final conclusions are prepared by co-chairs (the conclusions that are defined during the discussion and work of the Working group) and expert rapporteur (who in advance defines draft one or more conclusions, which he presents as his recommendation at the end of his introductory speech). All adopted conclusions and recommendations, in addition to regular media presentation, will be

printed in a form of a separate final report. As such, they will be sent to the addresses of all interested domestic and foreign actors (Government, Parliament and other state institutions of Montenegro, local and foreign non-governmental organizations, international organizations and institutions, diplomatic corps and institutions of the European Union).

5. Expert Rapporteur- prepares expert keynote address at the beginning of each session of the Working group. Expert rapporteur also prepares preliminary draft conclusions on a topic to be discussed, which he presents at the end of his speech. His conclusions do not have to be adopted, and members of the Working group vote on these conclusions, in the same way they vote on all other proposals, in accordance with the voting procedure. Expert rapporteur makes a selection of working materials for the Working group sessions, and delivers the material to European Movement, in reasonable time before the session, for further distribution to all members of the Working groups. Expert rapporteur is elected from among the members of the Working group, and exceptionally a different solution may be proposed, if the majority of members of the Working group agree with the proposal. During the first sessions of the Working groups the duties of expert rapporteurs were performed by co-chairs.
6. Voting- is done separately in the group of representatives of public institutions and separately in the group of representatives of the civil sector. If any of the groups refuses a specific proposal, said proposal will not be taken into further consideration, unless there are new changes to the draft conclusion. As common conclusions can be presented only those which have been supported by both public and civil sector. Voting is done with special cards (blue and red indicate YES for the public sector, and blue and black indicate NO for this sector; where yellow and red indicate YES for civil sector and yellow and black indicate NO for this sector). At the beginning of each vote, number of present members from public and civil sector is determined.
7. Discussion within the Working groups follows the „Chatham house” rule: what is said within the Working group „remains” within the Working group. Separate views of individuals may not be presented publically, regardless of the sector they come from, but the public is presented only with adopted joint conclusions and recommendations. Adopted conclusions and recommendations are presented to the public by co-chair and expert rapporteur, at the press conference, unless it is decided

differently within the Working group. Press conference is taking place one day after the session of the Working group was held.

8. All rules for work in the Working groups are subject to adjustments to the needs of the work in groups. Majority members of the working group from public and majority from civil sector will decide on potential changes, with prior consultations with representatives from European Movement and Slovak Foreign Policy Association.

Working group sessions

Session 1 – 26, 27, 28 and 29 of April 2011

The first series of sessions of the Working groups of NCEI was held in the period from 26 to 29 of April 2011.

A total of 93 members of National Convention attended the sessions (76%). Topics of the sessions were as follows, by the groups:

Working group 1:

TOPIC 1: Analysis of the need to amend the Constitution in the part that regulates the Courts (Chapter 5) and Prosecution (Chapter 8), based on the analysis of the Ministry of Justice and relevant provisions from the Venice Commission opinion.

TOPIC 2: Consideration of the proposed solutions on election of the a) President of the Supreme Court and b) Supreme State Prosecutor.

Working group 2:

TOPIC 1: Improvement of institutional and legislative framework of public administration and strengthening of administrative capacities

Working group 3:

TOPIC 1: Participation of the civil society in processes of creation and implementation of public policies

Working group 4:

TOPIC 1: Challenges of higher education in context of European integration

TOPIC 2: Using of IPA funds and preparation for EU structural funds

Session 2 – 17, 18, 19 and 20 of May 2011

The second series of sessions of the Working groups of NCEI was held in the period from 17 to 20 of May 2011.

A total of 86 members of National Convention attended the sessions (71%).

Topics of the sessions were as follows, by the groups:

Working group 1:

TOPIC: Consideration of the proposed solutions on election of the a) President of the Supreme Court b) Supreme State Prosecutor c) Judicial Council d) Prosecutorial Council

Working group 2:

TOPIC: Local self-government in Montenegro today- situation, problems and challenges (Expert Rapporteur- Mr. Stanko Marić, Independent expert for local self-government)

Working group 3:

TOPIC: Financing of civil society organizations from public funds in Montenegro (Expert Rapporteur – Mr. Goran Djurović, Independent expert for civil society)

Working group 4:

TOPIC: Small and medium sized enterprises, trades and entrepreneurship in the process of European integration in Montenegro (Expert Rapporteurs – Mr. Boris Mardjonović and Mr. Vojislav Delić (Chamber of Crafts of Montenegro), Ms. Ljiljana Belada (Directorate for Small and Medium sized Enterprises)

Session 3 – 14, 15, 16 and 17 of June 2011

The third series of sessions of the Working groups of NCEI was held in the period from 14 to 17 of June 2011.

A total of 85 members of National Convention attended the sessions (70%).

Topics of the sessions were as follows, by the groups:

Working group 1:

TOPIC: Fight against corruption, situation and perspectives in Montenegro, Expert Rapporteur, Mr Zlatko Vujovic, CEMI

Working group 2:

TOPIC 1: Local self-government in Montenegro and citizens (Expert Rapporteur, Momčilo Radulović, European Movement in Montenegro, EMIM)

TOPIC 2: Reform of public administration- new legislative proposals

Working group 3:

TOPIC: Role of media in society and in process of European integration (Expert Rapporteur: Duško Vuković)

Working group 4:

TOPIC: Corporate social responsibility in Montenegro (Expert Rapporteur: Ms. Marina Vuković, Centre for Development of NGOs – CRNVO)

During the Sessions 1, 2 and 3 a total of **117 recommendations** was made for the Government, the Parliament and other state institutions and bodies and civil sector in Montenegro. It is very important to underline that ALL recommendations were supported unanimously by all the present members from the working groups, coming from the public and civil sector.



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National Convention on European Integration of Montenegro

Sessions 1, 2 and 3 of the
Working Groups I,II,III and IV

RECOMMENDATIONS AND CONCLUSIONS

**Working group I:
Rule of Law
(judiciary reform, fight against organized crime and corruption)
Session 1, 26th April 2011:**

TOPIC 1: Analysis of needs for amending the Constitution in the part governing the courts (Chapter 5) and Prosecution (8), based on analysis of the Ministry of Justice and adequate provisions from opinion of Venice Commission.

TOPIC 2: Consideration of the draft decision on election of a) the president of the Supreme Court b) Chief State Prosecutor.

RECOMMENDATIONS

1. It is necessary to change the Constitution of Montenegro in the parts governing judiciary power (Part three – Organization of Powers, Chapter 5) and State Prosecutor (Part three – Organization of Powers, Chapter 8), in order to provide for adequate guarantees for independence of judiciary and autonomy of prosecution from political influences, in accordance with recommendations of the Venice Commission, European Commission and representatives of national NGO sector, judiciary and Analysis of Need for Change of Constitution Concerning the Strengthening of Judicial Independence, adopted by the Government of Montenegro. It is necessary to reform:
 - Procedure for election of the President of the Supreme Court;
 - Composition and procedure for election of members of Judiciary Council;
 - Competences of the Judiciary Council;
 - Composition and procedure for election of members of the Prosecution Council;
 - Procedure for election of prosecutors, including the Chief State Prosecutor;
 - Develop in more details reasons for dissolution that is, cessation of function of judges.

Conclusions: In the following session, to be held on 17th May 2011, working group will consider suggestion for reform of composition and election procedure of Judiciary and Prosecution Councils and, in

accordance with that, determine proposals for election procedures for the President of the Supreme Court, Chief State Prosecutor and other prosecutors.

Existing proposals are conflicting on the issue whether the two highest officials in judiciary and state prosecution should be elected by reformed Judiciary that is, Prosecution Council or Parliament of Montenegro with qualified majority.

It was concluded also that there is no precise international standard in that respect, that comparative practice is completely diverse and that the best solution for Montenegro should be found based on critical analysis of to-date existing experience. The goal is to reach as wide consensus as possible regarding the procedure which would provide for the best guarantees that competent persons with personal integrity will be elected for functions of the President of the Supreme Court and Chief State Prosecutor, and that the election and dissolution procedure will provide adequate guarantees of autonomy and independence for them.

2. With the aim of establishing the adequate guarantees for the rule of law, it is also necessary to define more precisely in the Constitution certain questions related to human rights, to the Constitutional Court, principle of legality and other questions related to rule of law.

Conclusion: It was agreed to keep the debate on proposals for amendments of Constitution ongoing parallel with all main topics of the working group and to align concrete suggestions in this part by the time of publication of final conclusions and recommendations in the end of the project.

Chairs: Ms. Branka Lakočević, Deputy Minister of Justice (public administration sector) Ms. Tea Gorjanc-Prelević, executive director of NGO Action for Human Rights (civil sector)

Working group I:

Rule of law Session 2, 17th of May 2011:

TOPIC : Consideration of the proposed solutions on election of the a) President of the Supreme Court b) Supreme State Prosecutor c) Judicial Council d) Prosecutorial Council

RECOMMENDATIONS AND CONCLUSIONS

General conclusions:

Working group has been informed that Ministry of Justice drafted amendments and changes of Constitutional provisions in the Chapter on courts and public prosecution. On the session held on 17 May 2011, this draft was discussed and general assessment was that the proposed solution improves the current situation. Some of the solutions proposed by Ministry of Justice have been accepted, different opinions were offered for some other solutions, and in particular regarding the composition of Judicial and Prosecutorial Councils, manner of election of its members, as well as regarding the qualified majority needed in Parliament for election of the President of the Supreme Court, upon the proposal of the Judicial Council.

Also, the Working group was informed that the Venice Commission will submit by 15 of June comments on Government's proposal for amendments of constitutional provisions. Thus, having this in mind it opted to consider proposed solutions and at the end organizes voting and decides for a specific solution.

Recommendations:

1. Working group is of the opinion that there is a need to simultaneously work on draft constitutional and legislative solutions regarding the composition and manner of election of judges and prosecutors, because only by changes of Constitution it will not be possible to provide a complete solution, which would regulate, for example, participation of civil society organizations in election of members of Judicial and Prosecutorial Council, because this is a matter that needs to be regulated by a law. Also, Ministry of Justice has recently drafted Law on amendments and changes of the Law on Judicial Council, Law on Courts, Law on Public Prosecutors, and therefore work on the amendments of these laws is currently in progress.

2. Working group is of the opinion that it is necessary to organize a public debate on draft changes of the Constitution and relevant laws, regarding their compliance with the Constitution in relation to the composition and manner of election of members of Judicial and Prosecutorial Council, election of the President of the Supreme Court and other judges, i.e. election of the Supreme State Prosecutor and other prosecutors.
3. As regards the manner of election the President of the Supreme Court, the Working group generally supports the proposal of the Government that the President of the Supreme Court shall be nominated by the Parliament, upon the proposal of the Judicial Council, after obtaining the opinion of the General Session of the Supreme Court. However, the Working group is of the opinion that the President of the Supreme Court should be elected by qualified majority in the Parliament, which may present: a) the majority of the total number of MPs (which includes only MPs from the ruling parties) as it is currently proscribed, or b) stronger majority, which would imply approval of at least some opposition MPs- for example: 3/5 majority (in Albania Ombudsman is elected in this way) or 2/3 majority (as is recognized by our Constitution for adoption of electoral laws and constitutional changes).
4. Working group is of the opinion that President of the Judicial Council should be elected by the members among themselves (this issue needs to be regulated in detail by their rules of procedure- for example President can be elected for a term of 4 years, or every six months, the function can be „rotated“ and the like).
5. As regards the composition of the Judicial Council: at least half or most of the members of the Council should be judges. Civil society organizations (NGOs) which have experience in advocating for improvement of the rule of law and human rights should propose the the Parliament or nominate at least one member of the Council.

Proposal of the Government: most of the members should come from the ranks of judges (6). From the members of the Council who do not come from ranks of judges, two members, renowned lawyers are elected by the President of the state, and other two prominent lawyers are elected by the Parliament. Minister of Justice is also a member of the Council.

This proposal does not specify who has the right to propose these lawyers to the Parliament, or the President of the state.

Proposal of the Working group 1: most of the members should come from the ranks of judges. Three are renowned lawyers, out of which one is elected

in the Parliament upon the proposal of the ruling coalition, one upon the proposal of opposition and one on the proposal of NGOs. One member is Minister of Justice, by his function (who does not participate in decision on dismissal and disciplinary responsibility of judges),

6. Responsibility of the Judicial Council – proposal of the Government is supported:

The Judicial Council shall:

- 1) Elect and dismiss from duty a judge, a president of the court and a lay judge,
- 2) Establish the cessation of the judicial duty,
- 3) Decide on the immunity of a judge,
- 4) Propose to the Government the amount of funds for the work of courts,
- 5) Perform other duties stipulated by the law.

The Minister of Justice shall not vote on dismissal and in disciplinary proceedings against judges.

7. The reasons for dismissal from judicial function and termination of judicial duty - proposal of the Government is supported:

Judges are elected to a permanent judicial function.

The judge can be dismissed from judicial function or his judicial duty can be terminated in cases and in accordance with the procedures prescribed by law.

A judge shall be dismissed from his function if by the final decision he has been convicted for a criminal offence committed with intentional abuse of the judicial function.

8. Prosecutorial Council – as regards membership of Supreme State Prosecutor, the Working group agrees that the Supreme State Prosecutor should be a member of the Prosecutorial Council. There are two different positions within the Working group as to whether Supreme State Prosecutor should be presiding the Council:

1. Government: the President of the Prosecutorial Council should be elected among the ranks of prosecutors, and thus Supreme State Prosecutor can be the President of the Prosecutorial Council.
2. Supreme State Prosecutor should not be the President, but only a member of Prosecutorial Council.

Working group agrees that Prosecutorial Council should elect public prosecutors, without a limited term of office (permanent function of the prosecutor is supported). The Constitution should establish that the law shall determine the reasons for dismissal and termination of office, and the Constitution

should determine that the prosecutor is dismissed from his office if by the final decision he has been convicted for a criminal offence of abuse of official position, as well as for other reasons stipulated by the law.

We support the solution by which current “deputy prosecutors” get the name and status of “state prosecutors, and from the ranks of state prosecutors chiefs of prosecution offices are elected with a specific mandates.

Prosecutorial Council:

We agree that composition and competences of the Prosecutorial Council are determined by the Constitution. As regards the composition of the Prosecutorial Council, we support the decision from the Government’s proposal: Prosecutorial Council shall have a President and ten members. President of the Prosecutorial Council shall be elected from the members of Prosecutorial Council from among the state prosecutors. Members of the Prosecutorial shall be:

- 1) Supreme State Prosecutor,
- 2) Six state prosecutors who are elected by extended session of the Supreme State Prosecutors,
- 3) Two legal experts who are elected and dismissed by the Parliament of Montenegro,
- 4) One lawyer who is elected and dismissed by the Bar Association,
- 5) One representative of the Ministry of Justice, who is elected and dismissed by the Minister of Justice.

Composition of the Prosecutorial Council shall be promulgated by the President of Montenegro. Mandate of the Prosecutorial Council shall be four years. As regards the responsibilities of the Prosecutorial Council, we support the same solution as for the Judicial Council.

The responsibilities of the Prosecutorial Council:

The Prosecutorial Council shall:

- 1) Elect and dismiss from duty state prosecutors and chiefs of state prosecutors offices,
- 2) Establish cessation of the duty of state prosecutor and chiefs of state prosecutors offices,
- 3) Decide on the immunity,
- 4) Propose to the Government the amount of funds for the work of state prosecution,
- 5) Perform other duties stipulated by the law.

Chairs:

Ms. Branka Lakočević, Deputy Minister of Justice (public administration sector) and Ms. Tea Gorjanc-Prelević, Executive Director of NGO Human Rights Action (civil sector).

**Working group I:
Rule of Law
(Reform of judiciary, fight against organized crime and corruption)
Session 3, 17th of June 2011:**

**TOPIC: Fight against corruption, current situation and prospects for
Montenegro**

RECOMMENDATIONS

1. We recommend to the Government and the Parliament of Montenegro to make bodies and other competent institutions that deal with fight against corruption, supervision over commercial operations of state bodies, control of election processes and financial operations of political subjects (State Election Commission, State Audit Institution, Agency for Anticorruption Initiative, Commission for Determination of Conflict of Interest etc.) completely independent, both formally and factually. This means that these bodies should be constituted in such a way that their senior officials are elected by the Parliament, and that they are elected among haven't been involved in activities of political parties for at least five years. This would strengthen guarantee of independence of these bodies and would facilitate their further professionalization.
2. We call upon the Government to, in cooperation with civil sector, produce an analysis on current situation regarding the fight against corruption and the need to possibly constitute new national institutional framework with one body, in order to increase efficiency in fight against corruption. In this sense, NCEI recommends to consider the model that has been proposed in the study developed by Centre for Monitoring (CEMI), as one of possible solutions, as well as to analyze solutions proposed by domestic and international experts in this field.
3. We call upon the Government and other competent authorities, regarding the mentioned activities related to analysis and evaluation of results in fight against corruption achieved in current institutional and legislative framework, to organize a public discussion in cooperation with civil society organizations and other interested parties, in order to come up with joint conclusions that would help

improve fight against corruption.

4. We call upon the Parliament of Montenegro, as part of the process of strengthening its control function and increase of the role of this institution in fight against the corruption, to establish permanent working body that would oversee process of fight against the corruption with clearly defined competencies and subjects of this supervision.
5. We call upon the Parliament of Montenegro to define clearly, as soon as possible, instruments and procedures for consideration of complaints and appeals of the citizens.

Chairs:

Ms. Branka Lakočević, Deputy Minister Justice (public administration sector)

Ms. Tea Gorjanc-Prelević, Executive Director of CSO Human Rights Action (civil sector)

Expert Rapporteur: Mr. Zlatko Vujović, Centre for monitoring, President of MB

**Working group II:
Reform of Public Administration
Session 1, 27th April 2011:**

TOPIC 1: Improvement of institutional and legal framework of public administration and strengthening of administrative capacities

RECOMMENDATIONS

1. It is necessary to, in accordance with the Article 16, Paragraph 1, Point 3 of the Constitution of Montenegro, systematically prescribe by law the legal position of the Government of Montenegro and other state bodies whose position has not yet been determined in law.

Statement of grounds: It is clearly prescribed in the Article 16 Paragraph 1 point 3 of the Constitution of Montenegro that it shall be regulated by law, in accordance with the Constitution, the way in which public bodies shall be established, organized and which competences shall they have, as well as the procedure before them, if so is necessary for their functioning. As Government of Montenegro is the body with executive powers, there is therefore a constitutional obligation to regulate by law its legal position, as well as legal position of all the other public bodies.

2. It is necessary, in accordance with the Article 16 Paragraph 1 point 3 and Article 82 Paragraph 1 point 9 of the Constitution of Montenegro, to systematically regulate by law the legal position of state administration, including the question of organization of state administration. It is also necessary to regulate separately in the law on public administration contemporary methods of work of state administration, which will correspond to the model of modern public administration, so-called "*New public management*".

Statement of grounds: Article 16 Paragraph 1 point 3 of the Constitution of Montenegro clearly prescribes that it shall be regulated by law, in accordance with the Constitution, the way of establishment, organisation and competences of branches of power and procedure before those bodies, if so is necessary for their functioning. In the Article 82 Paragraph 1 point of the Constitution, the competence of the Parliament of Montenegro to "regulate the system of state administration" has been prescribed. As bodies of public administration are bodies with power, and the main element of the system of state administration is its organisation, there is

a clear constitutional obligation to regulate by law also the issue of organization of state administration (ministries and other bodies), and that the Government of Montenegro since 2007 has no longer competences to regulate organisation of state administration with its acts.

3. Working group assessed that it is necessary to establish a system of "Public Services" clearly defined in law, and systematically regulate legal position of organs with public competences, such as: public agencies, funds and other bearers of public competences.

Statement of grounds: Montenegro has a very unstructured and undefined system of public entities with public competences and with different statuses, functions, way of establishment, monitoring, competences etc. In that respect, special accent is on agencies, different regulatory bodies, chambers, commissions, special organizations, non-governmental organisations and even natural persons performing duties with public competences.

4. Working group also assessed as necessary to systematically define by law the public services as bearers of public competences (public institutions, public companies, public services performed based on concessions etc), with the role of providing services in areas of business and social activities and in accordance with modern European standards and regulations.

Statement of grounds: With the act of abrogation of the Law on Public Companies and Law on Social Services when the new Law on Regulation of Business Environment entered into force in 2010, many legal entities in the legal system of Montenegro, such as ex-public companies and ex-public institutions in the area of business and social activities, lost its status, which causes problems in their future organization and functioning. In that sense, it is necessary to systematically regulate legal position of both state and local legal entities and other entities performing services with public competences in different spheres of social life (energy, community services, water supply, education, health care, social and child care services, etc), with special accent on protection of public interest and control function of the state, that is, local self-government in those areas.

Co-chairmen:

Mr. Đorđije Blažić, Dean, Faculty for Administrative and European Studies (civil sector)
Mr. Veselin Vukčević, Deputy Minister of Interior (sector of public administration)

**Working group II:
Reform of public administration
Session 2, 18th of May 2011:**

TOPIC: Local self-government in Montenegro today- state, problems and challenges

RECOMMENDATIONS

1. All current and future activities of state institutions connected to defining and redefining of legislative framework of local self-governments must include prior extensive consultations and public debates with the citizens and interested non-governmental organizations. For this purpose, it is requested from the Government to involve representatives from two unions and qualified non-governmental organizations in work on the legislative proposal, and in particular as regards the work on Law on Civil Servants and State Employees and Law on utilities.
2. We request from the Government and local self-governments to continue with started activities for establishment and improvement of system decentralization, in accordance with decentralization standards in EU countries and in line with the Strategy for reform of public administration.
3. According to the Strategy for reform of public administration for the period from 2011 to 2016, it is necessary to ensure cooperation between state bodies, municipalities, non-governmental sector, international organizations and other participants in the process of monitoring of realization of local self-government reform. Special attention must be given to strengthening of the transparency of work of local self-governments through participation of representatives of NGO sector in work of Government's Coordination body for reform of local self-government, by the same principle of their representation as in assemblies of local self-governments.

Chairs: Mr. Đordije Blažić, Dean, Faculty of Administrative and European Studies (civil sector) and Mr. Veselin Vukčević, Deputy Minister of Interior (public administration sector).

Working group II – Reform of public administration

Session 3

15th of June 2011

TOPIC 1: Local self-government in Montenegro and citizens (Expert Rapporteur, Momčilo Radulović)

TOPIC 2: Reform of public administration- new legislative proposals

In connection with the new draft Law on civil servants and state employees, the Working group 2 of the NCEI unanimously gives the following recommendations:

1. The Parliament of Montenegro and competent committees should as soon as possible, and prior to parliamentary debate on this draft law, organize consultations between the MPs and representatives of trade unions, branch union and representatives of relevant NGOs, with the aim to exchange opinions and views as regards the new law and submit specific new written proposals and suggestions.
2. It is necessary to in at least one article of the law stipulate that issues connected to labor and in relation to rights acquired on basis of work are solved by branch collective agreements.
3. In connection to the Article 2, paragraph 2, the term „logistic“ should be replaced with an appropriate term from the official Montenegrin language. If such a solution is kept, we propose to give a detailed explanation of the actual meaning of the used term. The same applies to the Article 26.
4. In connection with the Article 52, to prescribe that probationary period is not mandatory for servant or employee who has work for more than six months.
5. In connection with the Article 117, it is necessary to add an obligation of the state authority to implement staff training plan.
6. In the law, it is necessary to precisely prescribe and specify sanctions for managers of state bodies who fail to fulfill their obligations in connection to assessment of work of the employees.
7. In the law, it is necessary to specify that number of days of unauthorized absence from work which is subject to dismissal is five, and not three, because they need to take into account unforeseen life circumstances of the employees.

As regards the position and function of local self-governments in Montenegro, Working group 2 of the NCEI, on its 3rd Session, makes the following recommendations:

Recommendation to the Government of Montenegro and all local self-governments:

1. To urgently implement all necessary measures in order to make a new analysis of the number of employed persons in local self-governments and to urgently implement already planned measures for reduction of workforce surplus in all municipalities of Montenegro, while respecting the principles of social protection and rights to compensation and damage payments;
2. To urgently carry out activities for development of programs and documents for long-term planning in the field of development and improvement of institutional skills of local administration, to ensure better delivery of public services. This is because most of their development documents focuses only on spatial planning and land development;
3. To introduce measures and programs for short-term and long-term evaluation of the efficiency of work of local administrations so that the results can be processed and used for future management. These measures and programs must be based on relevant methods recognized within the European Union;
4. In connection to strategic planning, we recommend to the local self-governments to include detailed budgeted analysis of multi-year development and investment projects in all one-year or multi-years plans. Also, every plan must contain precise guidelines on the requirements and methodology of the audit of strategic and budget documents.
5. Every local self-government must develop a detailed strategic plan connected to institutional capacities of municipal administrations, as well as long-term planning of human resources. These developmental and other plans must contain long-term and short-term planning of information technologies, as well as the planning of regional partnerships that would take into account common resources and development opportunities.
6. All local self-governments are invited to fully apply legal system of evaluation and rewards system of the employees and to do this in a transparent manner, with an effective and objective evaluation methodology that is tailored to the needs of various structures and institutions.

Rewards system, in addition to financial incentives, which should be increased progressively, must contain a range of other non-financial stimulating measures, such as (priority to professional development, career advancement, additional free days, etc.)

7. All local self-governments are invited to conduct detailed analysis of their own financial management, and the Government is invited to assist local self-governments in analyzing their financial operations, in order to prepare necessary guidelines and recommendations for their improvement. Also, it is recommended that financial reporting is structured in such a way that it becomes an integral part and support mechanism to management and effective utilization of local assets and resources.
8. All local self-governments need to build reliable systems for recording of inventory and management of inventory and property of municipality. In that respect, direct and permanent control over key local public companies needs to be established, with precise systems and control procedures.
9. Every local government must create systems for analysis of return of investment after the project, because currently monitoring and evaluation of performance do not exist.
10. It is recommended that all local self-governments start preparing strategy for development of information systems and services. In that respect, Ministry for Information Society and Telecommunications is invited to provide all necessary assistance to local self-governments in development and implementation of the aforementioned strategies.

Chairs:

Mr. Đorđije Blažić, Dean, Faculty of Administrative and European Studies (civil sector)
Mr. Veselin Vukčević, Deputy Minister of Interior (public administration sector)

**Working group III:
State institutions, local self-government and civil society
Session 1, 28th April 2011:**

TOPIC 1: Participation of civil society in processes of adopting and implementing public policies

RECOMMENDATIONS

In following phases of integration of Montenegro in European Union, it is necessary to strengthen cooperation of state and local self-governments with civil society. In order to accomplish that, we need to create encouraging environment and favourable social atmosphere for reaching consensus of all of at least majority of stakeholders. With the purpose of achieving this goal:

1. State needs to:
 - Improve informing, consulting and participation of civil society (OCS) in all areas of decision-making in public policies, through development of the culture of dialogue and respect for the principle of independence of OCS;
 - Introduce the institute of civic initiative again, in the course of amendment of the Constitution of Montenegro;
 - Safeguard respect for Memorandum on Cooperation between the Parliament of Montenegro and NGOs, with the special accent on more frequent usage of the institute of consultative hearing;
 - By the end of 2011, implement activities from the Action Plan for the Strategy for Cooperation of the Government of Montenegro and non-governmental organisations for the period 2009-2011 that have not been implemented yet, as well as activities from other strategic documents (such as: Strategy for inclusion of disabled persons), as well as those defined as measures in the Action plan for monitoring implementation of recommendations from the Avis from European Commission, and especially the measure related to regulating participation of representatives of NGOs in the processes of adoption of acts for public policies.
 - Through amendments of existing regulation, such as the Law on State Administration, define more precisely the obligation of the public organs to include representatives of civil society to a more significant extent already in early phases of the process of adoption of acts for planning and implementation of public policies;

- Undertake measures for building new and strengthening of capacities and status of existing mechanisms of cooperation with OCS, especially of Government Office for Cooperation with NGOs;
 - Contribute to adoption of adequate legal acts on local levels, which will regulate the issue of greater participation of NGOs in creation and implementation of local policies, establishment and usage of the institute of “free chair”, financing from local sources, mutual cooperation etc.
2. Civil sector should:
- Strengthen mutual cooperation through:
 - Networking, creation of coalitions, improvement of inter-sector cooperation, through building mechanisms of advising, consulting and informing of citizens and other actors in civil society, with the purpose of forming standings and proposals of higher quality coming from the civic sector directed to state,
 - Establishment of delegation mechanism within the civil sector for delegating representatives of the sector into bodies, councils etc. for cooperation with public sector. Also, it is necessary to define responsibilities and obligations of delegated representatives towards the rest of the sector and citizens, through establishment of criteria, standards and modes for communication of attitudes, and communication within the sector related to that,
 - Establishment of new and strengthening of existing regulatory bodies and respect of the Code of Ethics with the view of providing transparency of work and at the same time achieving greater respect and integrity in the society as a whole.
3. Both state and civil sector must continuously and jointly work on strengthening and improving their own capacities, in order to be able to meet more and more complex demands which come as part of the next phases of integration process.

Co-chairing:

Ms. Sanja Elezović, expert for civil society (civil sector)

Ms. Danka Latković, Chief of the Government Office for Relation with NGOs (public administration sector)

**Working group III:
State institutions, local self-government and civil society
Session 2, 19th of May 2011:**

**TOPIC: Financing of civil society organizations from public funds in
Montenegro**

RECOMMENDATIONS

1. It is necessary that the areas in which NGO projects are funded from public funds correspond to the need of citizens- beneficiaries, society, community for which these non-governmental organizations exist for, and that the priorities are determined based on the assessment of needs and public policies in these areas (both on state and local level);
2. Competitions for distribution of funds from public funds should be published in the last quarter of the current year for the following year, provided that the allocation of money is done at latest by the end of the first quarter of this following year. The announcement should be preceded by adequate analysis of the total financial support from public and foreign funds.
3. The work of the Commission for distribution of funds to NGOs should be professionalized, and in that regard capacities of members of the Commission need to be strengthened through additional training, and in particular training on project evaluation.
4. There must be in place clear rules of work, project evaluation and actions of the Commissions. Also, sufficient number of administrative staff needs to be provided which would be responsible for checking the actions of the commissions, respecting of deadlines, realization of contracts, monitoring implementation of the projects and reporting, and transparency of work of the commissions.
5. By-laws need to provide for the possibility that commissions may engage independent experts who would help them with the assessment of specific-extraordinary projects.

6. New Law on NGOs should define that annually from 0.8 % to 1% of the current budget is allocated for financial support to projects and programs of NGOs. Total assets should be centralized, i.e. a single budget line should be used for this purpose.
7. Distribution of funds should be decentralized (through involvement of Ministries and sectoral NGOs in the process of project evaluation and determination of proposals for financing of the best ones).
8. It is necessary to create an adequate manner for strategic/ long-term financing of projects and programs of NGOs in the areas of public interest.
9. A part of funding used for financing projects and programs of NGOs should be directed to their capacity building (improvement of specialized knowledge and technical skills, for example a certain percentage of requested funds can be used for capacity building).
10. In order to improve sustainability of the results of funded projects but also to improve the development of NGOs, it is necessary to insist on compulsory partnership between the non-governmental organizations through a requirement that more organizations are involved in realization of the project. In this way, more developed organizations can transfer their knowledge to the less developed ones.
11. The Government needs to ensure co-financing of the NGO projects that are supported by international organizations and institutions, and especially from EU funds.
12. The Government, Parliament and local self-governments and all relevant commissions for distribution of funds need to ensure transparency of process of distribution of funds, especially in part of mandatory publishing of all complete approved projects on the website of the Commission/body which distributed the funds so that the entire public can get involved in the process of monitoring of project implementation and also learn how to prepare a successful project (which is particularly important for new and less-developed non-governmental organizations).

13. It is necessary to introduce a requirement that NGOs submit reports after the project has been completed. Monitoring and evaluation of the project should be entrusted to trained individuals, who would be selected on the basis of the public announcement.
14. Work of the Commission for distribution of funds must be controlled by competent audit institution.
15. All of these recommendations also apply to the local level, with the special recommendation that on this level it is necessary to provide special funds in order to encourage civic initiatives.

Chairs: Ms. Sanja Elezović, Expert for civil society (civil sector) and Ms. Danka Lakčević, Head of the Governments' Office for Cooperation with NGOs (public administration sector)

Expert Rapporteur: Mr. Goran Djurović

Working group III
State institutions, local self-government and civil society
Session 3:

TOPIC: Role of media in society and in process of European integration
(Expert Rapporteur: Duško Vuković)

16th of June 2011

RECOMMENDATIONS:

1. One of the preconditions for transformation of the society and successful process of European integrations is changing the awareness of citizens and system of values. All media should contribute, and this is obligatory for public broadcasters, to facilitate that the process of EU integrations should be owned by the citizens. It is obligation of public broadcasters to inform, educate and meet the needs of citizens, in order for them to be informed in a clear and timely manner regarding the issues related to their economic and social rights that have influence on their everyday life.
2. Using of political phraseology in media is counterproductive. All media, and especially public broadcasters should dedicate special attention to introducing special terminology that would be understandable for ordinary citizens.
3. State institutions and local self governance should cooperate with civil society organizations and media in order to strengthen those aspects of media programming dedicated to democratic civic education and development and reinforcing of democratic stability. In future, it would be necessary to increase the knowledge and understanding of both media and NGO sector regarding specific European policies. Therefore it is necessary to direct part of the public funds towards education and specialization of journalists and CSO activist, in order to raise capacities of the civil society in general, and to increase its contribution to the process.
4. Also, it is necessary to update the Government's Communication Strategy for EU integrations, to develop detailed plan of training of journalists and CSO activists, as well as to allocate funds for this.

5. In the framework of the Communication Strategy, financing and development of the Government's press-club (EU press point) should be envisaged. The press- club would have library, expert and data base, and this would be available to media and CSOs, in order to facilitate regular, timely, clear and accurate informing of the public on all aspects of the process.
6. In programming of the IPA funds, the state should insist that each defined priority for financing also includes citizens' awareness raising component pertaining to all aspects of the process, i.e. financing of media contents which would present topics of interest for citizens in an engaging way.
7. In the current situation where there aren't any journalistic self regulatory mechanisms, Broadcasting Agency should increase monitoring of media programming and to sanction broadcasting of media contents that are violating human rights, or that are in any way offensive, unsuitable or inappropriate.
8. State institutions should, both in words and in actions, create positive atmosphere for exercise of proclaimed freedom of expression and information, and to adopt and implement policies that would stimulate, as much as possible, media pluralism and diversity of information sources, which would facilitate pluralism of ideas and opinions.
9. State institutions should provide full transparency in its work and to allow citizens quick and full information regarding all issues pertaining to their present or future. New law on Free Access to Information should allow easier access to information in order to increase capacities of an individual to understand political, social, economic and cultural issues, and to discuss them freely.
10. State institutions should create mechanisms (for example through introduction of taxation of kitsch and pulp, and through tax benefits for media outlets that create socially responsible programming) that would stimulate media to deal more and in a more profound way with topics of public interest, and to discourage tabloidization of media that is a result of emphasized commercialization and sensationalism.

11. Media should create conditions in their own editorial offices, but this should also be done on the level of media community, to permanently educate and train journalists, in order to help them achieve highest standards in professionalism and journalistic ethics. In order to achieve this, it is necessary to establish permanent and efficient self regulatory mechanisms or mechanism on national level.
12. Civil society organizations should, in each project, and especially in projects related to European integrations, envisage partnership with media. CSOs and media should sign Agreement on cooperation, which would define forms, topics and ways of cooperation. It is desirable to create networks of journalists and editors ready to continuously provide aid to CSO sector in their mission to strengthen civil society.
13. All media, and especially public service broadcasters should allow more space to civil sector, and especially in situations when monitoring of this sector allows strengthening of supervision over centers of formal and informal political and economic power in the society.

Chairs:

Ms. Sanja Elezović, Expert for civil society (civil sector)

Ms. Danka Latković, Head of the Governments' Office for Cooperation with NGOs (public administration sector)

Expert Rapporteur: Mr. Duško Vuković, PCNEN

**Working group IV:
EU funds and strengthening of competitive position of Montenegro
in the process of European integration**

Session 1, 29th April 2011:

**TOPIC 1: Challenges of higher education in the context of European
integration**

RECOMMENDATIONS

1. It is necessary to include *Key competences for lifelong learning* in programs of institutions of higher education.

Statement of grounds: Implementation of the concept of Key competences for lifelong learning would provide for greater adjustability of work force and to a great extent contributed to improvement of its motivation, through adoption of adequate combination of knowledge, skills and attitudes. In that light, it is necessary to integrate the concept of key competences in programs of formal education and training on all levels. Concept of key competences encompasses: communication in mother-tongue, communication in foreign language, mathematical skills and basic competence in science and technology, digital competence, learning how to learn, interpersonal and civic competences, entrepreneurship and cultural expression

2. It is necessary to establish the *System of professional orientation*.

Statement of grounds: With the purpose of lowering discrepancies between needs on the labour market and work force produced by existing educational system, it needs to be worked on establishing a system of professional orientation from the very beginning of formal education, so to have needs, interests and possibilities of individuals considered in the context of labour market and future employment possibilities.

3. It is highly demanded to consistently implement the *Strategy for Higher Education in Montenegro 2011-2020*.

Statement of grounds: Strategy for higher education in Montenegro opened the space for long-term governance of adequate higher education policy. As with the most other strategic documents, coherent implementation of the Strategy is necessary on the part of the Government and other state institutions, as well as higher-education institutions, bodies and academic staff.

4. It is necessary to raise the criteria for founding of higher education institutions in Montenegro.

Statement of grounds: Low criteria for licensing of institutions of higher education in Montenegro lead to degradation of this educational space and quality of knowledge and skills obtained in it. General impression is that it is necessary to introduce stricter criteria for founding of institutions of higher education in Montenegro, in terms of adequacy of buildings and equipment, classrooms, laboratories, libraries, computer equipment, number and qualification of academic staff, financial resources etc. In that way, only the actors that recognize long-term character and implications of this activity would participate on the side of offer on the market for higher education.

5. Institution of higher education in Montenegro must promote EU education programs more significantly (Tempus, Erasmus Mundus) and EU science programs (FP7), as well as procedures for its administration, in order to encourage their wider application.

Statement of grounds: Based on current experience, it is obvious that EU funds intended for education and science are not used sufficiently by institutions of higher education, especially on the level of project coordination. Having in mind serious demands which administration of a project within the scope of these funds entails, higher level of administrative support to potential project applicants is necessary, so that their applications would be formally and substantially acceptable.

6. Higher education institutions in Montenegro must value results of baccalaureate and professional exams as conditional for enrolment.

Statement of grounds: Ensuring of mechanisms for provision of quality in education and introduction of element of objectivity in the process of valuation of achievements represent underlying conditions for further improvement of overall quality of education on all levels. Therefore, it is necessary that institutions of higher education in Montenegro clearly recognize and value accordingly in the course of enrolment the results that students upon completion of high school achieve on graduation, that is, professional exam.

7. It is necessary to include all relevant stakeholders in implementation of *National Qualifications Framework*.

Statement of grounds: After adoption of Strategy for establishment of Montenegrin qualifications framework and follow-up law, it is necessary to include all relevant stakeholders in establishment and functioning of

overall system within qualifications framework, but also to provide for horizontal and vertical integration within the system, but also possibility of comparison with qualification frameworks of other countries, which will provide for alignment of needs of labour market and market for education, as well as mobility of Montenegrin work force on international scene, when conditions for that are fulfilled.

8. It is necessary that institutions of higher education in Montenegro free some of their time for affirmation of scientific research, as well as to increase significantly resources from state budget directed towards science and research.

Statement of grounds: Level of scientific research is extremely low in institutions of higher education and overall academic community. Besides extremely poor financial conditions that exist in this field, time frame that scientific workers and lecturers can dedicate to these activities is very limited. Following that, it is needed that institutions of higher education stimulate research and scientific work through dedicating part of the work time which will be paid equally as lecturing part of professional obligations of academic staff. Furthermore, it must be insisted on significant increase in budget dedicated for need of scientific research, as well as buying adequate equipment in different educational and scientific institutions. In addition to this, increase in the number of students in institutions of higher education in Montenegro during recent years has lead to overloading the professors with lectures, and as a consequence scientific research suffered. Lecturers practically don't have time to dedicate to science. Montenegro has a very small number of researchers, so institutions of higher education, which are at the same time main scientific institutions in the country, must provide for mechanisms to free time of experienced researchers for realisation of research projects, mobility and mentoring young researchers. Institutions must try to provide young researchers with a possibility to get included in research as assistants through national or international projects, even though they don't have enough classes conducted to do so, so to expand the basis of scientific researchers in Montenegro, so highly necessary for increase in competitiveness of our economy. Moreover, institutions of higher education must open their doors for researchers from abroad, especially for representatives of scientific Diaspora.

Chairs:

Mr. Saša Popović, professor, Faculty of Economics (civil sector)

Mr. Alaksandar Drljević, Directorate for European Integration, MVPEI (sector of public administration)

TOPIC 2: Usage of IPA funds and preparation for structural funds

RECOMMENDATIONS

1. It is necessary to carry out intensive trainings with the aim of strengthening administrative capacities for the absorption of IPA funds, in which the following will take part: the representatives of the state administration and local municipalities, nongovernment organisations, the representatives of universities and other interested parties.
2. What is required is to establish and have regular consultations between public institutions, civic sector and international entities (especially main donor institutions and organisations), in order to harmonise the needs and the proposed training activities aimed at the strengthening of the administrative capacities for the absorption of IPA funds. Such regular consultations are necessary to be started urgently because there is a need for more precise planning, avoiding double activities and increasing the efficiency of using the funds and human resources of all interested parties. In order to achieve this goal, it is necessary to carry out a comprehensive analysis of donor assistance provided to Montenegro, including assistance to both public and civic institutions and organisations.

Explanation: The experience from the process of the enlargement of the EU that has been gained so far shows that the majority of the candidate countries face difficulties regarding the possibilities of quality absorption of the funds from the EU budget. Building administrative capacities in the pre-accession period is of great importance for the EU accession countries because this would enable them to effectively manage pre-accession funds and be prepared for the use of the EU structural funds. The practical experience of the member states shows that the preparation phase is of great significance for the creation of efficient and adequate capacities for the use of EU funds, and, therefore, it is very important that the beneficiaries of the pre-accession funds recognize the necessity of strengthening the administrative capacities to manage EU funds, both at the national and local levels, on time. For this purpose, it is necessary to make a synergy of all stakeholders, of those public as well as of those belonging to the civic society, with the aim of maximizing the impact of donor assistance and the activities undertaken in these areas.

3. It is necessary to promote the chances offered by the EU funds more intensively, so that all potential beneficiaries of these sources of finances can be informed properly. In order to achieve a better coordination of the process of informing the parties, further consultations with the civic sector (NGOs, media, institutions offering high education) are required.

Explanation: Along with strengthening the administrative capacities to absorb the funds, it is necessary to work on the public promotion of the opportunities arising from the EU funds. In this respect, it is necessary to inform the public of the means and ways of participating in the projects financed from the EU sources, through the organization of public forums and round tables. Also, it is necessary to inform the representatives of all three sectors so that they could familiarise themselves in time with the application procedures, project cycles, project implementation, reporting and evaluation of implemented activities. Launching a media campaign to promote the projects financed through the EU programmes would be of great importance, as it would be a chance to inform the wider public about the opportunities arising from the EU funds.

4. In accordance with the strategic documents, it is necessary to determine the priorities for funding through the IPA funds in the medium term, and in this sense, to determine the budget lines for the funds intended for the cofinancing of IPA projects within the budget of the competent ministries. It is necessary to involve the civic sector in the consultation process, which would allow for more precise planning, avoiding double activities and increasing the efficiency of using the funds and human resources.

Explanation: The main strategic documents of the European Commission and Montenegro, representing the starting point in the programming of the IPA funds include the following: 1) The Enlargement Strategy, which establishes long-term goals and the strategic approach towards the European Union candidate / potential candidate countries for the EU membership. It includes an overview of the progress and the priorities that must be met in each individual country; 2) the European Partnership and the Action Plan for its implementation, which defines the short-term (1-2 years) and medium-term (3-4 years) priorities in the process of meeting the EU standards; 3) The Stabilisation and Association Agreement, which establishes the legal framework for mutual cooperation and gradual reaching of the European standards in Montenegro, 4) MultiAnnual Indic-

ative Financial Framework - MIFF. In accordance with its budget outlook for 2007-2013, the European Commission has defined the approximate amount of the IPA funds for all beneficiary countries through the Multi-annual Indicative Financial Framework. (Announcement of the European Commission to the Council and the European Parliament, the Instrument for Pre-Accession Assistance, Multi-annual Indicative Planning Document for the period 2010 - 2012, 5 November 2008); 5) Multi-Annual Indicative Planning Document - MIPD is the main strategic document of planning the IPA funds and includes priority areas of intervention. The document refers to a three-year period and is revised annually. It is the result of joint work and consultations between the European Commission and national institutions, ie. the beneficiaries and potential beneficiaries of the IPA funds. During consultations, Montenegro was given the opportunity to express its own needs, priority areas of finance, 6) The annual report of the European Commission on the progress of Montenegro in the framework of the Stabilisation and Association Process. Every year, the European Commission submits a progress report for each candidate / potential candidate for the EU membership to the Council, which includes both negative and positive evaluation of the association and the level of meeting the standards by the state to which the report relates; 7) national strategic documents (National Programme for Integration, Strategy of Judicial Reform, the Programme of Fighting Corruption and Organised Crime, Integrated Border Management Strategy, etc.). It is necessary to take all these documents into account when programming the IPA funds and, therefore, it is essential to timely foresee the projects we plan to realize in the long run. Of course, multi-annual programming is accompanied with multi-annual budget planning, which means that it is necessary to provide the means for co-financing the projects in the budgets of the competent ministries or project beneficiaries. This is a particularly important issue because the IPA implementing regulations define the percentages of the national co-financing, depending on the project type. Having in mind that the amount of co-financing, which ranges from 10 to 25% of the total budget, is still a significant contribution, it is necessary to allocate these funds within the state budget on time. All financial issues are defined by the Multi-Annual Indicative Financial Framework (MIFF), and particularly by the Financial Agreement to be signed after all projects are agreed upon by the European Commission and the Government of Montenegro, which will define mutual obligations in the funding of all projects.

5. It is necessary to inform all potential beneficiaries of the IPA funds on the very process of project approval, as well as on the necessary supporting documents on which the maturity of projects for the funding is based. It is also necessary to give priority to those projects that already have the project documentation or for which the project documentation is being finalised. It is necessary to carry out additional training for the potential users of the IPA funds on ways of preparing and drafting the supporting project documentation.

Explanation: During the preparation of IPA projects, it is necessary to take into consideration the strategic documents that are the basis of programming the IPA funds. The process of preparation goes through the following stages: identifying and developing project ideas, consultations with the Delegation of the European Union, the development of project descriptions (project fiches) and their submission to the European Commission. This is followed by inter-ministerial consultations within the European Commission and the decisions of the IPA Committee, in order to finally sign the Financing Agreement as a legal basis for the start of the project implementation. So far, apart from the compliance with the key strategic documents, the representatives of the EU Delegation and the European Commission have put main emphasis on the quality and the maturity of the projects, which is a basic requirement for the project to be accepted by the European Commission. The maturity of the projects is particularly relevant for the implementation of infrastructure projects and refers to the completion of the project documentation including: feasibility studies, environmental impact assessment studies, the completion of detailed urban plans, etc. All these conditions must be met in order to realize the project properly. In addition, in order to allow for a successful implementation of a project, it is necessary, starting with the planning stage, to take into account the absorption capacities, i.e. the readiness of the administration to implement and follow through the realisation of the project itself. To make the process of planning, applying and implementing of the project as successful as possible, a handbook for programming the IPA funds has been prepared, and along with the numerous trainings to be carried out, it will serve as the main technical assistance in the drafting and the implementation of the IPA projects.

Chairmen:

Mr. Saša Popović, professor, Faculty of Economics (the civil sector)

Mr. Alaksandar Drljević, Directorate for European Integration, Ministry of Foreign Affairs and European Integration (state administration sector)

**Working group IV:
EU funds and strengthening of competitive position of Montenegro
in European integration process**

Session 2, 20th May of 2011:

TOPIC: Small and medium sized enterprises, trades and entrepreneurship in the process of European integration in Montenegro

RECOMMENDATIONS

1. Within civil sector it is necessary to intensify work on further networking on corporation and professional basis in order to improve business conditions, as well as to improve communication between state institutions, commerce and citizens.
2. In the following period it is necessary to work more on promotion of Government's and EU assistance programs and programs of support to small and medium sized enterprises (entrepreneurship and innovation), in order to increase the visibility of these assistance programs. In that respect, it is necessary that the Government and its bodies intensively present these programs directly to the potential beneficiaries.
3. It is necessary to work more on presentation of procedures for applying for EU funds, in order to familiarize the end users with the complex administrative procedures in order to enable better absorption of EU assistance programs.
4. It is necessary to promote the work of lobbyists in Montenegro and abroad, as one more form of fight against corruption in Montenegro.
5. We call upon the Government and all its relevant institutions to undertake a series of measures in order to encourage opportunities for further education and training of entrepreneurs and craftsmen, through a system which encourages lifelong learning and tax incentives and incentives for additional educational and technical training of employees.
6. It is necessary to intensify activities in the process of equalization of qualifications in accordance with EU Directive 21/2010.
7. It is necessary that state institutions and banking institutions perform better promotion of electronic signatures, in order to encourage electronic payments in the economy of Montenegro.

8. Within the civil sector it is necessary to determine the lists of organizations which are involved in certain economic fields and which have significant experience with these activities, so that these lists are made available to relevant state institutions and business entities, in order to improve cooperation between these sectors.
9. We call upon the Government and all its relevant bodies to undertake urgent measures for combating the gray market and illegal work in all fields, and for this purpose it is necessary to urgently reorganize, increase the efficiency of work and precisely determine responsibilities of inspection services.
10. We call upon the Government and all its relevant institutions and bodies to as soon as possible initiate the process of creation of systemic solutions for stimulation of placement of favorable developmental loans and other forms of financial assistance for commercial entities in order to improve economic activities in the field of small and medium sized enterprises and crafts.
11. We call upon the Government and all its relevant institutions and bodies to by the end of the year make an analysis of the impact of legislation that regulates small and medium sized enterprises and crafts. While conducting this analysis the Government and authorized entities should carry out extensive consultations with entrepreneurs, craftsmen, all guild associations, independent experts and all other relevant representatives of civil sector.
12. It is necessary that for the next programming period, after 2013 for component „Regional development“ of the Instrument for Pre-Accession Assistance (IPA) the issue of regional competitiveness is included as one of the main priorities.

Chairs: Mr. Saša Popović, professor, Faculty of Economy (civil sector) and Mr. Aleksandar Drljević, Directorate for European Integration, Ministry of Foreign Affairs and European Integration of Montenegro (public administration sector)

Expert Rapporteurs: Mr. Boris Mardjonović and Mr. Vojislav Delić (Chamber of Crafts of Montenegro), Ms. Ljiljana Belada (Directorate for Small and Medium sized Enterprises)

Working group IV

EU funds and strengthening of competitiveness of Montenegro

Session 3

14 of June 2011

TOPIC: Corporate social responsibility in Montenegro

(Expert Rapporteur: Ms. Marina Vuković, Centre for Development of NGOs – CRNVO)

RECOMMENDATIONS

1. It is necessary to form a Council for corporate social responsibility, which would include representatives of relevant ministries, civil society organizations, business associations, universities, media, syndicates and independent experts;
2. It is necessary to develop strategic document for promotion and development of corporate social responsibility in Montenegro;
3. It is necessary to amend the Law on taxation of profit of legal persons in order to expand the definition of giving for common good, and to increase the percentage for giving for common good, in line with good comparative practice. Activity of amending the Law on taxation of profit of legal persons was also planned in the Strategy of cooperation between the Government of Montenegro and CSOs (2009 - 2011) for 2010, and therefore it is *necessary* to secure that this will be implemented until the end of 2011;
4. In the amendments of the law on taxation of profit of legal persons, it is necessary to define different percentages for giving for common good for small and medium enterprises, in relation to large enterprises, in order to additionally facilitate giving of small and medium enterprises;
5. It is necessary to initiate inclusion of a optional subject "Corporate Social responsibility" in higher educational system or to incorporate relevant contents in similar subjects (at economy faculties);
6. It is necessary to educate media regarding the concept of corporate social responsibility (with special emphasis to difference between sponsorships, philanthropy and corporate social responsibility);

7. All Montenegrin private media outlets are invited to promote principles and good practices of corporate social responsibility, and this is especially responsibility of public service broadcasting RTCG and other public broadcasters in Montenegro, which are responsible for protection of interests of citizens and society as a whole;
8. Continues training for enterprises to the topic of reporting on socially responsible activities (so called nonfinancial reporting) needs to be provided. In training, it is necessary to use internationally accepted guidelines for reporting on socially responsible business (Global Reporting Initiative (*GRI*), *UN Global Compact...*);
9. Privatization Council and the Government need to have in mind corporate social responsibility in all further privatizations. This can be achieved through including clear contractual obligations that would precisely define obligations regarding social responsibility of commercial and other subjects regarding ecology and general development, social and economic needs and parameters;
10. The Government and other state institutions and inspections and other authorities are called upon, within the framework of legal provisions and in order to facilitate possible interventions, to intensify the control regarding contractual and legal obligations pertaining to CSR of already privatized subjects, as well as to secure consistent application of those measures;
11. It is recommended to form a Council for Green construction where relevant state bodies, civil society organizations, universities and association of constructors would be represented and which would influence social and ecological responsibility of construction companies and competent state institutions and bodies.

Chairs:

Mr. Saša Popović, professor, Faculty of Economy (civil sector)

Mr. Aleksandar Drljević, Direction for European Integrations, MVPEI (sector of public administration)

Expert Rapporteur: Ms. Marina Vuković, Centre for Development of NGOs - CRNVO



Mr. Milan Ročen, Minister of Foreign Affairs and European Integration, Chairman of the Presidency, Mr. Alexander Duleba SFP, Momčilo Radulović EMIM. In the background leaders of NGO-s, journalists and editors of media in Montenegro



Mr. Milan Ježovica, State Secretary of MFA of Republic of Slovakia giving a speech at initial conference of NCEI



Working group III at the session I, April 2011



Mr. Alexander Duleba, SFP, at initial conference of NCEI. In the background President, Vicepresidents and Secretary General of the Parliament of Montenegro



Copresident of the working groups at the press conference



Great interest of media was following NCEI event



Mr. František Lipka, Ambassador of Republic of Slovakia to Montenegro at the press conference of working groups

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