



***Evropski pokret***  
Crna Gora

**“EUROBLOCK” COALITION**

PROJECT:

**“STRENGTHENING THE CIVIL SOCIETY CAPACITY TO CONTRIBUTE  
TO EU INTEGRATION AND THE ACCESSION PROCESS”**

Policy study

# **ADMINISTRATIVE CAPACITIES IN MONTENEGRO**

Podgorica, May 2012



This project has been financially supported by the European Union. This study has been produced with the financial assistance of the European Union. The contents of the document are the sole responsibility of EMIM and can under no circumstances be regarded as reflecting the position of the European Union.





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**ADMINISTRATIVE CAPACITIES IN MONTENEGRO**

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## Table of Contents

Introduction .....	5
1. Legal framework for the development of administrative capacities .....	7
2. Institutions and the building of administrative capacities .....	18
3. The NPI and the role of human resources policies.....	24
The NPI and the development of administrative capacities .....	24
The NPI and current human resources policy .....	25
4. The role of human resources development and professional development in administrative capacity building .....	34
Strategic documents and realised activities in institutions .....	56
Professional development and employees .....	57
Importance of adequate evaluation.....	61
5. Functionality and institutional cooperation.....	64
Employment criteria .....	64
Institutional cooperation .....	66
6. Regional experiences in reforming public administration.....	70
7. Recommendations .....	73
Bibliography.....	76





## Introduction

The concept of administrative capacities is connected to the level of ability of state and public administration to fulfil their regular, legally prescribed duties, as well as to the level of readiness to undertake the tasks which are awaiting the state in further course of integrations and upcoming reforms. Thus, by officially opening the negotiations with the European Union in June 2012, Montenegro has made a significant step towards meeting its strategic goals, and at the same time has taken on even greater responsibility in the continuation of successful implementation of series of reforms and changes required by the process of harmonizing Montenegrin legislation with the EU legislation. In this regard, administrative capacities of Montenegrin institutions continue to be a problematic area, when it comes to the European standards. For that reason, the aim of this study was to create an overview of heretofore results, the current situation and future plans for strengthening human resources potential in accordance with the needs and strategic documents.

The term “institution” is closely related to the terms “administrative capacities” and “administration” in general, as it represents an organizational unit and a foundation of proper functioning of a democratic society and preservation of democratic values. In accordance with this, it was necessary to conduct a deeper analysis of the work and functionality of the Montenegrin state institutions as administrative bodies, their mutual cooperation, efficiency and progress in implementing planned reforms. Therefore, this study also deals with reform of public administration, inter-institutional cooperation, activities of specific institutions in developing of their own strategic documents and planning of development of their own capacities through cooperation with international organizations and institutions, by examining both direct and indirect impact of these activities on the development of more effective and efficient administration.

The research methodology first focused on analysing the legal and institutional framework for strengthening the human resources potential, with special emphasis on the analysis of newly adopted primary and secondary legislation, with regards to the changes they should bring in relation to the previous legal structure. When it comes to the institutional framework, a special part was dedicated to human resource management authority and its impact on overall situation in maintaining functional administration, but also the role of other institutions, organizations and projects, such as ReSPA, Sigma, CDP and others, which have on-going activities in implementation of reform of public administration in Montenegro, was emphasized. The aim of the analysis was to provide insight into the conditions for the implementation of reforms and achievement of the European standards,

as well as to suggest possible shortcomings or oversights in the development of adequate legal and institutional framework.

Our research of several segments of functioning of public administration, such as human resources policies of the institutions, existence of strategic documents, professional development, evaluation of employees, employment criteria and inter-institutional cooperation, illustrated how this framework is implemented in practice. After analysing each of these segments, their direct impact on the administrative capacities has been determined. In the field of human resources policy, a research was conducted with nearly 70 institutions, having in mind the duties and tasks completed in the last year of the period envisaged for the realization of *National Program for Integration of Montenegro into the EU (2008 – 2012)*. Within these institutions, methods of professional development of public servants and employees have been examined, as well as the existence of strategic documents regarding human resource development and best practices of employees evaluation. A separate research, which comprised over 700 employees in public administration bodies and general public, dealt with employment policies and promotion systems, as well as with the respondents' impressions about the areas in which their institutions achieve the best cooperation with the private sector, the civil sector and the EU institutions. The results of the analysis are primarily presented in the form of recommendations at the end of each unit, and are summarized in the last chapter.

Finally, it should be noted that the term *public administration* used here implies state administration bodies (ministries and agencies, commissions, secretariats, bureaus, directorates, centres and institutes), i.e. civil servants and state employees working in these bodies. However, some reform measures are also applicable to local self-governments, and especially to public services which the citizens have the most contact with, such as health, education, social protection, culture, etc. Finally, the satisfaction of citizens from direct contact with public services institutions, as well as the trust in public institutions, represents one of the most important indicators in measuring the effectiveness of reforms and new laws and regulations, and the level of this efficiency is directly dependant on responding to the need to strengthen administrative capacities in these institutions.

# LEGAL FRAMEWORK FOR THE DEVELOPMENT OF ADMINISTRATIVE CAPACITIES



Establishment of adequate legal and institutional structure for strengthening and building of administrative capacities is something Montenegro can be commended for, as it is one of the relatively successfully accomplished tasks in the EU accession process. Thus, the Spring Report of the European Commission on Montenegro's Progress in the Implementation of Reforms issued on 22 May 2012 stresses the following:

*„Overall, Montenegro has made further progress to address the challenges of the public administration reform. As part of the implementation of this reform, additional secondary legislation was adopted aiming at streamlining the structures of public administration, increasing its efficiency, strengthening cooperation with non-governmental organisations and at introducing publichearings in law drafting”<sup>1</sup>*

In order to analyse the legal structure within which strengthening of administrative capacities was made possible, it is necessary to take into consideration the new laws and by-laws that have been adopted for that purpose, and to stress the most significant changes which these documents should bring forth.

## **Law on amendments and changes of the Law on Public Administration**

Law on State Administration was adopted on 25 June 2003 and it defines the manner of work of state administration which consists of ministries, secretariats, bureaus, directorates, agencies and local self-governments. It also prescribes an obligation to adopt an Act on systematization and internal organization of affairs depending on the scope, type and complexity of affairs, as well as the manner that ensures their efficient, cost-efficient and effective performance. It also provides composition of management in state administration authorities and civil service relations.

Law on amendments and changes of the Law on Public Administration was adopted on 29 July 2011, and it came into force on 23 August of the same year. Changes have mostly been made in light of the new reforms of public administration and reorganization of state administration. Thus, the Article 29 which defined administrative authorities was changed into “administrative authorities are administrations, secretariats, bureaus, directorates and agencies”<sup>2</sup>. Then, Article 28 of the old law defined the need for establishment of administrative authorities, listing, among other, that they are “...established for the performance of affairs... in administrative fields in which ministries are established and in other

<sup>1</sup> Report from the Commission to the European Parliament and the Council on Montenegro's Progress in the Implementation of Reforms, Brussels, 22 May 2012 [http://www.delme.ec.europa.eu/upload/dokumenta/2012/032012\\_mar/042012\\_apr/Spring%20report\\_Montenegro.pdf](http://www.delme.ec.europa.eu/upload/dokumenta/2012/032012_mar/042012_apr/Spring%20report_Montenegro.pdf)

<sup>2</sup> Law on amendments and changes of the Law on Public administration (“Official Gazette of the Republic of Montenegro”, No. 42/11)

fields, when the scope and character of work require independence at work”<sup>3</sup>. The new law clearly emphasizes that other administrative authorities are a part of the ministries and that “if for the performance of professional... affairs.... there is a need for application of scientific and other professional methods and knowledge... administrative authorities shall be established as independent administrative authorities” (Article 5). The provision from the former law stipulating that “Administrative authorities may, within their scope, provide services to private and legal persons, and charge fees for these services” (Article 35) is deleted, and it becomes a part of Article 88, stipulating that before adoption the fees for the services need to be approved by the Government.

In the part dealing with management and liability in state administration authorities a position of State Secretary is introduced. The State Secretary shall be „appointed and dismissed by the Government, on the motion of the minister, without a public competition, and his/her term of office shall cease with cessation of the term of office of the competent minister“ (Article 9). For the first time a position of General Director is introduced, and they “manage and organize the work in one or more organizational units, and are liable for their work to the Minister and to the Government” (Article 10). The role of the Head of administrative authorities and their deputies has been expanded and elaborated, and at the same time “independence” of this position has been emphasised.

As regards the relations of state administration authorities with non-governmental organizations, the new paragraph reads that this cooperation is specifically implemented by „consulting the non-governmental sector when developing strategies and analysis of the situation in a particular field, drafting laws and other regulations and adopting by-laws which govern exercise of freedoms and rights of citizens” (Article 23). However, it was stressed that all forms of cooperation between the non-governmental organizations and state administration authorities are determined by the Government. This solution can be problematic having in mind the role of the Council for Cooperation between the Government and NGOs.

As regards to publicity and transparency of work of state administration authorities, in the Article 95 of the former law which regulates the right of the public to be informed about implementation of activities of the ministries and administration authorities, as well as the right of the ministries to refuse disclosure of some data, there is an additional provision stipulating that bodies conduct reporting through ministries as well as that “presentation of certain reports and data may be refused only if their disclosure would represent a violation of protection of secret information” (Article 29).

Finally, there is an obligation to harmonize new bylaws within the next six months, as a part of transitional and final provisions.

## **Decree on Organization and Manner of Work of the Public Administration**

One of the most important by-laws adopted in line with the new Law on Public Administration is the Decree on Organization and Manner of Work of the Public Administration which came into force on 24 January 2012. This decree establishes ministries and other public administration authorities; it determines organization and manner of work of the state administration, the issue of ensuring the execution of the decisions rendered by the Constitutional Court of Montenegro, as well as other issues of importance for organization and work of public administration. The authorities have been divided into sixteen minis-

<sup>3</sup> Law on Public Administration(038/03-1. and”Official Gazette of the Republic of Montenegro”, No. 022/08-21.)



tries and bodies that fall under their jurisdiction, as well as independent administrative authorities which include 5 administrations, one secretariat, six bureaus, one directorate, and one agency. It also regulates the supervision of the ministries over the work of administrative authorities in Articles 50 and 51, and as a result "supervision over legality and purposefulness of the activities and legality of administrative acts of administrative authorities"<sup>4</sup> is also performed over independent administrative authorities. Thus, Human Resource Management Authority is supervised by Ministry of Finances, Directorate for Protection of Classified Information by the Ministry of Defence, Agency for Protection of Environment by the Ministry of Tourism and Environmental Protection, Bureau for Intellectual Property by the Ministry of Economy, etc. Supervision over „coordinated work of inspections of the Administration for Inspection Activities is performed by the Government, through the Ministry of Finance" (Article 51).

Manner of work of public administration is defined through work programme of public administration authorities, regulation of the work of the Council, the Executive and Project Groups, working hours schedule and administrative days. Although the Work Programme is adopted by the Minister, or the head of the administrative authority, „the Work Programme of an administrative authority shall be adopted with the consent of the Ministry supervising that body" (Article 52).

Execution of decisions of the Constitutional Court of Montenegro is also ensured via the Decree on organization and manner of work of the public administration, according to which "upon the request of the Constitutional Court, the Government shall provide execution of the decisions of the Constitutional Court through the Ministries and independent administrative authorities, which scope of activities included the issues of the decision" (Article 58).

The decree also foresees that the ministries and other administration authorities with changed scope of work harmonise their acts on internal organisation and systematisation (Article 60) and regulation of future activities of Administration for inspection activities, Environmental protection agency, Hydro-meteorological Bureau, Seismological Bureau and others.

## **Law on Civil Servants and State Employees**

The new law regulating civil service and status of civil servants and state employees was adopted on 22 August 2011 and will come into force on 1 January 2013, and from that date the Law on Public Servants and State Employees published in Official Gazette of Montenegro No. 50/2008 from 19 August 2008 will cease to have effect.

Defining of the status of civil servant and state employee and their duties has not changed drastically in comparison to the former law, except that in the new law a provision stipulating that, "...for the purpose of this Law, a Civil Servant shall not mean a Member of the Parliament, or a person who is elected or appointed by the Parliament of Montenegro"<sup>5</sup> has been deleted. Civil servant is still "a person who has been employed in the state body to perform tasks for the exercise of competencies of the state body laid down by the Constitution, laws and other", whereas a state employee is "a person who has been employed in

<sup>4</sup> The Decree on Organisation and Manner of Work of the Public Administration ("Official Gazette of the Republic of Montenegro", No. 5/12)

<sup>5</sup> Law on Civil Servants and State Employees ("Official Gazette of Montenegro" 50/2008, 08/08), Article 2

the state body to perform administrative and ancillary and technical tasks”<sup>6</sup>. According to the new Law, civil servant is also a „person who performs IT, financial, accounting and other administrative tasks”. Regarding the definition of the state body, apart from administrative authorities, office of the President of Montenegro, Parliament of Montenegro, Government of Montenegro and Constitutional Court of Montenegro, which are mentioned in the old law, the ministry, court and office of public prosecutor, have also been added.

When it comes to application of the Law, in Article 3 of the Law there is an addition that the new Law shall also be applied to”...employees from Fund for Pension and Disability Insurance of Montenegro, Health Insurance Fund of Montenegro, Employment Bureau of Montenegro, the Labour Fund and Agency for Peaceful Settlement of Labour Disputes” as well as that ”the Law shall also be applied to employees working in other agencies, regulatory and independent bodies, if so is provided by a separate law”.

Special attention is given to ethics of civil servants and state employees. Although the major part of the Code of Ethics is contained in the old law, the new document significantly expands the range of rights and responsibilities of the civil servants and state employees. Thus, for the first time in Article 7 it is stressed that in performance of the tasks ”discrimination is prohibited against citizens based on ....nationality..... social or ethnic origin, association with a minority people... political or other opinion, gender, gender identity, sexual orientation... or assumption about membership in a group, political party or other organisation, or based on any other personal characteristics“. Also, in Article 9 that is dealing with political neutrality and impartiality there is an addition that apart from performing of their tasks in accordance with the public interest ”civil servants and state employees shall refrain from public expressions of their political beliefs“. For the first time there is an explanation regarding the use of gender sensitive language, emphasising that “all expressions used in the Law denoting the masculine gender shall include the feminine gender”.

As far as job classification for civil servants and state employees is concerned, four categories have been set: senior management staff, expert-management staff, expert staff and executive staff. Several parameters have been set under these categories and in accordance with the Article 19 of the Law, a public body “may not set a post beyond the categories and grades as laid down by this Law”. Grades, titles and qualifications are set under each category. This categorisation differs from the one laid down by the previous law, where a three-grade division had applied to all civil servants depending on their education. Job classification for state employees has been changed, too, so instead of categorisation into five grades, a two-level division was made: senior state employee with education qualification levels III or IV and minimum one year of working experience and a state employee with levels I or II, without working experience.

The requirements for acquiring titles for performance of duties pertaining to particular posts mostly remain unchanged. Article 33 defines an obligation to pass a civil service exam, except for state employees with elementary education, and thus the programme and manner of taking of the exam „shall be determined by the Government, on the proposal from the public administration body competent for administration affairs”. Particular attention is now being paid to the setting of the criteria for civil service exam, since the Government’s working groups, in cooperation with the Human Resource Management Authority, have recognised the great significance of making a set of universal and appropriate criteria for employment in public administration with the objective of administra-

<sup>6</sup> Law on Civil Servants and State Employees (Official Gazette of Montenegro 08/11), Article 2



tive capacity building and strengthening. The candidates' aptitude is tested by a commission formed by the human resource management body and it comprises a representative of the human resource management body, a representative of the employing public body and technical staff testing the skills required by the job advertisement. It should be noted that the Parliament of Montenegro is the only public administration body which is often an exception to the rule when it comes to job or competition advertising, list of candidates complying with the advertisement requirements, aptitude tests, evaluation of candidates, selection of candidates and the right to get and insight into and returning of the documents, as the Parliament's autonomy is somewhat broader. For example, Article 39, laying down the publishing of a job advertisement or competition, the contents of the advertisement, the method for correcting and withdrawal of the advertisement as well sending job applications electronically is not laid down by the Ministry acting upon proposal of a human resource management body, but by a working body of the Parliament, which issues an approval to the act on organisation and job classification in the Parliament's service.

When it comes to the rights, obligations and integrity of civil servants and state employees, it is important for strengthening of administrative capacities that for the first time working conditions are mentioned, as it is stated that civil servants and state employees have the right to be provided with "...necessary technical and other conditions for performing duties and tasks in accordance with the rules and standards of work of the state body" (Article 59). Duration of annual leave, which is determined depending on the length of service, has been increased, and when salaries, allowances and other benefits are concerned, there is an addition to Article 60 stating that civil servant or state employee have a right to an equal pay for equal work, regardless of whether he/she was employed for fixed or indefinite time period.

In the new law a significant portion is devoted to regulation of conflict of interests and protection of public servants and state employees reporting suspicion of corruption. For the first time receiving of gifts is prohibited and introduced refusal of gifts, and thus Article 72 and 73 stipulate that public servant or state employee „shall not receive gifts, except for appropriate gifts of small value“, and according to the law the value of these gifts is not to exceed 50 EUR. The recipient of the gift is required to report the gift to state body where he/she is employed, and the state body keeps record of received gifts. Also, „if the public servant of state employee could not refuse the gift or return the gift to the sender, he shall be obliged to hand over the gift to the state body where he/she is employed“.

Disciplinary responsibility of public servants and state employees have also been determined, as well as new rule about defining of minor and serious disciplinary violations, as well as adequate disciplinary measures and disciplinary procedure.

The appraisal procedure of civil servants and state employees has been explained in the new law and it establishes mutual obligations between the management and employees in this process. The criteria and appraisal method of civil servants and state employees are determined by the Government, upon the proposal of the Ministry, except in the Parliament, where the Parliament's working body has autonomy in the aforementioned process.

Professional training and development is elaborated in Articles 115 – 120, where it is stated that funds for training of public servants and state employees "shall be provided in the budget of Montenegro". Also, "type, contents, method of preparation and adoption, as well as the methodology for drafting of programme of professional training and development shall be determined by the Government, on the proposal of the Human Resources Management Authority (Article 116).

As a result of numerous public administration reforms and reorganisation of certain public administration units, legal framework governing the dissolution of bodies, posts and reorganization is of great importance for monitoring the administrative capacity building. Regulation of the protection of employees who are left without a job in such reorganisation processes or who are not taken over by another public body is given a separate chapter in the new law. In accordance with the Article 128, “a civil servant or a state employee whose post is cancelled due to dissolution of a public body or a part of the work that is not to be taken over by another public body shall be placed at disposal of the human resource management authority for the purpose of an internal labour market. The rights and obligations of the civil servant or the state employee placed at disposal as referred to in the paragraph 1 of this Article shall be laid down *ex officio* by a decision of the human resource management body...” More importantly, such a civil servant or a state employee “shall be entitled to a compensation in the amount of the salary from the month preceding the month in which he/she was put at disposal, pending the proper deployment, and no longer than six months from the day of his/her placing at disposal” (Article 130).

Finally, proper monitoring and administrative capacity building would be difficult without a clear legal framework regulating it, so the new Law on Civil Servants and State Employees contains a separate chapter governing this field, as did the previous one. In difference to the previous law, the new one defines, in addition to the scope of authority of the human resource management body and the central human resource records, also the staffing plan, governs its adoption and lays down the responsibility for its implementation. Accordingly, the “staffing plan consists of cumulative and individual data on employees in public bodies and the needs for new employments in the year that the staffing plan applies to” (Article 148), “the staffing plan for public administration bodies and Government services is adopted by the Government. The staffing plan for other public administration bodies are adopted by the head of the public body concerned unless otherwise provided for by a separate regulation, following the approval of the ministry in charge of finances, which is not needed for the Parliament and judiciary bodies” (Article 149) and “the head of the public body is responsible for implementation of the staffing plan” (Article 150).

## Code of Ethics for Civil Servants and State Employees

For the purpose of providing conditions for full implementation of the new law, on 30 October, 2011, the Government adopted the **Action Plan for Implementation of the Law on Civil Servants and Public Employees**, which was revised in March 2012 and under which the Code of Ethics for Civil Servants and State Employees was adopted on 15 March 2012, which is to enter into force on 1 January 2013.

This Code of Ethics lays down the “ethical standards and rules of conduct for civil servants and state employees in a ministry, administration body, service of the President of Montenegro, the Parliament of Montenegro, and the Government of Montenegro, the Constitutional Court of Montenegro, the courts and public prosecutor offices. This Code of Ethics applies to the employees in the Pension and Disability Insurance Fund of Montenegro, the Health Insurance Fund of Montenegro, the Labour Fund, the Agency for Amicable Settlement of Labour Disputes, as well as to employees in other bodies, regulatory and independent bodies, if provided for by a separate law.”<sup>7</sup> The objective of the Code of Ethics is to

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7 Code of Ethics for Civil Servants and State Employees, Government of Montenegro



“preserve, affirm and develop further the dignity and reputation of civil servants and state employees and further building trust of citizens in the work of public bodies”(Article 2).

This Code governs the ethical standards and rules of conduct, the attitude of employees towards clients, relations among the employees and the Ethics Committee. Ethical standards and rules govern the protection of the reputation, respect of integrity, equality of citizens, conduct of employees in public, information handling and dress code at the place of work. With regard to the attitude of employees towards clients, the Code lays down the behaviour and behaviour of the employee towards persons with disability towards whom he/she shall act “with particular care” (Article 12). When it comes to relations among employees, the significance of conduct of the immediate supervisor is underlined as well as the importance of reporting unethical requests and definitions of the violations of the Code of Ethics. Finally, it lays down the rights of citizens in cases of violations of the Code of Ethics and the scope of authority of the Ethics Committee that monitors the implementation of the Code, the chairman and members of which are appointed by the Government of Montenegro at proposal of the public administration body in charge of administration affairs, for the period of four years (Article 18).

## Law on Amendments to the Labour Law

In November 2011, the Parliament has adopted the Law on Amendments to the Labour Law, which amends the previous Labour Law (“Official Gazette of Montenegro”, No. 49/08, 26/09 and 26/10) which regulates “rights and obligations of the employees arising from the employment, the method and the procedure of their implementation, encouraging employment and facilitating labour market flexibility”.<sup>8</sup>

In the part dealing with the protection of the employees, apart from harassment and sexual harassment, the new Law for the first time introduces protection from abuse in the workplace, or *mobbing*. Similarly, Article 11 adds that “While using the parental leave the employees shall be entitled to special protection”<sup>9</sup>. The conditions for establishment, termination, the content and duration of the labour agreement, which defines employment, have been elaborated. After the Article 43, which defines transferring of the employee to a position within another employer, seven new articles have been added and they regulate temporary work of employees and establishment of the *Agency for Temporary Assignment of Employees*.

According to the collective agreement every employee is entitled to annual leave, and according to the new Law minimal annual leave has been increased from 18 to 20 working days (Article 22); the rules regarding scheduling of annual leave have been clarified, the new law addresses the use of terminology that is consistent with prohibition of gender discrimination in relation to parental leave and use of term “childbirth” instead of “wife giving birth to a child”. Article 88 dealing with status changes and changes of the employer has been changed, providing for more responsibilities of the employer towards the employee and the manners in which the employees exercise their rights.

Very important is a new article, added in the part dealing with the protection of employees, which regulates the protection of employees who report corruption, and it is stated that „the employer shall be obliged to provide to the employee who reports suspicions of

<sup>8</sup> Labour Law(‘Official Gazette of the Republic of Montenegro’ No. 49/08, 26/09, 26/10)

<sup>9</sup> Law on amendments to the Labour Law(“Official Gazette of the Republic of Montenegro”, No. 19-1/11)

corruption a protection from identity disclosure to unauthorised persons“(Article 102a), thus making a step forwards as regards harmonisation with European legislation. There are also some additions which regulate the following: alternative labour disputes resolution; the procedure for termination of employment agreement; the decision on dismissal, protection of the rights of employees in the event of dismissal; the deadline for signing of agreements on mutual rights; initiated procedures for protection of rights of employees; initiated procedures based on redundancy; harmonisation of collective agreements and adoption of regulations.

## **Law on Salaries of Civil Servants and State Employees**

On 27February, the Parliament adopted the Law on Salaries of Civil Servants and State Employees (Official Gazette of Montenegro 14/12), which entered into force on 15March 2012, with the exception of Article 11<sup>5</sup> which is to enter into force in 2013 concurrently with the Law on Civil Servants and State Employees. Adequate regulation of salaries of employees in public administration bodies is of great importance for administrative capacity building, just as the harmonisation with the European legislation in this field is of crucial importance in achieving the European standards when it comes to the public administration functioning.

When it comes to transparency, “the data on salaries of civil servants and state employees are available to the public, in accordance with the law”<sup>10</sup>. Also, in accordance with Article 8, “the General Collective Agreement applies to salaries, remunerations and other income of employees with regard to issues that have not otherwise been laid down by this law”.

The Law on Salaries of Civil Servants and State Employees defines also the structure of salaries which consists of a fixed part, a variable part and a supplement to the salary, as well as clear guidelines determining each part. The salary grades and coefficients are set in accordance with the “titles of the civil servants or state employees, depending on the responsibility, importance and working conditions” (Article10).

A separate chapter is dedicated to remunerations and other income, as well as to salary increment for work in specific posts. Article 20 stipulates that the decision on remunerations and other income, in accordance with this law and the General Collective Agreement, shall be adopted by the Minister of Finance.

When it comes to records and supervision “the public administration body in charge of budgetary affairs shall keep the central records on salaries of civil servants and state employees” (Article 21). The supervision over the implementation of this law and other regulations on salaries and remunerations of civil servants and state employees, carried out by the Ministry through authorized persons who, in case where irregularities are established, shall undertake measures as provided for by the regulations on inspectorial supervision.

Finally, Article 25 lays down the implementation of the collective agreements and states that as of 1 of January 2013, employees of the Pension and Disability Insurance Fund, the Health Insurance Fund of Montenegro, the Employment Office of Montenegro, the Labour Fund and the Agency for Amicable Settlement of Labour Disputes shall be entitled to salaries, remunerations and other income in accordance with this law.

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<sup>10</sup> Law on Salaries of Civil Servants and State Employees (“Official Gazette of the Republic of Montenegro”, No. 14/12)



## Law on amendments to the Law on General Administrative Procedure

This Law was adopted on 22 of June 2011, with the objective of revising the previous Law on General Administrative Procedure (Official Gazette of the Republic of Montenegro 60/03), binding the public bodies and local governance bodies to “directly enforce regulations, decide on rights, obligations or legal interests of a natural person, a legal person or other applicant, as well as in performing other activities as laid down by this law”<sup>11</sup>.

Apart from changing the formal terminology in order to adjust to the current situation, such as changing, e.g. “local self-government” into the “local government” or the “Republic of Montenegro or the Republic of Serbia” into “Montenegro”, the new law governs also a whole set of fields related, either directly or indirectly, with the administrative capacity and more efficient work of the public administration bodies. Thus, Article 27 of the previous law governing the procedure in cases of conflict of jurisdiction of two bodies is amended with “a single contact and coordination point” with the following: “the body shall provide a natural person, a legal person or other applicant with information, advice and other assistance, as well as the forms prescribed for exercising of their rights, in a single place...” and “where exercising of a right or a legal interest of a natural person, a legal person or other applicant requires several administrative procedures, the bodies... shall provide that person with information, advice and other assistance as well as with the forms prescribed...in a single place, as well as enable submitting the applications in that same place”<sup>12</sup>.

When it comes to governing the cases of formal flaws in an application preventing its further processing, the deadline for an action of the body receiving the application has been shortened from eight days to “immediately, and no later than three days” (Article 6). The deadline for issuing certificates and other documents used for keeping official records has been reduced from 15 to eight days (Article 9), while the deadline for handing over the refusal of an application for issuing a certificate has been reduced from 30 to 15 days (Article 10). Also, the administration body shall deliver the decision to the applicant following the submission of a valid application that does not require a special inquiry procedure no later than 20 days, instead of original one month, and in other cases no later than one month, instead of two months, as originally provided for by the previous law (Article 12). The deadline for submitting a complaint to the body in charge of deciding upon complaints has been reduced from 15 to eight days (Article 14). All deadlines with regard to obligations of a public body to deliver a decision to the applicant or another institution have been reduced from two months to 30 days, from one month to 20 days and from 15 days to eight days.

When it comes to deadlines for issuing a decision, a new Article has been inserted, laying down that “in certain administrative areas related to business or services, in cases laid down by the law, where a body fails to issue a decision within the deadline prescribed in a procedure initiated with a valid application of the applicant that it is in charge of, the applicant’s application shall be considered accepted” (Article 13).

Penalties for performing of official duties unconscientiously, untimely or negligently or abuse and official misconduct are now applicable also to a less drastic violations of duty,

<sup>11</sup> Law on General Administrative Procedure (“Official Gazette of the Republic of Montenegro”, No. 60/03), Article 1

<sup>12</sup> Law on amendments to the Law on General Administrative Procedure (“Official Gazette of the Republic of Montenegro”, No. 23-1/11-2/2/5), Article 5

so, according to the new law, the administrative inspector shall have the authority to penalise an employee with a 30 per cent reduction of the salary from the previous month where the officer fails to adopt a decision to a valid application within the deadline prescribed.

## **Law on amendments and modifications to the Law on Inspectorial Supervision**

This Law, which entered into force on 1 of January 2012, revises the previous Law on Inspectorial Supervision (Official Gazette of the Republic of Montenegro 39/03 and Official Gazette of the Republic of Montenegro 76/09). The main contribution of this law to the building of Montenegro's administrative capacity is placing the inspectorates, i.e., the inspectorial supervision work, under a separate public administration body, providing conditions for strengthening the human resource and technical capacity of inspectorial bodies.

Article 2, the scope of the law, in establishing of the administration body in charge of inspectorial supervision, governs the status of the head of this body who is, according to the new law, "appointed by the Government at the proposal of the working body of the Government, on the basis of a public competition"<sup>13</sup>. Furthermore, "the inspectorial supervision in the field of public administration, defence and security, protection and rescue, transport of hazardous substances and explosives, and safety and security in transport, shall be carried out by the competent public administration bodies in accordance with this law and a separate law" (Article 1).

A new paragraph is inserted into the Article 15 of the previous law, governing the obligations and scope of authority of inspectors in remedying the irregularities, stating that "the authorised inspector may submit a request for launching a misdemeanour proceedings" (Article 4). The provisions harmonising the joint performing of inspectorial supervision are deleted.

When it comes to fines for misdemeanours, a fine "ranging from one half to 20 minimum wages in the Republic"<sup>14</sup> is replaced definitely by a fine "ranging from EUR 30 to EUR 500" (Article 11). Finally, as far as complaints are concerned, "the ministry in charge of the administrative field that the decision refers to" shall decide on the complaint instead of "the minister or the head of the public administration body" (Article 4).

## **AURUM 2011 – 2016.**

AURUM is an abbreviation used for „Strategy of the Public Administration Reform in Montenegro for the period 2011 – 2016.“ adopted by the Government in order to improve management and administrative capacities, manner of creating policies, organisation of public administration, preparation and execution of budget, employment policies, training of staff, supervision and evaluation, in accordance with obligations deriving from SAA.

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<sup>13</sup> Law on amendments and modifications to the Law on Inspectorial Supervision (Official Gazette of the Republic of Montenegro, No.57/11), Article 1

<sup>14</sup> Law on Inspectorial Supervision („Official Gazette of the Republic of Montenegro”, No.39/03 and “Official Gazette of the Republic of Montenegro”, No.76/09)

<sup>15</sup> AURUM 2011 – 2016. <http://www.mup.gov.me/biblioteka/strategije>



General results of implementation of the strategy are based on „budgetary savings, reduction of public spending, reduction of a number of employees in state administration and public services and institutions, significantly more efficient work of administration on the state and local level.”<sup>16</sup> The goals and indicators that public administration should reach after implementing the strategy are the following: normative completion of the public administration system in accordance with the Constitution of Montenegro; rationalisation of government, improving efficiency and savings, improving coordination, transparency and citizen participation; stabilisation of public finances by improving uniform wage policy in public administration and remuneration according to work results, better planning and strengthening the control of budgetary resources; improving of civil service system; measures to strengthen the quality of legislation and strategic documents (impact assessments of new regulations, the implementation of regulatory reform, creation of laws and strategic documents and better coordination of public policies; improvement of administrative procedures; improvement of electronic management system; functional reorganisation of the inspection system, i.e. the concentration of inspections in the unified body (Trade Inspectorate).

Within AURUM there is an Action Plan for the implementation of AURUM, which defines activities, bearers of the activities, implementation dates, success indicators and financial resources necessary for realisation of the activities for the period 2011 – 2016.

#### **Recommendation 1:**

It is necessary to improve the legal framework regarding procedures for employment of civil servants and state employees, primarily by adopting and establishing new mechanisms for monitoring the implementation of newly adopted regulations. In addition, special attention needs to be given to establishing of criteria within the Decree on procedure for testing of aptitudes of candidates, the role of the Commission for evaluating of performance of employees, as well as to adequate implementation of the Decree on professional exam which changes the concept of state exam.

#### **Recommendation 2:**

It is necessary to strengthen capacities for implementing the Law on Civil Servants and State Employees. Generally, it is necessary to develop more efficient mechanisms for monitoring the implementation of the public administration reform and new legislation, which directly contribute to the strengthening of institutional capacities. This entails regular reporting on implementation of the most important strategic documents from this field, primarily of AURUM, enabling smooth operation of inspection services. Most importantly it is necessary to define success indicators in the process of systematic monitoring of law enforcement, for example, the satisfaction of citizens with the work of public administration, implementation of administrative decisions, opinions of relevant international institutions, the average length of administrative procedures, etc.

<sup>16</sup> *Administrative capacities and the NPI, a Study conducted by European Movement in Montenegro, project EU Matrix, 2010*

# 2

## INSTITUTIONS AND THE BUILDING OF ADMINISTRATIVE CAPACITIES

Article 111 of the Constitution of Montenegro<sup>17</sup> stipulates that duties of the civil service are discharged by the ministries and other administrative authorities. Law on State Administration further defines these authorities, depending on their roles. The same Law also prescribes that the Government of Montenegro, as a holder of executive power, establishes the state administration authorities and determines their organisation and manner of work. This implies that the government of Montenegro is the primary institution when it comes to the work of state administration authorities.

According to the same Law, the ministries shall conduct activities with regard to proposing internal and foreign policies, which are carried out through drafting of strategies, as well as projects, programmes and international documents. The processes of European and Euro-Atlantic integrations have caused the need for institutional response and establishment of new state administration bodies and expanding of competences of the existing bodies, which resulted in the increased number of authorities and employees in order to adequately respond to the expansion of administrative and technical tasks. Equally important for maintaining a functional and efficient state administration is overseeing the implementation of policies and laws, followed by obtaining feedback, which is achieved through administrative and other supervision, judicial control and other forms of control.

### **Human Resources Management Authority**

Along with the Government's initiative on monitoring and building of administrative capacities in public administration through implementation of reform policies, a large portion of work in strengthening of administrative capacities comes down to human resource management, and this is a responsibility of an independent state administration body- Human Resources Management Authority. It was established in 2004, as a new body in the system of state administration, after adoption of the Law on Civil Servants and State Employees ("Official Gazette of the Republic of Montenegro", No. 27/04 and 31/05). Today, Human Resources Management Authority is considered to be the institution which is most responsible for the development and strengthening of administrative capacities of Montenegro. The function of this body is not only limited to management and development of human resources of the Montenegrin state authorities, but also maintenance of personnel information system for management and development of human resources in these bodies, improvement and enhancement of the human resource management in the Government bodies, as well as with increasing the level of professional development of employees working in the aforementioned bodies.

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<sup>17</sup> The Constitution of Montenegro, "Official Gazette of the Republic of Montenegro", No. 01/07 from 25.10.2007



The Report on work of the Human Resources Management Authority for 2011<sup>18</sup> enlists a set of activities this institution implemented in order to strengthen the administrative capacities. These activities have been realised in accordance with the Law on Civil Servants and State Employees, the Government of Montenegro Work Program for 2011, as well as various strategic documents and action plans. Cooperation of HRMA with other government agencies and domestic and foreign institutions is evident, particularly in the field of implementing commitments from the Opinion and recommendations of European Commission about Montenegro's membership in EU. Human Resources Management Authority is also responsible for adoption of Plan of employment of trainees with higher education, and it is implementing the Plan in cooperation with relevant ministries and the Employment Bureau. Adopting by-laws, drafting internal rules of HRMA, training programmes, determining bearers of activities, deadlines and success indicators have all been realised through the Action plan for the implementation of the new Law on Civil Servants and State Employees. HRMA was one of the parties involved in preparation of the Action plan. The Human Resources Management Authority is also responsible for collecting information on the ethnic structure of employees in order to ensure implementation of constitutional and legal guarantees, in collaboration with the Ministry for Human and Minority Rights.

However, providing conditions for modern management of human resources in state authorities and their permanent development in line with the main European standards in this field can be recognised as the most important task that Human Resources Management Authority has set for itself. Without opportunities for education and development of civil servants and state employees, the administrative system in any state cannot function properly and legally. Therefore, in the process of implementing the new administrative legislation and administrative reform as a whole, HRMA puts the greatest emphasis on education and training of employees. Pursuant to the Regulation on Internal Organisation and Systematisation of Human Resources Management Authorities, adopted in accordance with Article 37, paragraph 2 of the Law on State Administration ("Official Gazette of Montenegro", No. 38/03), organisational chart of this institution requires that all tasks performed by HRMA are implemented by four organisational units, namely: Sector for public advertising and monitoring implementation of regulations, Sector for training and development of employees and Centre for Information System and General Administration Service.

The Human Resources Management Authority continues to face the challenges that stand in the way of achieving the European standards as regards building of effective and efficient administrative personnel in Montenegro. Reduced budget, resulting from revision of budgetary expenditures due to the economic crisis, constitute a genuine impediment to fulfilment of all the goals set by the Authority, but this is a problem that many public institutions across Europe are facing.

Lately, it is noticeable that an insufficient number of civil servants attend seminars and trainings organised by Human Resources Management Authority. For this reason, several of these events planned for May and April 2012 have been cancelled, as for example: „Integrity plan“, „State aid“, „Protection of persons and property“, „Fight against corruption“, „European Convention on Human Rights“, „Montenegro on the path to EU membership“, „Intellectual property“. There is also a problem of insufficient cooperation between state administration bodies and HRMA as regards sharing of information for filling in of the Human Resources Information System (KIS). For now, only 35 institutions have been registered in central personnel records, and there are many irregularities and outdated information in the process of public administration reform and adoption of new acts on

<sup>18</sup> Report on work of the Human Resources Management Authority for 2011 [http://www.uzk.co.me/images/stories/dokumenti/IZVJESHTAJI/UZK\\_Izvjeshtaj%20o%20radu\\_za%202011.pdf](http://www.uzk.co.me/images/stories/dokumenti/IZVJESHTAJI/UZK_Izvjeshtaj%20o%20radu_za%202011.pdf)

systematisation. Currently, the implementation of the Analysis of needs for professional development is in the pipeline, and methodology for the Analysis has already been done, as well as preparation of state institutions for implementation of the new Law on Civil Servants and State Employees which will enter into force on 1 January 2013.

Aside from the aforementioned, the biggest challenge HRMA is facing is „creation of human resources, space and other technical and administrative capacities for fulfilment of obligations arising from entering the new Law on Civil Servants and State employees into force, from the 1 of January 2013“. Generally speaking, the position of the body for human resources management in the public administration system is extremely important, as well as the issue of the quality of professional staff employed in that body. From this, to a great extent, „depends the success of endeavours aimed at administrative reform in Montenegro, since it is obvious that this body has to become a generator of new ideas and knowledge in this area, as well as a guarantee of a higher degree of objectivity of selection of personnel for work in the administration“<sup>19</sup>.

## **Project ReSPA**

Regional School of Public administration (ReSPA) is one of the most important projects when it comes to the field of public administration, strengthening of administrative capacities and development of human resources in accordance with the principles of European administrative area. Mission of ReSPA is reflected in organisation and conducting of trainings, high-level conferences, networking events and preparation of publications with the general aim to transfer knowledge and skills, as well as to exchange experiences within the region, and between the region and EU member states<sup>20</sup>.

Institution ReSPA in Montenegro was opened in late 2008 in Danilovgrad, when the annual training curriculum was prepared. The following activities are planned for 2012: Summer School „European Law and its Application“ in Luxembourg, from 2-13 July, Summer School „Young Managers in Public Administration“, Workshop on „Performance Assessment Training for Managers in Public Administration“ in Danilovgrad, from 3-6 July, Workshop on „EU Decision Making and Negotiation Techniques“, Workshop on „Total Quality Management with Common Assessment Framework (CAF)“ and Workshop „European Commission Direct Funding for Central Public Administrations of the Western Balkans“ in Danilovgrad, from 29 May- 1 June<sup>21</sup>. It should be noted that, apart from providing knowledge and skills through delivery of training activities, the aim of ReSPA is „to create a horizontal network for meeting people and exchange of experiences to facilitate achievement of common goals in the field of reform of public administration and administrative capacity building in the region“<sup>22</sup>.

## ***United Nations Development Programme and Capacity Development Programme (CDP)***

Capacity Development Programme (CDP) is implemented in Montenegro from September 2003, and it is a fruit of cooperation between the Government of Montenegro, the Foundation Open Society Institute in Montenegro (FOSI – ROM) and United Nations Development

19 Basis of Public Administration System in Montenegro, Prof. Djordjije Blazic, PhD and Assistant Prof. Slobodan Dujic, PhD Podgorica, July 2004

20 Regional School of Public Administration <http://www.respaweb.eu/>

21 RESPA trainings in 2012. [http://www.uzk.co.me/index.php?option=com\\_content&view=category&id=71&Itemid=227&lang=sr](http://www.uzk.co.me/index.php?option=com_content&view=category&id=71&Itemid=227&lang=sr)

22 Interview with Svetlana Vukovic, Director of Human Resources Management Authority, 08 June 2012



Programme (UNDP). CDP contributes to strengthening of institutional and administrative capacities in the process of integration of Montenegro into the European Union. The programme was implemented in three phases, 2003 – 2007, 2007 – 2010 and the last, current phase 2010 – 2013. The budget CDP had at the beginning of project implementation in 2003 amounted to \$550,000, and in meantime, for the third phase of implementation of the programme the amount has grown to \$2.0 million. During the nine years of activity, CDP supported several institutional and functional, horizontal and vertical monitoring, restructuring and reorganisations in various ministries. The third phase focuses on providing further support to the European integration process, development and implementation of the new Strategy of the Public Administration Reform in (AURUM) and capacity building of relevant government structures for the negotiation process with the EU. Some of the publications prepared within the CDP are: “Independent review of CDP”, “Influence of Montenegrin independence on vulnerable social groups”, “IPA component I programming”, “Impact Evaluation of the CDP in Montenegro, September 2009”, “Economic and fiscal programme 2009-2012” and many others.<sup>23</sup>

## SIGMA

Support for Improvement in Governance and Management, or SIGMA, is a programme of the European Union and Organisation for Economic Co-operation and Development (OECD) initiated in 1992 which provides technical and expert support to Montenegro in the fields of reform of public administration and public procurement sector. More precisely, Sigma has on-going activities in the following areas: external audit and parliamentary accountability, implementation of the Law on Amendments to the Law on Public Administration, legal assistance and institution building, public services and human resources management, as well as public internal financial control, including internal audit. Also, at the request of European Commission, SIGMA prepares annual reports for each of those areas, which serve as a contribution to the annual report on the progress of the EU candidate countries. Thus, for Montenegro three such reports have been prepared for 2009, 2010 and 2011, as well as Public Management Profile of Montenegro prepared in 2003.<sup>24</sup>

## Secretariat for Development Projects

Within the Decree amending the Decree on Organisation and Manner of Work of Public Administration adopted by the Government in April of 2012, there is a proposal to establish a separate Secretariat for Development Projects which would be responsible, among other things, for „monitoring and improvement of legal system of Montenegro; ensuring the compliance of laws, other regulations and general acts that are being drafted with constitutional and legal system; providing expert assistance and providing of professional and methodological uniformity during drafting of laws and other regulations... ”<sup>25</sup>. This public administration body should play one of the key roles in institutional framework, when functioning of public administration is concerned, but it would also demand special attention in order to build its own administrative and technical capacities.

<sup>23</sup> United Nations Development Programme – Capacity Development Programme <http://www.undp.org.me/dg/projects/CDP/index.html>

<sup>24</sup> SIGMA and Montenegro [http://www.sigmaweb.org/document/49/0.3746.en\\_33638100\\_33638200\\_44393713\\_1\\_1\\_1\\_1.00.html](http://www.sigmaweb.org/document/49/0.3746.en_33638100_33638200_44393713_1_1_1_1.00.html)

<sup>25</sup> Decree amending the Decree on Organization and Manner of Work of Public Administration, Government of Montenegro, April, 2012.

# CONCLUSIONS

There is an impression that, in terms of building of a sustainable and functional legal and institutional framework for the development and strengthening of administrative capacities, significant efforts have been made primarily through reorganisation of state administration and adoption of the new Law on Civil Servants and State Employees, but real progress will only be reflected in adequate implementation of this Law. Also, it is necessary to examine the extent to which the new reorganisation can contribute to improvement of efficiency and effectiveness of public administration bodies. In that respect, the AURUM indicated that:

***“over the past decade, number of state administration authorities has almost doubled, with a dominant trend over the past year obviously being the establishment of new authorities, rather than the integration of new affairs into the existing institutional framework; result of this practice is an increased cost of state administration; large number of state administration authorities and frequent changes in their organisational structure that jeopardise a system of responsibility and pose a realistic risk challenging long-term reform plans”<sup>26</sup>***

Concrete direction of future activities is provided later in the strategy:

***“Review the existing organisation both from the structure of organs and activities they perform, and from the standpoint of organisation and systematisation of these jobs; conduct concentration of jobs within the ministry and their consolidation in certain areas”***

Finally, “... general legal framework, including the Law on Public Administration and Law on Civil Servants and State Employees, should be harmonised with the European standards and principles. Administrative procedures are complex and require a lot of time, and in this respect need to be simplified. Transparency needs to be strengthened by facilitating access to public sector information, including the economic decisions of the government and allocation of public funds”<sup>27</sup>. Accordingly, the spring Report on Montenegro’s progress the following states the following:

***“ Overall, Montenegro has made some further progress to address the challenges of the public administration reform. However, the comprehensive plan on the reorganisation of the public administration needs to be finalised. The legal framework needs to be further improved....implementation of recent legislation needs to be enhanced... taking due account of the need to strengthen areas related to European integration and the financial sustainability of the reform itself. ”<sup>28</sup>***

26 AURUM 2011 – 2016. <http://www.mup.gov.me/biblioteka/strategije>

27 „Administrative capacities and the NPI”, a Study prepared by the European Movement in Montenegro, project EU Matrix, 2010.

28 Report from the Commission to the European Parliament and the Council on Montenegro’s Progress in the Implementation of Reforms, Brussels, 22.05.2012. [http://www.del.mne.ec.europa.eu/upload/dokumenta/2012/032012\\_mar/042012\\_apr/Spring%20report\\_Montenegro.pdf](http://www.del.mne.ec.europa.eu/upload/dokumenta/2012/032012_mar/042012_apr/Spring%20report_Montenegro.pdf)

**Recommendation 3:**

It is necessary to strengthen the capacity of authorities managing human resources in terms of manpower, space and resources, as well as to deepen the legal structure that defines cooperation between these institutions and other public administration bodies. This especially applies to the capacity for training and human resources management, but also to maintaining of the central electronic personnel records, for whose efficiency it is necessary to have better cooperation and promptness of individual institutions, when it comes to providing information in order to maximise the availability and transparency of information about human resources structure through statistical data.

**Recommendation 4:**

Reconsider the existing structural organisation of individual institutions regarding the necessity of having a separate Department for European integration. Activities related to the accession to the European Union will become a part of everyday duties of the civil servants and state employees even more intensively in the future, and therefore the existence of a separate sector with delegated specific competences regarding European integration seems redundant and leads to reducing functionality and undermining the hierarchy within the institutions.

# 3

## THE NPI AND THE ROLE OF HUMAN RESOURCES POLICIES

### The NPI and the development of administrative capacities

Even before it formally took over commitments and activities deriving from Stabilisation and Association Agreement (SAA), the Government of Montenegro has taken steps toward creating a strategy for fulfilling commitments and duties brought about by this process, in accordance with the needs of European integration. This is how National Program for Integration of Montenegro into the EU (NPI) was created. It was adopted before signing of SAA and designed for a period 2008-2012. The NPI was to include two inevitable processes on the path of Montenegro to the EU: implementation of SAA and adoption of European Law, i.e. *Acquis Communautaire*.

One of the most difficult challenges the Government faced during drafting of these documents was finding a way to include all planning documents such as the Action Plan for Implementation of Recommendations from European Partnership or Strategy of Accession, i.e. integration, in order to more efficiently monitor implementation of planned tasks and to integrate all future activities related to European integration. Thus, among the action plans, there was also an Action Plan for Strengthening Administrative Capacities for Implementation of SAA, which became one of the most important plans for an effective fulfilment of obligations. Administrative capacities became the key and the most extensive part of the NPI, and are analysed in the third and fourth chapter of this document.

The third chapter provides a detailed outline of Montenegro's ability to assume obligations from membership in the EU<sup>29</sup>, which refers to transposition of 33 chapters of *Acquis* into national legislation by the end of 2012. What is important for this study is that at the end of each of the 33 negotiating chapters, as well as at the end of some subchapters, there are tables containing annual employment plans and financial needs for all involved institutions until 2012.

In the following, the fourth chapter, the main emphasis was put on the development of administrative and judicial capacities, which shows the ability of implementing the EU legal system in accordance with the standards and best practices of the EU member states. This chapter consists of an overview of public administration reform, judicial reform, training strategies, plans for improvement of knowledge about the new national legislative framework and the *Acquis* within the judiciary. The overview of public administration reform in the fourth chapter of the NPI includes the following: basic regulations relating to public administration and current situation in this field, review of the new legal acts, review of policies and strategies for enhancement of administrative capacities, training strategies and

<sup>29</sup> National Programme for Integration of Montenegro in the EU for the period 2008 – 2012, Podgorica, June, 2007



programmes improvement of knowledge about the new national legal order and overview of projected employment and establishment of new institutions.

## **The NPI and Current Human Resources Policy**

According to the research conducted independently from this study, there are 19,210 employees in Montenegrin administration, which represents 11.8% of the total number of employees in Montenegro. The ministries and administration bodies have 12,860 systematised working positions, of which 10,511 have been filled. Of that number, 8,396 civil servants are employed for an indefinite period, and 2,027 for a fixed term. Also, in the past three years, 1,475 civil servants and state employees have been employed.<sup>30</sup>

In order to perform a more in-depth analysis of the current staffing structure of institutions in Montenegro, the European Movement in Montenegro has within this study conducted a research which covered most of the ministries, state authorities in their respective jurisdictions, as well as individual state authorities. Thus, requests for free access to information have been sent to the Parliament of Montenegro, 16 ministries (by sectors), 7 agencies (Agency for Civil Aviation, Agency for Electronic Communication, Agency for Medicines, Agency for Insurance Supervision, Agency for Electronic Media, Agency for Protection of Environment and Energy Regulatory Agency), 5 centres (Examination Centre, Centre for Eco-toxicological Research, Judicial Training Centre, Mediation Centre, Centre for Vocational Education), 4 Directorates (Directorate for Public Procurements, Directorate for Transportation, Directorate for Protection of Classified Information and Directorate for Development of Small and Medium Sized Enterprises), 15 Administrations (Port Administration, Tax Administration, Phytosanitary Administration, Veterinary Administration, Administration for Protection of Competition, Forest Administration, Water Management Administration, Administration for the Prevention of Money Laundering and Financing of Terrorism, Real Estate Administration, Human Resources Management Administration, Property Administration, Administration for Anti-Corruption Initiative, Administration for Maritime Security, Police Administration and Customs Administration), 9 Bureaus (Bureau for Intellectual Property, Bureau for Execution of Criminal Sanctions, Bureau of Statistics, Bureau of Education, Bureau for Textbook Publishing and Teaching Aids, Employment Bureau, Bureau for Refugees, Seismological Bureau and Hydro-meteorological Bureau), 4 Commissions (Securities Commission, State Aid Control Commission, Commission for Prevention of Conflict of Interest and Commission for Control of Public Procurement Procedures), 2 (Institute of Public Health and Institute for Standardisation), as well as 25 other institutions such as: Courts of Montenegro, Public Prosecution Office, General Secretariat of the Government, Secretariat for Legislation, Accreditation Body and State Archives- a total of 67 institutions.

The selection of institutions was done according to their representation in the National Program for Integration, as well as to those institutions that are newly established or re-organised in the process of public administration reform. In order to obtain information about the staffing structure, the requests for free access to information, among others, contained the following questions:

1. The \_\_\_\_\_ chapter of National Programme for Integration outlines the responsibilities of your institution/department of the ministry in the following terms: recruitment

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<sup>30</sup> *(No) reduction of public administration: No bread without a tie and briefcase (\*this is a reference to Montenegrin folk wisdom: No bread without a shovel), Pobjeda, 01July 2012.*

plan, where for 2012 it was planned to recruit \_\_\_\_\_ employees, financial needs, where for 2012 planned budget amounts to \_\_\_\_\_ EUR, as well as other obligation from legislative and institutional framework. In this regard:

- How many civil service positions were systematised in this sectors, and how many are currently filled?
- How many interns are currently working in your institution/department of the ministry?
- Please state the amount of the budget your institution/department of the ministry has for the current year.

2. Please submit in paper and/or electronic form of the *Act on internal organisation and systematisation of civil servants and state employees*.

Total of 48 institutions provided complete responses, while 13 submitted incomplete responses. The information regarding the structure of human resources in the institutions which did not respond to the requests have been obtained from Human Resources Information System kept by Human Resources Management Authority, as well as the information obtained in the analysis of human resources also conducted by the HRMA at the beginning of the year. The results are presented in the following table:

Table 1: - Budget and recruitment plan

INSTITUTION	Recruitment Plan from NPI	Systematised positions in 2012	Filled positions	Number of interns	Financial needs in NPI for 2012	Financial needs in the budget for 2012
<b>Ministry of Economy Sector for Energy Efficiency</b>	*	15	9	1	*	101,467.55
<b>Ministry of Economy Sector for Industry and Entrepreneurship</b>	4				255,000.00	
<b>Ministry of Economy Sector for Cooperation</b>	26	26	18		500,000.00	377,134.00
<b>Ministry of Finance PIFC</b>	10	3	2		817,000.00	Budget of the MF is not divided by departments
<b>Ministry of Finance Budget and Treasury</b>	66	26 + 34	19 + 27		1,368,000.00	
<b>Ministry of Finance State Aid</b>	10	5	5		817,000.00	
<b>Ministry of Finances Property Legal Affairs</b>	2	20	13		30,000.00	
<b>Ministry o Finances Taxes and Customs</b>	12	Merged sector			420,000.00	
<b>Ministry of Finances Accounting and Auditing</b>	3	27	13		50,000.00	
<b>Ministry of Culture</b>	75	76	27		1,125,000.00	1,924,000.00
<b>Ministry of Science</b>	24		17	3	253,367.00	1,902,139.84
<b>Ministry of Sustainable Development and Tourism</b>	*	235	174	5	*	1,443,565.30
<b>Ministry of Education and Sports</b>	85	83	67		1,133,367.00	108,050,122.50



<b>Ministry of Transport and Maritime Affairs</b>	111		61		3,651,958.00	1,910,370.66
<b>Ministry for Information Society and Telecommunications</b>	*				336,071.00	4,623,459.26
<b>Ministry of Defence</b>	7	195			120,000.00	6,809,308.81
<b>Ministry of Justice</b>	55	55	39	1	1,500,000.00	868,075.86
<b>Ministry of Agriculture and Rural Development</b>	259	73		1	35,770,000.00	10,325,328.64
<b>Ministry of Labour and Social Welfare – Agency or Peaceful Settlement of Labour Disputes</b>	4	10	5		74,455.00	325,216.32
<b>Ministry of Labour and Social Welfare – Employment Agency</b>	6	14	10		90,000.00	93,011.01
<b>Ministry of Labour and Social Welfare – Labour Inspection</b>	31	27			419,926.00	
<b>Ministry of Interior</b>	146		574	16	3,666,197.00	9,052,735.97
<b>MFAEI – Bilateral Relations</b>	35	27	17		8,857,000.00	
<b>MFAEI – European Integration</b>	79	41	18		265,000.00	318,337.84
<b>MFAEI – Consular Affairs</b>	22	26	10		4,066,319.00	5,026,955.40
<b>MFAEI – International Legal Department</b>	3	5	2		319,015.00	272,167.80
<b>MFAEI – Multilateral Relations</b>	30	27	15		2,552,000.00	
<b>MFAEI – NATO and Security Policy</b>	14	12	5		216,000.00	573,730.12
<b>Ministry for Human and Minority Rights</b>	20		13		1,700,000.00	802,601.35
<b>Ministry of Health- Health and Sanitary Inspectorate</b>	58*	43	38		1,194,336.00	1,617,515.91
<b>Agency for Civil Aviation</b>	35	48	42		2,663,175.00	3,087,000.00
<b>Agency for Electronic Communication</b>	42	64	68		*	
<b>Agency for Medicines</b>	50	45			643,996.00	
<b>Insurance Supervision Agency</b>	30	20	20		251,443.00	
<b>Environmental Protection Agency</b>	* 8	80	54		* 80,000.00	1,323,705.16
<b>Accreditation Body of Montenegro</b>	12	10	10		550,000.00	
<b>Mediation Centre</b>	*	5	4		*	
<b>Centre for Vocational Education</b>	28	23	23		880,000.00	477,074.00
<b>Directorate for Public Procurement</b>	21	15	14		550,000.00	264,702.70
<b>Directorate for Development of Small and Medium Sized Enterprises</b>	27	23	20		*	382,030.88
<b>Directorate for Transportation</b>	64	51	51		33,515,088.00	34,200,000.00
<b>Directorate for the Protection of Classified Information</b>	*	14	14		*	137,259.58
<b>State Audit Institution</b>	69	78	55	4	1,036,175.72	1,223,529.98
<b>State Archives</b>	185				*	91,826.48
<b>General Secretariat of the Government</b>	85	121	97		800,000.00	644,383.60
<b>Secretariat for Legislation</b>	35	28	20	6	*	309,769.81
<b>Institute of Public Health</b>	177	199	169		100,000.00	1,828,002.64
<b>Institute for Standardisation</b>	32	32	17			363,841.00
<b>Examination Centre</b>	32				*	706,081.00

Securities Commission	32	38	30		300,000.00	
State Aid Control Commission	7	9	9		45,000.00	40,500.00
Commission for Control of Public Procurement Procedures	10	15	10		310,000.00	182,283.30
Commission for Prevention of Conflict of Interest	*	13	9		*	243,259.69
Phytosanitary Administration	24	38			130,000.00	613,353.29
Port Administration	15	12	12	2		177,326.13
Tax Administration	744		559	4	9,591,129.12	7,465,958.48
Customs Administration	669	565	542	3	14,779.00	
Police Administration	1,569		4,906	39	23,148,280.00	60,004,925.21
Administration for Maritime Security	60				1,616,149.00	847,632.41
Administration of Anti-Corruption Initiative	20	17	15	1	800,000.00	301,232.99
Property Administration	5				150,000.00	9,894,984.16
Human Resources Administration	25	22	22		750,000.00	821,286.01
Real Estate Administration	20	473	358		400,000.00	2,308,697.12
Administration for the Prevention of Money Laundering and Financing of Terrorism	34	38	29		712,000.00	485,376.00
Forest Administration	430	430	429	4	250,000.00	3,437,083.90
Water Administration	15	12	4		180,000.00	107,244.33
Administration for Protection of Competition	14	16	13		215,282.00	215,355.46
Veterinary Administration	50	40	39		5,450,000.00	1,895,189.67
Parliament of Montenegro	200	154	125		4,500,000.00	6,356,150.08
Public Prosecutions	123				5,000,000.00	5,689,659.89
Bureau for Intellectual Property	22	31	23		878,000.00	320,009.72
Bureau for Execution of Criminal Sanctions	390	504	504	4	5,800,000.00	7,000,124.48
Bureau of Statistics	217	203	101		6,233,419.00	1,662,186.00
Bureau of Education	85	85			2,219,565.69	805,592.40
Bureau for Textbook Publishing and Teaching Aids	43	60	52		*	510,840.00
Employment Bureau	392	226	335		*	3,115,176.23
Bureau for Refugees	35	35	16		990,000.00	386,561.00
Hydro-meteorological Bureau	7	21		8	100,000.00	942,464.08

**Explanation:** The first column contains data on employment plan foreseen for the specified institution in the NPI, indicating planned number of employees that the institution in question is supposed to reach for a number of years specified in NPI. The second column provides the number of actually systematised positions for that year according to the current Act on systematisation and organisation of each institution involved in the research. Since this is a planned number which does not often correspond to the actual reality, the institutions were asked to list the actual number of employees at the time of the research, and the results are shown in the next column. The fourth column provides the number of interns currently engaged in institutions. Also, there is information about financial needs planned for specific institutions in the NPI. This financial assessment includes "primarily



expenditures of the so-called **administrative budget**, which predominantly comprises gross income of employees and basic costs of equipment and office management, and partly the costs of continuing education and training.”<sup>31</sup>. The answers to questions about the current administrative budget of the institutions are presented in the final, sixth column. Beside these, the institutions were asked to provide the number of positions which are scheduled to be filled in 2012, but the results of this part of the research were not included in the table above for two reasons. The first reason is that a significant number of surveyed institutions failed to provide an answer to this question, and secondly, most of the institutions which provided an answer to this question, mainly state administration bodies, stated that they do not plan to hire new civil servants and state employees in the current year or that the ministry in charge expressly forbids new employments as a part of austerity measures and expected budget rebalance, i.e. changes of the existing Law on Budget of Montenegro for 2012.

The boxes marked with “\*” indicate that that sector/institution was mentioned in the NPI under a different name, as a part of some other institution, or that it had not even been formed, so it was difficult to compare the current situation with the plans from 2008. The empty fields mark that there no answer was provided to the queries or we were unable to obtain information. This especially applies to financial needs of individual sectors in the ministries whose budget is not allocated by sectors, but by projects or needs at the level of the entire ministry. In cases where no answer was provided to the question about the current financial needs for the development of administrative capacities of a specific institution, the table provides figures indicating currently planned expenditures from the Law on Budget of Montenegro or 2012, which was adopted on 23 January 2011, if the said Law applied to the institution in question. Current expenditures include gross incomes of the employees and employers contributions as well as the expenditures for materials and services, which closely matches the definition of the administrative budget, as specified in the NPI.

**Analysis:** Regarding the role of personnel management in the development of administrative capacities, the results of the research mainly show a significant disproportion between the goals set in 2008 and the current situation in public administration. This is particularly related to the plan of employment and financial needs, where data showed, as expected, that in 2008 aims were too ambitious and plans unrealistic. Thus, in most of the institutions, the number of employees is much lower than it was foreseen in the beginning of the period 2008-2012, and the same applies to the amount of currently available administrative budget.

Also, the number of systematised working positions used for planning the personnel structure of the institutions is not consistent with the predictions from the NPI, particularly in the ministries; as well as bureaus, commissions and other state administration bodies that fall under their jurisdiction. The exceptions to this are institutions such as the Ministry of Culture, which systematised the same number of working positions as it was foreseen by the NPI, but at the same time just over a third of positions are filled (27 out of 76), or the Ministry of Justice and Ministry of Education and Sports, whose employment plan from the NPI matches the systematised 55 positions, of which 39 are filled. Similar employment plan in the NPI and number of systematised positions also have: Bureau for Refugees, Human

<sup>31</sup> *National Programme for Integration of Montenegro into EU for the period 2008. – 2012.* Government of Montenegro, 2007. p. 557

Resources Management Authority, Administration for Anti-Corruption Initiative, Institute for Standardisation, Accreditation Body, Agency of medicines, Direction for Development of Small and Medium Sized Enterprises, as well as Sector for Cooperation of the Ministry of Economy, Multilateral Sector of MFAEI and Labour Inspection within the Ministry of Health, Labour and Social Welfare. However, many of these institutions are far from filling the systematised number of positions, as for example: Bureau for Refugees (45.7%), Agency for Civil Aviation (20%), Ministry of Finance – Department for Accounting and Auditing (4.3%) or the Institute for Standardisation (48.5%).

In this regard, there is an apparent difference between the number of filled positions and employment plan from the NPI in significant number of state and public administration bodies; Employment Bureau (85.4% of employed in relation to the plan from NPI), Statistics Bureau (46.5%), Water Administration (26.6%), Customs Administration (81%), Tax Administration (72.2%), Secretariat for Legislation (57.1%), State Audit Institution (79.7%), Direction for Transport (79.6%), Centre for Vocational Education (82.1%), Ministry of Foreign Affairs and European Integration – Bilateral Relations (48.5%), Department for European Integrations (22.7%), Department for Consular Affairs (45.4%), Department for Multilateral Relations (50%); Ministry of Human and Minority Rights (65%), Ministry of Health (53%), Ministry of Transportation and Maritime Affairs (54.9%), Ministry of Science (70.8%), Ministry of Economy – Department for Cooperation (69.23%) and the Parliament of Montenegro (62.5%). On the other hand, there are institutions whose number of employees exceeds the employment plan from NPI, as for example: Hydro-meteorological Institute (50% of employees more than it was planned by NPI), Bureau for Enforcement of Criminal Sanctions (29.2%), Real Estate Administration (17.9%), Police Administration (3.12 times more), General Secretariat of the Government (14.1%), Agency for Environmental Protection (6.75 times more), Agency for Electronic Communication (61.9%), Agency for Civil Aviation (20%), Ministry of Finance- Department for Accounting and Auditing (4.3%) and Department for Property Legal Affairs (6.5 times more). The differences in the amount of administrative budget for individual institutions in relation to the projected financial needs from the NPI, logically correspond to changes in the employment plan, and thus for the institutions that have fewer positions filled than foreseen by the employment plan from NPI, a smaller budget is planned than what was projected for financial needs in the NPI.

Mainly, when it comes to personnel policy, the number of systematised working positions in 2012 is lower than the number specified by the employment plan in the NPI, the number of filled working positions is lower than the number of systematised positions, and at the same time, the current budget is significantly lower from the planned financial needs. The institutions state that the main reason for failing to comply with the obligations from the NPI in the field of employment of civil servants and state employees is the weak financial situation due to the economic crisis which directly caused a more restrictive employment policy.

It is also emphasised that goal indicators from the NPI have been established way back in 2008, and that in four years there were many unforeseen circumstances which have impeded the implementation of personnel policy in accordance with strategic goals.

However, increasing the number of civil servants and state employees in state administration bodies does not automatically lead to increased efficiency and effectiveness of the institution. Moreover, an overall impression is that today Montenegro needs a smaller, but more competent administration, i.e. there is a need for reducing the number of employees in



some institutions which would lead to lowering budgetary expenditures for administrative capacities. According to current information from the research conducted independently from this study, state administration employs over 50,000 people, out of whom there are 1,200 officials, and in 16 ministries there are 1,842 civil servants and state employees<sup>32</sup>. In order to economise and be more efficient, there is a need for a „rationalisation of public administration through creation of a sustainable plan of employment in public administration, along with placing an emphasis on training and thorough selection of the existing staff”<sup>33</sup>. Therefore, it can be concluded that currently, the projections from the NPI related to the employment plan for the period 2008-2012 are not viable. The plan was led by a strategy that a gradual increase of the number of employees and financial needs would contribute to a more capable administration which would have the capacity to respond to future challenges on Montenegro’s path to the EU, and meeting these objectives from the NPI connected to personnel policy would place additional burden on the administration and cause undesired counter effects.

In this regard, the results of our research have generally shown that, largely due to the reform of public administration and reorganisation of the structural units, comparisons with the plan set at the beginning of creation of strategies such as the NPI is pointless, at least when it comes to personnel policy. It is stated that objectively “it was difficult to realistically predict short and mid-term priorities, measures and activities for a sub-section referring to administrative capacities for implementation of *Acquis Communautaire*”.<sup>34</sup> The NPI was not sufficiently taken into consideration during planning strategies or legislation connected to development of administrative capacities in the second half of the period for which this document was intended, which is especially true for the year 2012.

Also, the obligation outlined in the introduction of this document, stating that the NPI would be a „living document“ which would be revised and modified depending on external circumstances and reform of public administration in Montenegro, has not been fulfilled. One of the proofs that over time NPI was somewhat marginalised and neglected in the field of administrative capacities is the lack of awareness about the existence, content and application of the NPI among public servants and state employees, as well as the officials in administration bodies. Thus, in communication with representatives of institutions regarding submitting the responses to the questions from the research, somewhere between 15 and 20 representatives of institutions were unaware that this document existed, and one third of the remaining representatives was not aware of the obligations and strategic goals NPI outlined for their institutions.

On the other hand, the Ministry of Foreign Affairs and European Integration stresses that „NPI is not ignored, and planned mid-term priorities are being realised, what is in the part related to the normative framework stated in the Statement on compliance of a specific regulation, which drafters submit along with the regulation, in the manner defined by the Rules of procedure of the Government and Guidelines of the Ministry of Foreign Affairs and European Integration, in accordance with the appropriate methodology”<sup>35</sup>. Planned annual reports on implementation of NPI have been realised through quarterly reports

32 Daily *Dan*, 19.06.2012., p. 4

33 Interview with Mr. Mirsad Babovic, Secretary General of the Ministry of Foreign Affairs and European Integration, Podgorica 04.06.2012.

34 Interview with Snezana Zecevic, Ministry of Foreign Affairs and European Integration, 12.06.2012. Podgorica

35 Interview with Snezana Zecevic, Ministry of Foreign Affairs and European Integration, 12.06.2012. Podgorica

and the last of those has been realised by the Ministry of Foreign Affairs and European Integration, which, in cooperation with relevant ministries, other state administration bodies and relevant institutions (bearers of activities) has prepared a *Report on realisation of obligations from NPI 2008-2012*, covering the period from 1 of January to 31 of December 2011, which was adopted by the Government on 29 of December 2011. However, it should be emphasised that in this Report, as well as in many of previous ones, the emphasis was placed on meeting the seven key priorities set by the EU, and that there was no mention of the National Program for Integration and realisation of commitments from the field of employment and financial needs<sup>36</sup>.

In any case, experience gained from adoption and implementation of the National Program for Integration should be used in formulation of the announced *National Program for Adoption of the Acquis* (National Programme for EU Accession) or NPA, which will, unlike the NPI, be „an operative programme, directly functionally connected to the process of negotiations between the EU and Montenegro, with the priority to set short-term goals and development of efficient mechanism for implementation and monitoring “<sup>37</sup>. Apart from this, the role of all stakeholders in preparation of the NPA should be defined together with adoption of the Report on the activities for its preparation, action plans and appropriate coordination mechanisms. Participation of foreign experts through twinning projects, as well as national experts for specific chapters, with institutional memory, experience in preparation and coordination of preparation of strategic documents should serve as a base for quality development and subsequently for thorough implementation of the NPA. This progress is particularly expected from the parts of the NPA which will deal with institutional measures (establishment and reorganisation of institutions), strengthening of administrative capacities (employment, education, foreign languages, IT equipment, technical equipment, for example equipping of laboratories, border crossings, and the like), and especially from ex ante financial plan (the part that relates to institution building, strengthening of human resources and new employment plan), with the hope that conditions would be met for its more consistent implementation than it was the case with the NPI.

#### **Recommendation 5:**

It is necessary to conduct a specific study which would analyse the staffing structure and staffing needs in local self-governments in Montenegro, in order to determine the possibility and sustainability of transferring a part of civil servants and state employees from state institutions to local self-governments or other institutions with lack of manpower. This would somewhat help to save budgetary funds and reduce the number of employees in an expensive and massive administration, without increasing the number of unemployed persons, whereas local self-governments would improve their capacity for a more effective functioning.

<sup>36</sup> *Twenty-seventh Quarterly Report on the Overall Activities in the framework of the Stabilisation and Association Process, for the period January– March 2012, MFAEI, May 2012*

<sup>37</sup> Interview with Mr. Mirsad Babovic, Secretary General of the Ministry of Foreign Affairs and European Integration, Podgorica 04.06.2012.

**Recommendation 6:**

When creating personnel policies there is a need to be more guided by the principle of efficiency of state administration and not only by the need of institutions in terms of number of employees. Flexible employment policies, based on competencies, with an assessment of the actual needs of specific positions in administration, lead to sustainable and cost-effective solutions, as regards the number of employed staff. This is especially true when assessing the need for managerial positions. In addition, the persons in charge for adoption of personnel policies should more often rely on the expertise, quality and proactive suggestions of the members of civil society.

**Recommendation 7:**

In preparation of the National Program for adoption of the Aquis Communautaire, it is necessary to use the methodology of drafting, institutional memory, cooperation with the network of experts from civil and government sectors, as well as negative experiences and obstacles from the process of adoption and implementation of the National Program for Integration. Special emphasis should be placed on the process of implementation, submission and adoption of quarterly reports and the training of civil servants and state employees on the objectives and obligations deriving from the new strategic documents.

# 4

## THE ROLE OF HUMAN RESOURCES DEVELOPMENT AND PROFESSIONAL DEVELOPMENT OF EMPLOYEES IN ADMINISTRATIVE CAPACITY BUILDING

The staff and budget size are just one parameter for evaluation of administrative capacity of an institution. The depth and thoroughness of changes, too, are of great importance for the public reform process as well as the extent to which each employee is prepared and trained for the role that his/her institution is to play in the European integration process. This also implies the existence of detailed strategies and plans for institutional capacity building and human resource development in general. It has been noted that a larger part of the process of education of employees in Montenegro takes place through training courses, seminars and workshops organised by the Human Resources Management Authority and RESPA, while there are not too few institutions that train their staff under the programmes and projects of cooperation with national or international public or private institutions and organisations.

In order to analyse the situation when it comes to human resource development and structure of education of employees in administrative capacity building, the ministries, public administration bodies, independent public administration bodies and other institutions that do not fall under these categories, were sent the following questions:

- 1. Does your institution have a strategic document on human resource development? If it does, please provide us with the document in a print and/or electronic form.*
- 2. Does your institution have a plan for training and professional development of your staff? If it does, please provide us with the document in a print and/or electronic form.*
- 3. How many employees from your institution have passed a training or professional development programme? What kind of training it was, who were the trainers, was the training evaluated by the organisers and was any intra-institutional survey or evaluation of the newly acquired knowledge and skills conducted?*
- 4. Does your institution have a document (a contract, an agreement, or similar) on cooperation with a national or international institution or organisation that provides administrative capacity building services? If it does, please provide us with the document in a print and/or electronic form.*

The questions referred to the data from 2011 and the first half of 2012. The answers received may be divided into full, partial and insufficient. When it comes to strategic documents, many institutions stated they do not have any internal strategies for their administrative capacity building or any formal agreements with international institutions even where training courses and cooperation with organisations and institutions abroad exist. When it comes to the training and professional development programme, a number of institutions, mainly ministries and public administration bodies under them, referred us to the legislative framework according to which the Human Resources Management Authority is in charge of adoption and implementation of such a document. The Human Resources



Management Authority was also stated as a reference institution with regard to keeping records on training courses conducted, giving an impression that the institution employees of which were trained in this way was not in possession of such data.

Most of institutions that presented us with a thorough record of the number of training courses failed to submit the data or information about the evaluation and reports on their implementation, giving an impression that majority of institutions do not have a clear picture on effectiveness of the training courses that they sent their staff to. Finally, 61 institutions, of which 10 ministries, provided full answers to the abovementioned questions, and majority of the answers have been provided in full:

## **MINISTRY OF SUSTAINABLE DEVELOPMENT AND TOURISM**

**Activities implemented:** Human Resources Management Authority (HRMA) is in charge for training of civil servants from this ministry. Thus, in 2011, 311 employees from this ministry attended various seminars, trainings, workshops, courses and round tables organised by HRMA on topics: state administration, finances, information technology, project management, gender equality, corruption, laws, taking of the state exam, etc. When it comes to the trainings not organised by HRMA, 181 employees from the Ministry of Sustainable Development and Tourism attended seminars on topics from different areas, such as climate change and sustainable development, environmental protection and rural development, writing of project proposals, sustainable development, Natura 2000, urban planning, communal activities, sustainable consumption and production, internal audit and corporate responsibility.

## **MINISTRY OF DEFENCE**

**Training and Professional Development Programme:** Training of civil servants and state employees is conducted in line with the Programme for professional development of civil servants and state employees of the Human Resources Management Authority.

**Activities implemented:** Within this programme, in the period from 01 of January 01 of March 2012, seven civil servants and state employees attended seminars, workshops and round tables organised by HRMA, together with the Regional School for Public Administration (ReSPA), Directorate for the Protection of Classified Information and Twinning project. HRMA provides trainers for these trainings, and as an organiser conducts evaluation of the trainers. Also, based on cooperation of the Ministry for Human and Minority Rights- Department for gender equality, Centre for Vocational Education and Monstat, civil servants from the Ministry of Defence participated on a workshop dedicated to preparation of publication „Women and men in Montenegro 2012“. Lecturers at the workshop were employees from these institutions, as well as professors from the Faculty of Economy of the University of Montenegro.

## **MINISTRY OF JUSTICE**

HRMA quarterly submits plan for training of civil servants and state employees from the Ministry. It also deals with preparation and establishment of curricula for professional development of civil servants and state employees, training and development of staff, conducting analysis and researches in the field of human resources management and planning and maintaining of central personnel records of public servants and state employees.

## MINISTRY OF SCIENCE

Professional development of all civil servants and state employees is done in accordance with the Programme for professional development of civil servants and state employees, which is established by Human Resources Management Authority. Under the programme, 11 seminars, 7 trainings and 2 workshops have been organised. Apart from the trainings organised by HRMA, employees from the Ministry of Science also attended around thirty workshops, seminars and conferences organised by NGO sector, international organisations and government of Montenegro, in order to strengthen administrative capacities

## MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN INTEGRATION

Budget for 2012 does not provide special funding for organisation of trainings and professional development of civil servants from the Ministry of Foreign Affairs and European Integration. Identified training needs and needs for professional development of the employees from this Ministry will potentially be met in cooperation with other organisations and institutions in the country and abroad, so as to provide support to the employees from MFAEI to successfully respond to their professional tasks in future.

***Inter-institutional and international cooperation and activities implemented:*** In 2011, 109 employees from MFAEI attended 35 trainings in country, mostly realised in cooperation with HRMA and ReSPA. Thirty employees from MFAEI had an opportunity to attend 24 prestigious trainings and development programmes, which are a result of cooperation with institutions in country and abroad, and these are: V module of the Diplomatic Academy in cooperation with Diplomatic Academy from Vienna, a series of lectures for junior diplomats held by senior officials from the Ministry, 3 training programmes realised in cooperation with GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) and the Fourth Summer School for Young Diplomats „Vojvoda Gavro Vuković”, in cooperation with Capacity Development Programme (CDP), UNDP Office in Montenegro, and with the support of the Ministry of Foreign Affairs of the Kingdom of Norway. Foreign language courses were available to the employees in cooperation with the HRMA, Bureau for International Cooperation, and particularly with regard to the French language course for 50 employees, which was realised within the Francophone Project. Also, employees from MFAEI had an opportunity to attend a number of lectures organised by the European Movement in Montenegro with the aim to exchange experiences with Croatia regarding the EU accession process.

## MINISTRY OF CULTURE

***Training and Professional Development Programme:*** Training of civil servants and state employees from the Ministry is conducted in line with HRMA's Programme for professional development of civil servants and state employees. Trainings are connected to procedures of Adoption and Harmonisation of Regulations, Administrative and Misdemeanour Court Proceedings, Free Access to Information, Personal and Confidential Data, European and Euro-Atlantic integration, Financial Management, Public Procurement, Management and Development of Human Resources, managing Organisational Units, Communication in Administration and other.

***Activities implemented:*** Having in mind a wide range of responsibilities of the Ministry of Culture, employed civil servants and state employees attend various types of individual



trainings, which correspond to their position, in order to acquire new knowledge, skills and procedures for more effective and efficient performance of their duties and tasks. Due to this specificity, there was no inter-institutional research/evaluation of the practical application of knowledge and skills acquired through such trainings, but the result of this knowledge is directly compared with the performance of the Ministry in relation to its set plans.

## **MINISTRY OF ECONOMY**

**Training and Professional Development Programme:** Training of employees from the Ministry of Economy is conducted in line with Programme for professional development of civil servants and state employees developed by HRMA, which also established a Training Programme for period March-May 2012. Also, depending on the field they work in, the employees attend trainings organised by WTO, CEFTA 2006, BAFA and similar.

**Activities implemented:** In 2011, the employees from the Ministry of Economy attended a series of trainings, workshops and seminars, both in Montenegro and abroad, as for example: „Regional Seminar on Technical Barriers to Trade of WTO” in Vienna, Austria (1 employee); „Private Public Partnership” in cooperation with the Ministry of Finance of the Republic of Austria and the Austrian National Bank in Vienna (1); „Regional Course in Trade Policy” Istanbul, Turkey (1); „Training in the Field of Trade in Services, IDEAS Centre”, Geneva (1); „Directive on Services in the Internal Market” Brussels, Belgium (3); and many other courses. The rule is that after the training the employees who attended the training share their new knowledge with colleagues who are involved in the same field.

**Inter-institutional and international cooperation:** Currently there are two active projects which contribute to development of administrative capacities and these are with:

- Ministry of Economy of Switzerland- SECO- which aims at successful conclusion of negotiations for membership into WTO
- Federal Office for Economy and Export Control from Germany and the Stockholm Institute for Research and Security from Sweden (SIPRI), aimed at training of employees and assistance in preparation of laws and bylaws.

Writing of project fiche for the third project “Approximation with the EU Legislation” is in the pipeline. The project was proposed by the Ministry of Economy of Montenegro, and the funds have been approved from IPA funds for 2012/2013.

## **MINISTRY OF FINANCES**

The Ministry of Finance does not have a strategic document on development of human resources, nor does it have an agreement on cooperation with a domestic or foreign institution or organisation dealing with strengthening of administrative capacities. This ministry does not have an internal plan for training and professional development of civil servants, but employees from the Ministry of Finance attend the trainings in line with the Programme for professional development of civil servants and state employees, which is quarterly prepared by HRMA.

**MINISTRY OF EDUCATION AND SPORTS** –Plan and programme for training of civil servants and state employees, and thus for the employees from this Ministry, is prepared by a Human Resource Management Authority, as the competent authority. This body has submitted

aforementioned Plan for 2012, and it has been prepared on the basis of written and oral suggestions of this Ministry about the required trainings and education. This Ministry did not sign an agreement about developing its administrative capacities, but it has received an offer from the Government of Montenegro to delegate employees who would attend trainings and study visits abroad organised by this body, for the purpose of several month long training and familiarisation with comparative legal systems.

**Activities implemented:** Employees who attended trainings organised by HRMA receive an official certificate for completion of the training, and this are recorded in the database. If an employee receives training within the institution or some other body, the records about the training are kept in this Ministry. Due to cost-effectiveness of the training all employees attended basic and advanced computer training, organised by ICT sector of this Ministry. Also, 40% of employees attended English language course and some other language courses (Italian and French). For now, there is no evaluation of newly acquired knowledge, but it is recognised in every day work and through any requests for assistance due to the lack of independence in the work.

## **MINISTRY OF TRANSPORT AND MARITIME AFFAIRS**

This institution responded that Human Resource Management Authority is responsible for their Plan and programme of trainings and professional development, types of organised trainings, selected lecturers, evaluation of trainings by the organiser, and any sort of inter-institutional research or evaluation of application of newly acquired knowledge and skills.

## **PARLIAMENT OF MONTENEGRO**

**Internal documents:** “Strategy of Human Resource Development” and within the strategy a „Strategic plan for the period from January 2001 till January 2014” was created and “Management Development Plan” and “Guidelines for Human Resources” were prepared.

**Training and Professional Development Programme:** Civil servants and state employees from this body are undergoing professional training and development in line with the provisions of the Law on Civil Servants and State Employees (“Official Gazette of the Republic of Montenegro” No. 50/11) whose Article 96 stipulates that professional development is conducted in accordance with the professional development programme developed by the Human Resource Management authority, as well as within its own Training Plan which is developed annually.

**Activities implemented:** In the Parliament of Montenegro Bureau for management of human resources keeps record of all trainings and participants and evaluates conducted trainings, and there were 12 trainings from Training Plan for 2011, 41 training in organisation of HRMA from the Professional Development Programme for 2011 and two trainings which were organised and conducted by HRMA and which were not a part of the Programme for 2011. In addition, employees from the Parliament of Montenegro participated in 36 other trainings that were provided through cooperation with other domestic, foreign and international organisations. .

**Inter-institutional and international cooperation:** Currently, there are some joint projects with OSCE, such as seminars under the project „Strengthening the Capacity of the Parliament of Montenegro”; with Westminster Foundation for Democracy; CDT; NDI; Konrad Adenauer



Foundation, Centre for Development of Non-governmental Organisations and MANS. In the meantime, projects conducted in cooperation with UNDP Office in Montenegro, European Agency for Reconstruction and Parliamentary Assembly of Council of Europe through the Council of Europe Office in Montenegro have been finished.

## **INSURANCE SUPERVISION AGENCY**

***Inter-institutional and international cooperation and activities implemented:*** The majority of training of employees was conducted under the project financed by UNDP-programme CPT and funds from IPA 2008 in cooperation with Bulgaria and Dutch National Bank. Within this programme, eight persons employed in the Agency attended one or more trainings, specially organised for the field of insurance supervision, and lecturers were from these institutions. Training with CDP programme lasted for a month and focused on financial analysis and direct control of insurance companies, and five of the employees who attended this training received a certificate of completion of training.

Trainings financed from IPA funds were in the form of interactive lectures and they covered the following fields: Basic Principles of Insurance Supervision, Competencies of Supervisors, Direct and Indirect Control, Corporate Management, Internal controls, Oversight over a Group of Insurers, Financial Conglomerates, Analysis of Market Indicators, Introduction to Solvency II, Reinsurance, Mandatory Traffic Insurance and Prevention of Money Laundering and Financing of Terrorism.

## **AGENCY FOR CIVIL AVIATION**

***Training and Professional Development Programme:*** Training needs of the employees from the Agency are determined based on the requests, recommendations of opinions of international organisations (ICAO, ECAC, EASA, EUROCONTROL), during the process of investigation and analysis of accidents, serious accidents or other events which threaten aviation safety, results of internal control and supervision, as well as feedback from the employees. The Agency has determined trainings which every employee needs to complete in line with international standards and requirements; it has defined required levels of skills and qualifications for every working position through training maps, or an annual training programme, which represents a strategic policy document focusing on building of administrative capacities.

***Activities implemented:*** All employees have completed, in accordance with the Plan and Programme of the training, adequate training for their position. The trainings are divided into: basic training: a general training for all supervisors, initial training: training tailored to different fields of work of supervisors, on the job training: training in the work place, specialised training: final training adapted to various fields of work of supervisors which provides specific knowledge in specific area and refreshment of knowledge. For all employees a training record is kept which contains all completed courses.

## **AGENCY FOR ELECTRONIC MEDIA**

***Inter-institutional and international cooperation and activities implemented:*** In 2011, the OSCE Mission to Montenegro has financed a project focusing on modernisation and capacity building of the Monitoring Sector of the Agency for Electronic Media. Through this

project a valuable support was provided to the continuous development and modernisation of the Monitoring Sector, as well as to promotion of implementation of programme standards in the audio-visual media sector in Montenegro. The project included participation of foreign and domestic experts in the training of employees from the Monitoring Sector, as well as development of software and data base for the needs of monitoring of electronic media and English language course. Work with foreign expert was organised in cooperation with independent regulatory body from France, General Audio-visual Council, and the Director of Programme Division of this body Ms. Maryse Brugiére will familiarise her colleagues from the Agency for Electronic Media with practical experiences in monitoring of electronic media. Local expert Mr. Dusko Vukovic, who has extensive experience in monitoring of media, has worked on media monitoring techniques together with employees from the Monitoring Sector.

## **AGENCY FOR ELECTRONIC COMMUNICATIONS AND POSTAL SERVICES**

**Internal documents:** There is no strategic document dealing with development of human resources, but the Agency stated that they are content with the level of administrative capacities of this institution and that according to the Rulebook on organisation and systematisation of work in the Agency, all employees of the Agency are required to receive vocational training in order to perform their tasks and duties in a quality manner.

**Inter-institutional and international cooperation and activities implemented:** Continuous professional development of the employees, with regard to new technological solutions in the field of electronic communications and postal services, is done through participation in meetings, seminars, conferences and work in working groups under the auspices of the ITU, CEPT, INASETA, BEREC, TAIEX etc., as well as through organising of international conferences in order to share the new experiences by renowned representatives of European institutions in the field of electronic communications and postal services.

## **ENVIRONMENTAL PROTECTION AGENCY**

**Internal documents:** There is no strategic document dealing with development of human resources

**Training and Professional Development Programme:** Professional development of civil servants and state employees from this body is done in accordance with provisions of the Law on Public Servants and State Employees ("Official Gazette of the Republic of Montenegro" No. 50/11) which prescribes in the Article 96 that professional development shall be conducted in accordance with the Programme for professional development determined by the Human Resources Management Authority.

**Activities implemented:** The following trainings have been planned for 2012:

Workshop on Water Management in organisation of the Regional Environment Network, held in Scodra, Albania.

Regional training on topic "Mitigating GHG Emission from the Agriculture and Waste Sector in the Western Balkans", held in St. Andrea, Hungary.

TAIEX Conference on Management of Waste from Electronic and Electrical Equipment, held in Bratislava, Slovakia.



**Inter-institutional and international cooperation:** Environmental Protection Agency did not sign any agreements with domestic or foreign institution or organisation working on development of administrative capacities.

## AGENCY FOR MEDICINES

**Internal documents:** Under the CALIMS Work Programme 2012, Chapter II covers the education plan and human resource development, while the Chapter III lays down the programme of continuance of technical development, which consists of the Agency's information system, upgrading the quality system in CALIMS, linking with the international networks and activities related to provision of adequate means and conditions for CALIMS.

**Training and Professional Development Programme:** CALIMS has the Annual Staff Training and Professional Development Plan 2012, which consists of stating the seminars, training courses or workshops for each of its organisational unit, the number of employees planned for the training as well as total budgetary funds needed for each training course.

**Activities implemented:** All training courses that the civil servants and state employees of CALIMS passed have been stated in the Work Report 2010. The Work Report for 2010 was not presented.

### **Inter-institutional and international cooperation:**

- IPA project under the auspices of the European Medicines Agency
- Contract on cooperation with the Medicines and Medical Devices Agency of Serbia
- Protocol on Cooperation with the Institute for Public Health of Montenegro
- Contract on cooperation with the Faculty of Pharmacy of the University of Montenegro
- Work in commissions of the Ministry of Health for the purpose of providing expert opinions in the procedure of opening of health institutions – evaluation of compliance with the work requirements

## ACCREDITATION BODY OF MONTENEGRO

**Internal documents:** "The Policy of Quality" a strategic document about human resources development. Basic principles and objectives of the Accreditation Body as regards assessment of conformity are defined in this document.

**Inter-institutional and international cooperation and activities implemented:** All employees attended specific training programmes. Some of these trainings were an integral part of the programme Community Assistance for Reconstruction, Development and Stabilisation CARDS 2006-2009, project PTB (Physikalisch-Technische Bundesanstalt) "Promotion of Regional Cooperation in South East Europe in the field of Quality Infrastructure"; the trainings conducted within the cooperation programmes on the basis of agreement on cooperation in the field of cooperation between Accreditation Body of Montenegro and accreditation bodies from the region are also a form of training of employees from the Accreditation Body. Lecturers on the trainings were EU experts in the field of accreditation, and after completion of the training an evaluation was done.

## **ENERGY REGULATORY AGENCY**

**Internal documents:** Agency does not have a strategic document dealing with development of human resources, but training of employees for activities related to regulation is provided from the beginning of work and is done continuously.

**Inter-institutional and international cooperation and activities implemented:** The Government of Montenegro has provided initial financing of the Agency through USAID grant for the period from the beginning of the work in 2004 and on the basis of a Memorandum of Understanding signed with Bearing Point, as USAID transferred authority to implement the programme of economic reforms in Montenegro to this organisation. It also provided resident advisors until March 2005. After that, in 2007 and 2008 European Agency for Reconstruction provided assistance and for this it engaged a consulting company „Kema“. From the beginning of 2010 and until November 2011, European Commission provided assistance, and it engaged consulting company “Exergia” in order to improve the organisation and raise level of knowledge of the employees from the Agency. Apart from this, training is provided through study visits and attending workshops organised by ERRA (Energy Regulators Regional Association) about the work of the Committee for licensing, tariffs and legal issues in preparation of adequate regulations in the field of tariffs and electric energy market and MEDREG (Association of Mediterranean Regulators), as well as through attendance of representatives of the Agency on seminars and workshops organised in Montenegro and the region.

## **CENTER FOR VOCATIONAL EDUCATION**

Strategic document on the development of human resources of the Centre for Vocational Education, Plan of trainings and professional development of the employees and Agreement on cooperation with a domestic or foreign institution or organisation working on building of administrative capacities have not yet been done, but the initiative for development of these documents has been initiated. The reason for absence of these documents is financial situation and small number of employees, and for these reasons the Centre focuses on priorities related only to activities from its jurisdiction.

## **JUDICIAL TRAINING CENTER**

Strategic document on the development of human resources, Plan of trainings and professional development of the employees and Agreement on cooperation with a domestic or foreign institution or organisation working on building of administrative capacities does not exist.

**Activities implemented:** The Director and Advisors from the Centre regularly take part in regional conferences organised by institutions dealing with education of judiciary. Also, Centre is a member of European Network for the exchange of information between persons and entities responsible for the training of judges and public prosecutors of the Council of Europe (Lisbon Network). Representatives of the Centre (executive director and/or advisor) regularly participate on the annual meetings of the Lisbon Network and in the Human Rights Education for Legal Professionals- a programme of Council of Europe/Help Programme. In the framework of the project „Support to the Centre for Education by the Kingdom of the Netherlands in 2008“, employees from the Centre had a three day long



training (11-13 February 2008) conducted by Mr Michael Gallagher, former Director of the Judicial Centre of Estonia. Also, a study visit to Estonia was organised in order to train the staff of the Centre. The Director of the Centre and advisor, as well as two members of the Coordinating Committee of the Centre took part in the study visit. They visited Judicial Centre of Estonia, as well as Estonian Supreme Court and District Court in Tartu.

## **MEDIATION CENTER**

All employees have undergone specific trainings dealing with activities conducted by Centre, and which are related to the training of mediators, which are not employed in our institution since the Centre regularly conducts mediation procedures. Lecturers were experts from the field of mediation, and evaluation was conducted by the organisers.

## **EXAMINATION CENTRE**

***Inter-institutional and international cooperation and activities implemented:*** Most of employees at the Examination Centre have been continuously trained by the renowned European examination institution CITO – Institute for Educational Measurement, Arnhem, the Netherlands. This institution implemented the project “Technical Assistance to Development of National Testing and Examination as a part of Education Reform in Montenegro” in cooperation with the World Bank, under which the following activities took place: Test and Item construction for subject expert groups in Arnhem, the Netherlands, Psychometric training in Podgorica, Preparations for the Pilot national testing and Analysis of data from the Pilot national testing in Podgorica, Finalisation of the report in the National testing, Preparation, implementation and finalisation of external graduation exams in Podgorica. A thorough process of preparations takes place for each national testing and external exams, such as secondary school graduation, which includes also the pilot testing/exam. The pilot national testing and the pilot secondary school graduation and vocational exams are a source of data on the quality of test items, as well as the procedure and organisation of testing itself. The civil servants and state employees of the Examination Centre also took part in many study visits, conferences and seminars abroad. The most important ones are the following: visit to the National Exam Centre in Ljubljana, the Institute for Educational Measurement in the Netherlands, the Association of Language Testers in Europe in Cambridge, Empirical research in psychology in Belgrade, the Regional meeting of language testers in Prague, the Czech Republic, the International Assessment – Challenges and Prospects in Sarajevo, IERI, Summer Academy 2011 in Hamburg. One of strategic objectives of the Examination Centre is also the participation in international research projects and employees have the obligation to follow the international achievements in the field of external testing of school achievements.

## **DIRECTORATE FOR TRANSPORTATION**

Organisation of trainings and seminars for civil servants and state employees from the Directorate is done through a separate administration body (HRMA) and in accordance with the Programme for professional development which consisted of 10 modules in 2011.

## **DIRECTORATE FOR PROTECTION OF CLASSIFIED INFORMATION**

**Activities implemented:** All employees from the Directorate went through programme of trainings and professional development organised by the Human Recourses Management Authority. These are various trainings, such as: Montenegro on the path to NATO, International security and Montenegro, National security system of Montenegro, The procedure of alignment of national legislation with EU legislation and international regulations, Conclusion of international agreements, Access to EU WEB data bases, The procedure for adoption of regulations, Inspection control, Basics of IT security, Appliance of the Law on Protection of Personal Data, Free access to information, Protection of personal data in the field of police and judicial cooperation.

**Inter-institutional and international cooperation:** In addition to the aforementioned trainings, the employees from the Directorate attended trainings in the field of classified information and classified information security – INFOSEC, in partner countries (the Czech Republic, Slovenia, Croatia, etc...) and English language courses. Lecturers at the trainings were engaged by Human Resources Management Authority, but on certain trainings foreign experts have been engaged. Predominantly, evaluation of the trainings was done by the organisers. In the work of the institution, newly acquired knowledge and experience is being used, although no separate evaluation of this has been done.

## **DIRECTORATE FOR DEVELOPMENT OF SMALL AND MEDIUM SIZED ENTERPRISES**

In order to efficiently perform their tasks, education of the employees from the Directorate is continuously conducted, both through organising of seminars and workshops with domestic and foreign experts, and through study visits and familiarisation with the international experience in supporting small and medium sized enterprises. At the end of each year, an employee in charge for education and communication with Human Resources Management Authority distributes to the employees a *Questionnaire for internal training*. Information from this Questionnaire, as well as *Plan and programme of trainings of HRMA*, serve as a base for the development of the *Internal training programme* of the employees in the Directorate.

**Inter-institutional and international cooperation and activities implemented:** All employees from the Directorate have undergone some of training cycles, through seminars, workshops and study visits. And among those the most important are: Workshop: Innovation Policy Instruments for Western Balkans and Turkey, Brussels 2012; Seminar: Strengthening of the Innovative Capacity for Sustainable Development, Malaga, Spain 2011, Seminar: Eco Innovations in Organisation, Portoroz, Slovenia, 2011, Workshop: *Global Attractiveness of the Clusters in the Adriatic-Danube Region*, Venice, Italy 2011, Seminar: *“Sustainable Trade Opportunities training”* Rotterdam, The Netherlands, 2011. When it comes to trainings organised by HRMA, employees from the Directorate attended the following trainings: *“Strategy Analysis”* for the National Development Plan, *“Software Package to Manage Projects”*, *“Gender Equality”*, *“Communication Skills for the European Union”* and *“Planning of Projects for EU Funds”*.

## **INSTITUTE FOR STANDARDISATION OF MONTENEGRO**

**Internal documents:** The Institute has still not adopted a strategic document on human resource development. The reason for this is related to the fact that the activities of standardisation are specific, and for successful performance of work there is a need for expert



professional knowledge that can be acquired mainly through cooperation with foreign partners (international, European organisations and cooperation with other countries), as well as through well-known „learning by doing”

***Training and Professional Development Programme and activities implemented:*** As a part of the training plan drawn up in accordance with the Activity S07 of Component 2 of the Project „Development of Quality Infrastructure in Montenegro“, in 2011 the employees from the Institute attended a series of trainings on the following topics: Organisation and Management of Meetings of Technical Committees, Efficient Presentation of Standards and Standardisation in Public, Use of Electronic Tools, Informing in line with the Directives 98/34/EC and 98/48/EC, Use of iProjex for Upload of Information, Introduction of QMS in ISME, Planning, Monitoring and Management of Projects, Development of Data Management Processes related to ISME, etc. Lecturers on these trainings were experts from the European Committee for Standardisation (CEN), French Institute for Standardisation (AFNOR) and Croatian Standards Institute (HZN). In addition to the aforementioned trainings, representatives from the Institute attended regional workshop „Financial Sustainability of National Bodies for Standardisation” held in Zagreb, as well as on the workshop on capacity building in Codex process, held in Durres, Albania. All employees have finished an English language course. For 2012 training programmes are planned within „Programme of Work and Plan of Adoption of Montenegrin Standards for 2012“, and some of the trainings are: WTO Code of Good Practice for Bodies dealing with Standardisation, as well processes that require ISO/IEC, i.e. CEN/CENELEC, Methodologies, Procedures and Processes of Work of International Standardisation Bodies and Application of Software Tools, Management of Technical Committees and Food Safety (training in accordance with the policy of Codex Alimentarius) and similar.

#### **INSTITUTE OF PUBLIC HEALTH:**

***Internal documents:*** There is no strategic document dealing with development of human resources. Last document of this type was prepared 7-8 years ago.

***Training and Professional Development Programme:*** Board of Directors of the Institute adopted a “Plan of education of employees for 2012”, in line with the Law on Health Protection. This document contains the following parts: Plan of specialisation of Institute of Public Health and Short trainings in country and abroad.

***Inter-institutional and international cooperation and activities implemented:*** Memorandum of understanding was signed with Instituto Superiore di Sanita – Roma, Italia. Also, Institute actively participates in meetings organised by countries from the region and other countries, as for example: workshops, seminars, summer school, European Conference held in al-Ainu, The United Arab Emirates; London, Great Britain; Szeged, Hungary; Zagreb, Croatia; Copenhagen, Denmark; Madrid, Spain; Istanbul, Turkey and Innsbruck, Austria.

#### **SECURITIES COMMISSION**

The internal development strategy of the Securities Commission “Building the regulatory and supervisory capacity of financial regulators” concluded between the EC and the Bulgarian National Bank that includes, in addition to the Commission, also the CBCG, the Insurance Supervision Agency and all financial regulators under the IPA 2008. All the main directives on inclusion of securities in the official exchange quotation and on information

that have to be published on these securities; as well as on activities and supervision of institutions providing professional pension insurance services in the field of securities and pensions have been harmonised. Furthermore, 9 operational manuals and methodological instructions have been developed and most of them implemented, such as, for example “Guidelines for approval of prospectuses in accordance with the Directive 2003/71/EC and the Regulation 809/2004/EC” (Activity 2-A.3. “Strengthening the administrative capacity for supervision over listed entities”).

**Training and Professional Development Programme:** Training and professional development programme for Commission staff is set by the *Programme of training of Securities Commission staff*. The objective of the Programme is to achieve the appropriate level of institutional capacity in line with the economic policy of the Government of Montenegro, obligations arising from the process of association with the EU, the needs and requests of capital market operators in Montenegro, as well as from the recommendations and requests of the Financial Stability Council. The Programme was adopted in March 2012 and it consists of five parts: principles and objectives of training, responsibilities, priorities, contents of the training and key principles of staff training.

**Inter-institutional and international cooperation and activities implemented:** As a part of the Twinning agreement in the project “Building the regulatory and supervisory capacity of financial regulators” concluded between the EC and the Bulgarian National Bank, 24 training courses and 2 international conferences were organised. The training courses assisted the experts and other stakeholders to acquire a high level of knowledge and skills needed in the EU association process. With a view to a better insight into exchange of the best practices, lecturers from Bulgaria, Italy, Germany and Spain were hired for the training courses. When it comes to study visits in 2011, the experts of the Securities Commission visited Banca d’Italia Bank of Italy in order to learn about the practices of the institution in preparing the materials intended for the public, focused on promotion of activities with regard to the prevention of money laundering and terrorism financing, to get information about the more efficient fight against money laundering at the financial market, notably banking market, familiarising with the operations of the Banca d’Italia and its practices in this field, as well as getting to know the activities of the PR department and media relations (January 2011). In the period October 30 – November 1, 2011 the Commission experts were in a study tour to Sofia, objective of which was to learn about the Bulgarian experiences with regard to negotiations in the EU association process.

## COMMISSION FOR CONTROL OF PUBLIC PROCUREMENT PROCEDURES

**Internal documents:** “Strategy for Development of Public Procurement System in Montenegro for the period 2011 – 2015, with the Proposal of Action Plan”, prepared by the Ministry of Finance.

**Training and Professional Development Programme:** Civil servants and state employees employed in the State Commission are trained in accordance with the Programme of professional development.

**Activities implemented:** The employees attended the following trainings in organisation of Human Resources Management Authority: “Administrative and Misdemeanour Court Proceedings”, “Free Access to Information ” and “Financial Management”. Two employees have finished Training for Trainers, within European legislation in the field of public procurements. With regard to the specific tasks of the Commission, there has been no inter-



institutional research or evaluation of practical appliance of knowledge and skills acquired from these training, but the result of new knowledge and skills is best reflected in the results achieved by the State Commission in relation to its plans.

## **COMMISSION FOR PREVENTION OF CONFLICT OF INTEREST**

Civil servants and state employees working in the Commission attend trainings organised by Human Resources Management Authority, since this body is in charge for training of these persons. Having in mind the aforementioned, the Commission has together with HRMA in the previous period, conducted various trainings, courses and seminars and evaluation was conducted by the organiser.

## **SECRETARIAT FOR LEGISLATION**

**Internal documents:** In accordance with the Conclusion of the Government of Montenegro from 1 of July 2010, Secretariat has prepared HR Plan for employees from the Secretariat for Legislation covering the period 2010-2013. Taking into consideration the number and structure of systematised working positions, this plan provides for the employment dynamics, i.e. filling of free working positions in line with systematisation and the need for hiring of trainees.

**Implemented activities:** In organisation of Human Resources Management Authority, all employees participated in several seminars in 2011 on the following topics: „Normative and Technical Rules for Drafting of Regulations”, „Presentation of the Manual for Financial Management and Control”, „Career System in French Public Administration”, „Public Procurement System in Montenegro”, „Conclusion and Ratification of International Agreements”. Two employees from the Secretariat attended training in the field of legislation, organised by Ministry of Foreign Affairs of the Netherlands and T.M.C. Asser Institute. Lecturers on this course were prominent professors from the University of Netherlands and employees from state administration bodies who were directly involved in the legislative process when the Netherlands became a member of EU. Within the Twinning project “Harmonisation of Legislation” which was financed from IPA funds, employees from the Secretariat were trained about Slovenian experience in connection to harmonisation of Slovenian legal system with the EU law. Also, in accordance with the Programme of professional development of civil servants and state employees for 2010/2012, prepared by the Human Resources Management Authority, employees from the Secretariat held two seminars on the topic „Legal and Technical Rules for Drafting of Regulations with Guidelines for harmonisation of Montenegrin Legislation with the Acquis Communautaire”.

**Inter-institutional and international cooperation:** Twinning project „Harmonisation of Legislation” financed from IPA funds, with Slovenian state administration as partner. The aim of the project was to develop legal and technical rules for drafting of regulations prepared by the Secretariat, with the supporting guidelines for harmonisation of Montenegrin legislation with the Acquis Communautaire.

## **GENERAL SECRETARIAT OF THE GOVERNMENT OF MONTENEGRO**

**Internal documents:** There is no document on development of human resources

**Training and Professional Development Programme:** There is no plan that stipulates

training and education of the employees from the General Secretariat of the Government of Montenegro. The Plan for training of civil servants and state employees is developed and implemented by Human Resources Management Authority.

***Inter-institutional and international cooperation:*** No agreement was concluded with a domestic or foreign institution or organisation dealing with administrative capacity building.

## **STATE AUDIT INSTITUTION (DRI)**

***Internal documents:*** The Strategy of Institution Development 2012 – 2017, implemented under the EU project “Strengthening of External Audit in Montenegro”, under which a conference “A Decade of Cooperation with GIZ in External Audit Strengthening in Montenegro” was organised. This plan includes 5 main strategic developmental objectives, and one of activities under these objectives is development of the *Human Resource Management Strategy*, which is to include the policies and procedures for the human resources development and professional development of staff; plan of development and education of staff; qualification criteria; employment procedure; selection and deployment and mentorship system; system of evaluation and training as well as career development.

Activities with regard to development of an action plan for implementation of strategic objectives and activities of the Institution have been continued, and they are now in the final stage.

***Training and Professional Development Programme:*** The State Audit Institution developed the draft training plan for staff of the Institution for 2012, to be discussed at the sitting of the Senate.

### ***Activities implemented:***

- One state auditor for information technologies is serving a five-month internship in the European Court of Auditors in Luxembourg.
- In cooperation with the UNDP Montenegro, a workshop on “Audit of Financial Statements of Political Parties and Supervision over Financing of Election Campaigns” was organised, where short-term experts from the Audit Office of Croatia took part, with a view to exchanging auditing experiences and knowledge. A workshop on “Role of SAI in control of financing of political parties” is to be organised in cooperation with the UNDP.
- Two Senate members are to attend the “Training on Financial Investigations” for investigators, financial analysts, auditors and prosecutors, to take place in Bar, in cooperation with the Judicial Training Centre of Montenegro and the Internal Revenue Service of the US Treasury.
- Organisation of English language courses continued in 2012, which are currently attended by 21 employees.

***Inter-institutional and international cooperation:*** DRI is continuously cooperating with the Human Resource Management Authority; however, the agreement on cooperation has not been signed. DRI representatives took part in education organised by the Human Resources Management Authority for civil servants in all spending units in risk management.



## SUPREME COURT

Pursuant to Article 151 of the Law on Civil Servants and State Employes the tasks related to preparation of proposals of vocational training programmes and other programmes for professional development of staff, monitoring and evaluation of realisation of the programmes of vocational training and other professional development programmes, assisting state bodies in implementation of HR policies, training and development of human resources, as well as other affairs from the field of human resources management and development shall be performed by the Human Resources Management Authority of Montenegro. Also, pursuant to the Law on Education in Judicial Bodies, education of judges and public prosecutors, as holders of judicial office and persons who are preparing for judicial function shall be performed within the Judicial Training Centre, according to the programmes published on the web site of the Centre.

## REAL ESTATE ADMINISTRATION

**Activities implemented:** Employees from the Administration continuously participate in trainings, both in Montenegro and the region. The most important seminars held in Montenegro have been organised by Human Resources Management Authority, and they covered the following topics: The Principle of Integrity, Public Investment Management, Fight against Corruption and Organised Crime, Gender Equality, Public Procurements, Protection of Personal Data, Natural Law and Training for geodesists.

**Inter-institutional and international cooperation:** As regards the trainings abroad, the following conferences and seminars should be mentioned: CEBIT in Hanover, Regional Conference on cadastre in Bled, I Congress of AGIT in Verona, International NSDO Conference in Skopje, WPLA in Amsterdam, XI Eurogeographics General Assembly Session in Brussels, EUPOS Main Board in Budapest, Capacity Building in the field of Resettlement in Relation to Implementation of Transport Project in Western Balkans organised by European Bank for Reconstruction and Development in Belgrade and other trainings.

## PORT ADMINISTRATION

All civil servants and state employees have passed some of the modules from the Programme for training of civil servants and state employees conducted by Human Resources Management Authority, and these are: Training on Professional Exam for Work in State Administration, Procedure for Drafting and Harmonisation of Regulations, Free Access to Information, Public Procurement, Human Resource Management, Project Management, etc. Lectures were experts engaged by the organiser and organiser conducted evaluation of trainings.

## CUSTOMS ADMINISTRATION

**Internal documents:** The Business Strategy of Customs Administration and within it there is a strategy for development of human resources, for the period 2009-2011. New Strategy is currently being prepared.

**Training and Professional Development Programme:** Act No. D-4862/1 from April 082011 establishes *Training Strategy of Customs Administration* and it provides for a manner of development and training of customs offices in the entire field of customs and in all organisational units.

**Activities implemented:** During 2011, a total of 134 different types of trainings were organised, and a total of 490 civil servants and state employees from the Customs Administration attended these trainings. In the period from January 012012 to March 232012 a total of 22 of different types of trainings have been organised, and 56 employees from this state administration body attended those trainings. Customs Administration independently conducts trainings for topics from its jurisdiction, and there are trainings organised by HRMA, trainings done in cooperation with other state bodies and trainings resulting from international cooperation. Lecturers on these trainings are employees from Customs Administration, Human Resource Management Authorities and other state bodies, as well as representatives of international organisations. Upon completion of the training, there are written oral, electronic or visual evaluation, and after completion of professional development civil servants and state employees from Customs Administration pass on their knowledge and experience to other employees from this state body.

## **ADMINISTRATION FOR PREVENTION OF MONEY LAUNDERING AND FINANCING OF TERRORISM**

**Training and Professional Development Programme:** Civil servants and state employees from the Administration regularly attend trainings organised by the Police Academy on a variety of topics (Data Protection, Financial Investigations, Information Resources and International Cooperation of Services) as well as seminars from the Programmed of professional development of civil servants and state employees organised by the Human Resources Management (Integrity, Public Procurement, etc.).

**Inter-institutional and international cooperation:** The employees also participate in trainings connected to financial investigations which are annually organised by Directorate-General for Enlargement of the European Commission - TAIEX (Vienna, Austria), MMF in cooperation with the Basel Institute on Governance (Syracuse, Italy) and the World Bank in cooperation with EGMONT Group (Paris). Also, employees from the Administration participate in other trainings connected to financial investigations which are organised through Twinning programmes, ILECUS2, as well as other trainings organised by the OSCE and the UN.

## **ADMINISTRATION FOR PROTECTION OF COMPETITION**

**Inter-institutional and international cooperation and activities implemented:** Technical assistance to the employees from the Administration is provided through AIM Project "Accession to Internal Market", which was implemented by GTZ. AIM project was launched in June 2010 and it lasted until March 2012. Apart from the Administration for Protection of Competition, the main beneficiaries of the project were Ministry of Economy and Market Inspection. Experts engaged in this field are Andrej Plahutnik (Slovenia) and Milos Androvic (Serbia). Five employees from the Administration attended this training programme. In association with this project, the Administration has also organised two seminars: "Protection of Competition", which was designed for journalists in order to improve existing and acquire new knowledge about the principles, rules, importance and best practices in EU and countries from the region in terms of effective protection of competition, especially from the aspect of improving of the quality of life of the citizens of Montenegro and progress of EU integration process; and „Competition Law and Policies and Importance of



the Judiciary“ which was organised in 2011, and designed for judges and public prosecutors from Montenegro in order to improve existing and acquire new knowledge about the principles, rules, importance and best practices in EU and countries from the region in terms of protection of competition and its efficiency. Lecturers on these seminars were the abovementioned experts.

The Administration for Protection of Competition is also active in projects organised by OECD- Regional Competition Centre in Budapest. OECD collects data and analyses the trends in the economy in order to provide expert assistance to countries in transition. To this end, they organised a series of seminars and workshops and employees from the Administration attended the following trainings: workshop: „Merger Analysis and Procedures- Quantitative Techniques of Horizontal Merger Analysis“ and “Legitimate Business Practice or Cartels in Disguise“, both held in Budapest, Hungary.

## **DIRECTORATE FOR ANTI-CORRUPTION INITIATIVE (DACI)**

**Internal documents:** *Internal development strategy of the Directorate for Anti-Corruption Initiative with the Plan of Work* was adopted for 2012 and it is provided in seven strategic goals that define its new position in preventive anticorruption actions, as a body within the Ministry of Justice. The seven goals include: efficient and effective Secretariat of the National Commission for monitoring of realisation of the Action Plan for Fight against Corruption and Organised Crime (NC Secretariat); central body for analytics in the field of preventive action; initiating and enhancing of cooperation, as well as coordination of preventive activities of institutions in the field of anti-corruption policies; strengthening of integrity in the public sector; raising of public awareness; effective participation in the activities organised by international organisations and bodies for fight against corruption and familiarisation with the achievements in this field; development of internal strategic capacities and organisational efficiency in order to implement goals and tasks defined by this Strategy. These strategic goals are further elaborated in the Action Plan for 2012, which contains the results indicators, specific objectives, performance indicators, main activities and deadlines for their implementation.

**Training and Professional Development Programme:** Trainings and professional development of employees from the Directorate are done in accordance with the quarterly planned programme of trainings of civil servants and state employees developed by HRMA, but also within some specialised training conducted by similar bodies and institutions in the country and abroad. Also, a significant number of trainings is organised through the project „Improvement of strategic capacities of Directorate for Anti-Corruption Initiative“ which is being implemented with the technical support of the UNDP Office in Podgorica, and which was financed by the Government of the Kingdom of Norway. Administrative capacities of the Directorate for Anti-Corruption Initiative have been significantly improved, so that it would efficiently and effectively respond to new obligations from the Internal Strategy of the Administration, and which relate to providing professional and administrative support to National Commission in the process of drafting of report by the new AP, as well as taking the central role in receiving and analysing of information of reports of corruption. The project also included strengthening of strategic operative capacities of the DACI, with mentor support in various fields. As for the first component, during 2011, the Resident Advisor (long-term expert) on this project has worked on improving efficiency of work of the DACI, through mapping of existing and establishment of new work processes, as well

as on improvement of organisational and functional aspects of DACI. Also mapped and formalised are processes in the part of the work of Secretariat of National Commission; receipt and processing of reports on corruption from other bodies; process of planning and preparation of budget and implementation of public procurement procedures. Resident Adviser helped in reviewing of DACI's internal strategy for the period 2011- 2012, as well as work plans for each organisational unit which describe in detail operational goals for the following year.

***Inter-institutional and international cooperation:*** There are no agreements signed with organisations dealing with building of administrative capacities.

## **MARITIME SAFETY ADMINISTRATION**

***Training and Professional Development Programme:*** A Training Plan 2012 is in place in the Administration, as well as the document Human Resource Management Procedure. The following are clearly distinguished in the document: the training plan, the training plan for new staff, report on training, training file and monitoring of the competences of the employee, appraisal of performance of the employee and assigning and de-assigning.

***Activities implemented:*** As far as activities implemented are concerned, in addition to those planned by the quarterly training plans developed by the Human Resources Management Authority, the employees of the Maritime Safety Administration are to pass the following in the course of 2012: the courses on IMO models; the courses on maritime and nautical knowledge, all-staff internal training on the topic "Implementation of MEST ISO 9001:2008 Standard Requirements", training in the field of quality management system, information security, occupational safety, environmental protection, energy efficiency, etc. Five trainees are to be sent to post-graduate studies, i.e. to the fourth year of studies – Polytechnics 60 ETC, in cooperation with the Maritime Faculty in Kotor.

**PHYTOSANITARY ADMINISTRATION** provided a detailed answer presenting the comparative overview of the NPI chapter 3.12.3.1 - Phytosanitary Policy, together with the short-term and mid-term priorities with regard to fulfilling of the legislative and institutional obligations.

***Internal documents:*** The Phytosanitary Administration does not have in place a separate strategic document on human resource development. Namely, the National Programme for Integration of Montenegro into the EU (NPI) for the period 2008 – 2012 is one of strategic documents addressing this issue. Furthermore, the administrative capacity through human resources of the Phytosanitary Administration is laid down by the Rulebook on internal organisation and job descriptions in the Phytosanitary Administration.

***Training and Professional Development Programme:*** The training plan for employees was not adopted by the Phytosanitary Administration; the training courses for administrative staff, phytosanitary inspectors and technical staff of the phytosanitary laboratory have been organised every year

Education was provided by priority topics at two levels:

- TAIEX training in line with the training map adopted for every year, approved by the European Commission
- Training organised through the Human Resource Management Authority

***Activities implemented:*** In cooperation with the Human Resource Management Authority: "How is Montenegro Using IPA Funds", "Procedure for Adoption of Regulations", "Public



Procurement System in Montenegro”, “Free Access to Information”, “Budgetary System in Montenegro” etc.

Other training activities include seminars on food safety, plant protection products, phytosanitary and veterinary field, and other.

**Inter-institutional and international cooperation:** Phytosanitary Administration has not signed a contract, agreement or similar document on cooperation with a national or international institution or organisation providing administrative capacity building services.

## **HUMAN RESOURCES MANAGEMENT AUTHORITIES**

**Training and Professional Development Programme:** “Training implementation plan: March-May 2012”, is divided into the following modules: Training for Taking of Professional Exam for Work in State Bodies, Constitution and Equal Opportunity Policies, Procedure for Adoption and Harmonisation of Regulations, Administrative and Misdemeanour Judicial Proceedings, Fight against Corruption, Free Access to Information, European and Euro-Atlantic Integration, Financial Management, Public Procurements, Management and Development of Human Resources, Management of Organisational Units, Project Management, Communication in Administration and General Affairs. Also, still is in force the „Strategy for training of civil servants and state employees in Montenegro for the period 2008 – 2012, which contains analysis of the current situation and needs, principles and objectives of the training, resources, responsibilities, guidelines for the training, training content and monitoring and evaluation.

**Activities implemented:** Employees from the Human Resources Management Authority have in 2011 attended a series of trainings, seminars, workshops, courses and meetings of the working groups, held in HRMA Office, in ReSPA Office in Danilovgrad, Serbia, Bulgaria, Slovakia, Hungary, Macedonia and China. Some of the trainings are Preparation and Implementation of Integrity Plans, Reform of Administrative Procedures in line with EU Standards, Human Resources and Administrative Capacity Building, Planning and Evaluation of the Activities performed by HRMA, etc.

### **Inter-institutional and international cooperation:**

- Memorandum of Cooperation between the Ministry of Human and Minority Rights and Human Resources Management Authority
- Memorandum of Cooperation between the Commission for Prevention of Conflicts and Human Resources Management Authority
- Agreement on cooperation in the field of development of public services and public administration reform between the General Public Service of Ukraine and Human Resources Management Authority
- Memorandum of Understanding between Human Resources Management Authority

And Institute of International and Development Studies in Geneva, through the Centre for International Management

- Agreement on cooperation in the field of development of public services and public administration reform between the Agency for Public Service of the Republic of Macedonia and Human Resources Management Authority.

## HYDROMETEOROLOGICAL BUREAU

**Internal documents:** There is no strategic document on human resource development of the Hydro-meteorological Bureau.

**Training and Professional Development Programme:** There is no specific plan for training and professional development of civil servants and state employees, other than the Programme for professional development conducted by Human Resources Management Authority.

**Activities implemented:** 27 employees from the Hydro-meteorological Bureau have attended some of the training programmes, and copies of certificates, diplomas, confirmations and other documents containing information about the types of trainings and lectures on the trainings have been delivered. Inter-institutional research or evaluation of the newly acquired knowledge has not been conducted.

**Inter-institutional and international cooperation:** There is no document (contract, agreement, etc.) on cooperation with any domestic or foreign institution or organisation dealing with development of administrative capacities.

## BUREAU FOR REFUGEES

**Internal documents:** Bureau for Refugees does not have a strategic document on the development of human resources, but it works within the general guidelines of the Government concerning the reform of public administration.

**Activities implemented:** Almost all employees from the Bureau have during the past years attended various seminars, depending on their working position and duties they have. Benefit from the trainings is reflected in a higher degree of training of the staff and better performance of their working duties.

**Inter-institutional and international cooperation:** There is no agreement signed with international organisations and institutions dealing with development of administrative capacities. In recent years, UNHCR and OSCE have organised trainings from the field of the Asylum System in order to familiarise the employees who work on these duties in the Bureau with the asylum system in other countries.

## STATISTICAL BUREAU

The formal strategic document on human resource development is not in place. The training of employees in the Institute takes place in the following four ways:

- The first, under the IPA national projects, for which a separate plan of professional development of staff under specific training courses for official statistics development and implementation, is developed. These projects are implemented mainly through expert missions in the Bureau, where, together with the staff, further development of official statistics and methodology takes place: the *learning by doing* principle. The two-year IPA project was completed in 2011, while the beginning of a new one is expected in June 2012.
- The second, under IPA multi-beneficiary projects intended for the EU candidate countries and potential candidate countries, through which officers develop further their professional skills and follow the development of the European statistics by



taking part in a series of seminars, workshops, working groups and training courses. In addition to regular meetings and trainings, under the IPA multi-beneficiary projects, internships in EUROSTAT or some other statistical offices of EU Member States were organised. All the statistical offices of the EU candidate countries or potential candidate countries are invited to provide profile and motivation letters of their officers who meet the conditions defined for internship applications. Five MONSTAT officers served internship under the IPA multi-beneficiary projects, of which 4 in EUROSTAT and one in the statistical office of Slovakia.

- The third, organised within the MONSTAT by the principle of *in-house* training, objective of which is to have officers who attended the training share their experiences and newly acquired knowledge with their colleagues. The objective of such training is to increase the number of trained staff and getting to know the whole statistical system as an entity, where personal knowledge is focused towards development of the institution, rather than just individual development.
- The fourth, implemented in cooperation with the Human Resources Management Authority, in accordance with the Plan and Programme of Training for Civil Servants and State Employees.

## **BUREAU FOR EXECUTION OF CRIMINAL SANCTIONS**

***Training and Professional Development Programme:*** Strategic planning of human resources development in the Bureau for Execution of Criminal Sanctions is achieved through education of students at the Police Academy in Danilovgrad according to the „Curriculum for Training of Employees from the Bureau for Execution of Criminal Sanctions of the Republic of Montenegro“. Upon the completion of education at the Academy, they acquire higher education degree (VI degree) and have a possibility to enrol in the third year of the Law Faculty- Department for Criminology.

***Activities implemented:*** According to the Article 4 of the Curriculum, a Basic Course is designed to last for four months, and 37 employees from the Bureau attended this course. Lecturers are experts from different fields who have completed appropriate college and who have proven themselves in their work. At the end of the course evaluation of knowledge of all candidates was done. In addition to the Basic Course, 46 employees attended 6 seminars on the following topics “Children Rights – International Law and Juvenile Justice” (25 employees); “Personal and Institutional Integrity” (13); “Monitoring and evaluation within the project *Support to Implementation of the Strategy for HIV/AIDS in Montenegro*” (2); “Voluntary Counselling and Testing for HIV” (1); “Program of Harm Reduction among Injecting Drug Users” (4); and “Participation of NGOs in the Public Policy Making”(1).

## **BUREAU FOR INTELLECTUAL PROPERTY**

***Training and Professional Development Programme:*** Civil servants and state employees from the Bureau are trained in accordance with the Programme for professional development established by Human Resources Management Authority.

***Inter-institutional and international cooperation and activities implemented:*** In the field of human resources capacity building, the Bureau has used technical assistance from the project “Strengthening the Industrial and Intellectual Property Rights in Montenegro”(IPA

2009, Component III- Accession to the Internal Market), financed by EU and implemented by EPO, as well as from "Plan of Cooperation between WIPO and Montenegro". Bureau was the focal point for implementation of the Plan. There were also seminars, on-site trainings and study visits, including: Seminar on Nice and Vienna Classifications; Seminar on Agreement on the extension of European Patents to Montenegro, training of the staff from the Bureau (on-the-job-trainings) about various work related issues, such as the method of data processing connected to protection and manner of registering IS rights, closer examination of the conventions and treaties administered by WIPO, as well as study visits to the Bureaus from the region and to the highly functional bureaus from Europe (State Intellectual Property Office of the Republic of Croatia, the Czech Patent Office, etc.). Employees submitted regular reports to the Bureau and training providers about the acquired knowledge, and evaluation is conducted after every training.

### **BUREAU FOR TEXTBOOK PUBLISHING AND TEACHING AIDS**

Strategic document on the development of human resources is not in place; nor is the plan for training and professional development of staff. As for implemented activities connected to education of the employees, three employees attended a one-day seminar conducted by the organisation TAZ and Institute of Certified Accountants.

### **EMPLOYMENT BUREAU OF MONTENEGRO**

The Bureau does not have a strategic document on human resource development or any document on cooperation with a domestic or international institution or organisation working on administrative capacity building.

**Activities implemented:** Continuous and methodologically unique concept of training for employees is implemented from 1999 and it lasts until today. A significant number of training is based on the identification of the needs of the employees, whereas others follow the needs and demands of the market changes. Execution of the programmes was followed by the evaluation done by the training providers, internal and external. In the period of 2011/2012 the following trainings have been conducted: training for administering the Web site of the Centre for Information and Professional Counselling; trainings for associates working on career orientation/ work with young people in the field of career orientation in primary schools; development of advanced skills for career consultants; improving motivation, integration and education of consultants; improving knowledge about the quality standards in career orientation; improving knowledge about mobility/ geographical and professional mobility of the work force on the European labour market; acquiring key skills in the field of PR and media skills, as well as training for internal auditors.

### **Strategic documents on human resource development**

In order to successfully develop administrative capacities, every institution should be aware of the needs of their own resources and in plan their development in accordance with this. To this end, institutions should prepare long term strategic documents on the development of their human resources, and take them as a guide when preparing annual plans for training, promotion, recruitment and other ways of institutional capacity building. However, out of 61 surveyed institutions, 6 responded that they do not have such document,



3 responded that such a document existed, but that they did not start preparing the new one, 24 institutions addressed us to Human Resources Management Authority and their „Programme for professional development of civil servants and state employees for 2012“ in accordance with Article 96 of the Law on Civil Servants and State Employees („Official Gazette of the Republic of Montenegro“ No 50/11), and these were: Bureau for Intellectual Property, Bureau for Refugees, Administration for Prevention of Money Laundering and Financing of Terrorism, Port Administration, Real Estate Administration, Supreme Court, General Secretariat of the Government of Montenegro, Commission for Prevention of Conflict of Interests, Directorate for Protection of Classified Information, Directorate for Transportation, Mediation Centre, Environment Protection Agency and 12 ministries. In addition, 8 institutions have submitted a one-year Training Plan, specific for their field of work: Agency for Civil Aviation, Directorate for Development of Small and Medium Sized Enterprises, Securities Commission, Administration for Maritime Security, Fitosanitary Administration, Human Resources Management Authority, Bureau for Statistics, Bureau for Execution of Criminal Sanctions, whereas only 7 institutions confirmed the possession of such a document, and these are: Directorate for Anti-Corruption Initiative, Customs Administration, State Audit Institution, Commission for Control of Public Procurement, Agency for Medicines, Secretariat for Legislation and the Parliament of Montenegro. Also, 13 institutions did not provide answers to these questions. Summing up, it can be concluded that 7 out of 61 (11.4%) institutions have their own, multi-year strategy on the development of human resources, 8 out of 61 (13.1%) institutions prepare annual training plans for their staff, and with 13 institutions which did not provide an answer - this indicates that 35 out of 61 (57.3%) institutions do not possess an annual plan or multi-year strategy on development of their own human resources.

In their responses, the institutions most often referred to body for management of human resources, shifting to them the responsibility for planning the development of human resources in every institution. To be able to accomplish something like this, this body should have incredibly comprehensive and far-reaching capacities, which currently go far beyond its capabilities. Therefore, generally, findings about the awareness and activities of institutions in the field of development of their own, at least seem to be disappointing, and can pose enormous challenges in future as more detailed and demanding obligations will be brought about by the negotiation process.

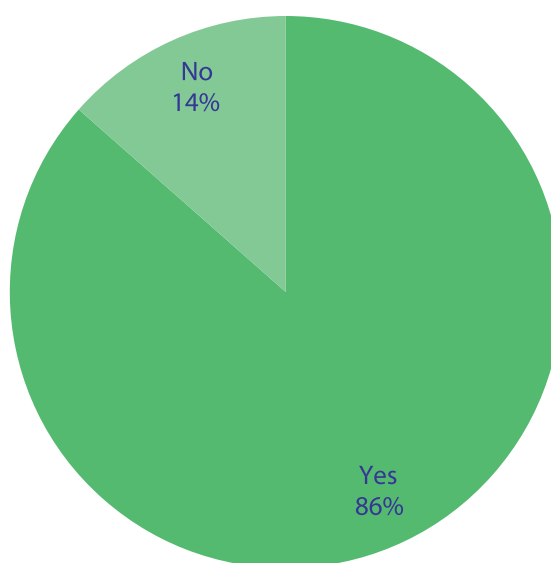
## Professional development and employees

When it comes to the drafting of strategies related to the assessment of training needs of civil servants and state employees, it seems that this process is successful in some segments and that the Government of Montenegro and Human Resources Management Service have a relatively clear vision and operative goals when it comes to this area. In that respect, Human Resources Management Authority has prepared a document **“Analysis of the Needs for Professional Development of Civil Servants and State Employees for 2012”** and the accompanying Action Plan is still being drafted. The analysis has been conducted in the period from October 2011 to January 2012 within the twinning project „Development Strategy of Montenegro and the National Development Plan“. The main goals of the analysis are ”to examine personal competencies of civil servants and state employees, recognise desired knowledge and skills which would facilitate the work process, identify factors which influence successful work performance, acquire opinions regarding the methods and

forms of professional development and preparation of Training Programme for 2012”<sup>38</sup>. The methodology of the analysis consisted of conducting in-depth interviews with people in management positions in 16 ministries and a questionnaire given to civil servants and employees from 54 state administration bodies. In that way, some of the most common problems related to professional development and efficient functioning of state administration have been recognised, as for example: “unusual/vicious cycle between the work overload, lack of personnel, low salaries, work motivation and high staff turnover, too much bureaucracy, technical equipment, lack of coordination “as well as „old-fashioned structures for planning, and difficulties in implementation of strategies”.

In addition to this analysis of the activities of institutions which adopt and implement strategies and programmes for professional development, in order to have a more complete analysis of the administrative capacities, it was necessary to hear the opinions and experiences of the main actors of professional development: the civil servants and state employees, as well as opinions of the general public. For that reason, the European Movement in Montenegro has conducted a research for the needs of this study. Within the research, a total of 319 of employees from state administration have been interviewed, as well as 220 managers and directors of companies and 800 citizens of Montenegro over 18 years old. As regards the needs for professional development, most of the employees working in state administration (86%) felt they need additional training and stated that they are prepared (89%) to improve their professional skills in this manner. The most appropriate types of trainings are one or two-day long seminars (40%) and several months long courses abroad (21%). Master/PhD studies abroad, several months long courses abroad, as well as several month long courses in country that are held after working hours are often more appealing to younger people (20 – 32), of high or higher education, who have a need to continue to develop professionally and to those who have only a few (up to 5) years of working experience. Employees who have more than 11 years of working experience more often than the others consider any of the offered type of development as undesirable, whereas younger employees (20-32) on average show more enthusiasm for every offered method.

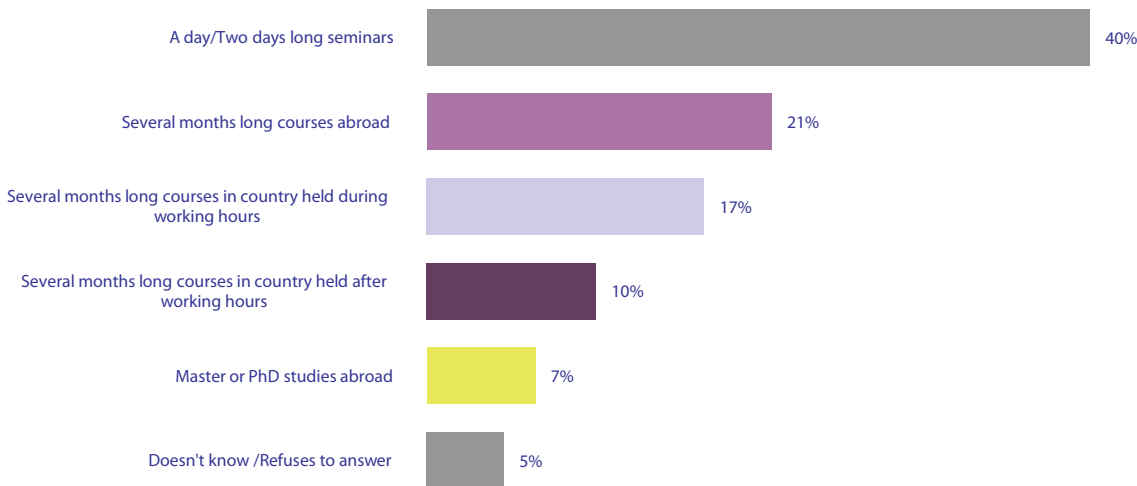
### Do you need further training in order to develop your professional skills?



<sup>38</sup> *Analysis of the Needs for Professional Development of Civil Servants and State Employees, Human Resources Management Authority, 2012*

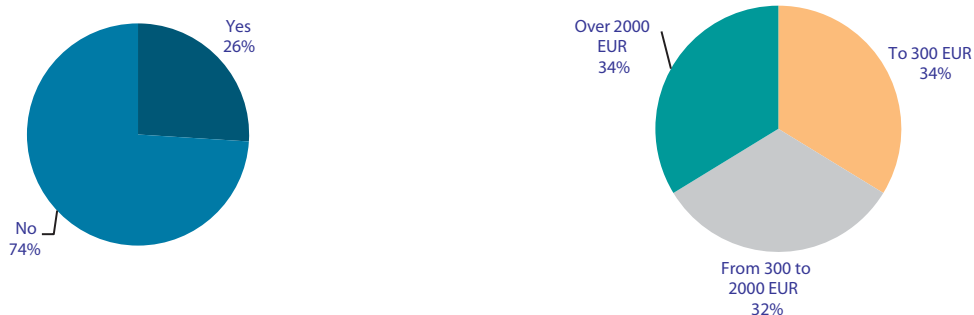


### In your opinion which of the following training methods is the most acceptable?

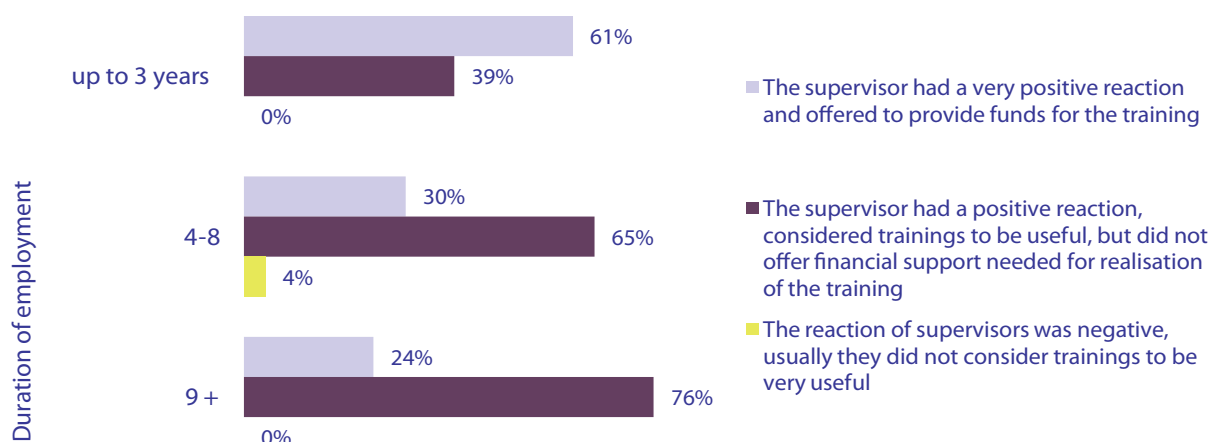


At the same time, the majority (76%) is not willing to finance training which would help them enhance their working skills. A third of those who would be willing to finance their own training would be ready to pay up to 300 EUR for the training, and the same percentage of employees would allocate between 300 EUR and 2000 EUR, i.e. over 2000 EUR. Employees who are for a short time period employed on the current position (3 years and less) were significantly more likely than average to finance their professional development. Although majority believe that they are in need of training, only 23% of employees talked with their supervisors about potential training (and these were mostly employees who would be willing to finance their own training), whose reactions were positive. However, although supervisors considered training to be useful, in most of the cases (59%) they did not offer financial support to the employee, whereas financial resources have been offered in 40% of cases.

### Are you willing to finance your training? What is a maximum you would pay for training?



## What was the reaction of your supervisors when you initiated discussion about the trainings that you consider acceptable?



The majority of employees (60%) felt that they need to improve their foreign language skills. 48% of employees opted for acquiring new specialised knowledge related to the area of their work, while 40% of employees want a better understanding of the regulations and practices of the European Union. Professional skills of the employees, in their opinion, would be improved the most by acquiring new specialised knowledge related to the field of their work (28%), by foreign languages (20%) and by familiarisation with the regulations and practices of the European Union (12%).

## In what areas do you feel you need to improve your professional skills?





Generally speaking, the majority of employees in public administration recognise the importance of training in human capacity building in their institution, but at the same time expect the institution to organise and finance trainings in this field. Knowledge of foreign languages and knowledge of EU regulations and practises are the fields where most of the employees have shown a lack of knowledge, having in mind the dynamic process of European integration, but the fact that almost half of the respondents felt that they are insufficiently trained in the specialised field which falls within the scope of their daily work is alarming and calls for an urgent and thorough implementation of adequate programmes for professional development of the employees.

### **Importance of adequate evaluation**

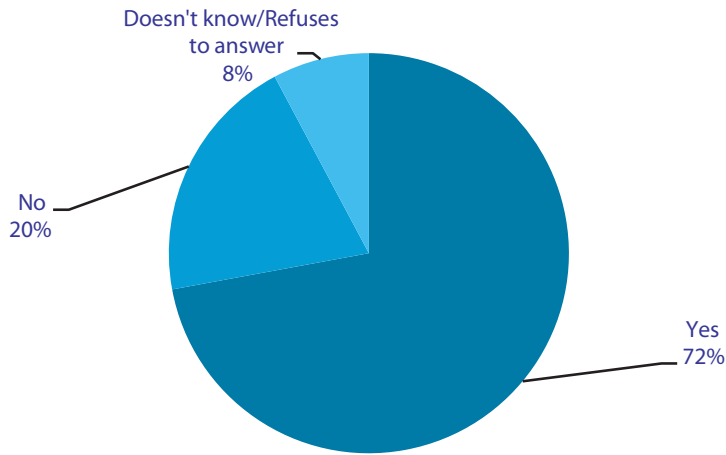
Finally, it is noticeable that one of the major obstacles when it comes to the influence that professional development has on the strengthening of administrative capacities is an insufficient and superficial evaluation of conducted trainings and the concrete contribution they have on the knowledge of employees. There is an impression that institutions pay attention to fulfilling plans for professional development of their employees formally, without setting priorities for themselves regarding adequate estimates of conducted activities and evaluation of contribution of trainings in everyday work. In connection to that, it is necessary that each institution work on mechanism of evaluation of available trainings and pay special attention to reports made by the participants in seminars, trainings, workshops etc. It is necessary to invest more effort in analyzing criteria upon which employees are sent abroad for internship/master studies and determine realistic applicability of that knowledge in everyday duties that await the employee upon his/her return<sup>39</sup>. Ministry of Foreign Affairs and European integration is mentioned as a positive example, because it has a commission in charge for selection of trainings for employees, public call for participants, selection of candidates followed by an evaluation of the results in applying the knowledge and skills gained during professional development. So far, this system functions very well and gives good results<sup>40</sup>.

There is no need to emphasise that, apart from the evaluation of trainings, regular evaluation of work performance of civil servants and state employees is necessary in order to achieve high quality human resource capacities. However, 60% of respondents/employees do not know that there is system for keeping an accurate record of work performance of each individual employee in public administration institutions/services, while almost one third is aware of that. Those who are aware of evaluation of efficiency of employees believe that it is done based on written reports submitted weekly or biweekly (47%), analyses of quality of handling of work tasks (45%), weekly meetings with oral evaluation of work performance (20%) and yearly evaluations (4%).

39 Interview with Mr Branislavom Radulovićem, member of Senat of State Audit Institution, Podgorica, 03.06. 2012.

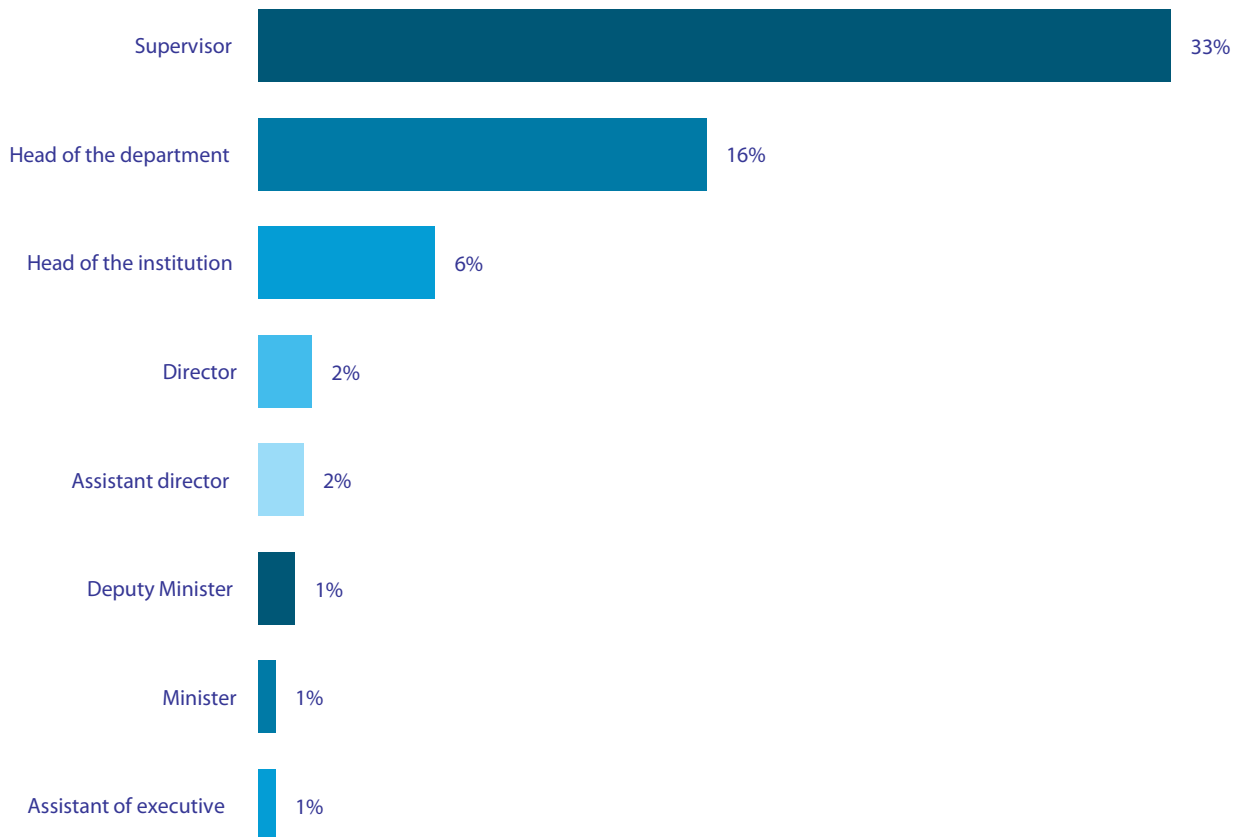
40 Interview with Mr Mirsadom Bibovićem, General Secretary of Ministry of Foreign Affairs and European integration, Podgorica 04.06.2012.

### Do you know that your work performance is being evaluated?



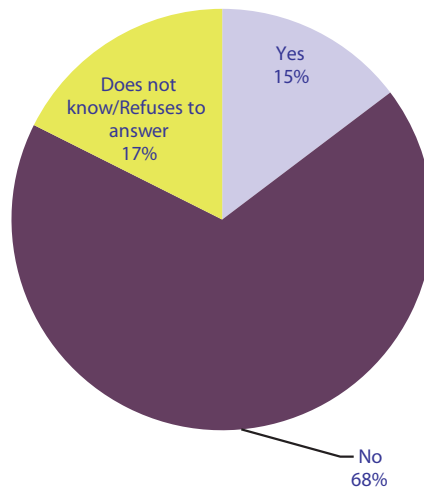
On the other hand, most of the employees (72%) know that their work is being evaluated, but 38% does not know who performs the evaluation. One third believes that it is done by their supervisor, 16% by head of the department, and 6% by head of the institution.

### If your work is being evaluated, please state who is doing the evaluation?





**In your opinion, is better work performance in your institution/service of public administration adequately awarded- higher salary for better performance?**



**Recommendation 8:**

Institutions within state and public administration in Montenegro need to develop internal documents on strategic development of human resources, which would adequately plan the needs for aptitudes, knowledge and skills for every position in individual institutions, with special emphasis on the needs and commitments in the process of negotiation of Montenegro to the EU. These documents would later become the basis for planning and professional development of employees through trainings.

**Recommendation 9:**

It is necessary to make criteria, not only for employment but also for all of the areas of importance for maintaining of human resources capacities, such as promotions, suspensions and discontinuities in work, as transparent as possible. A stronger communication between the executives and the employees needs to be developed, through which the employees would be adequately informed about their participation in the system of work performance record, as well as about privileges and sanctions that depend on the degree and quality of their work.

# 5

## FUNCTIONALITY AND INSTITUTIONAL COOPERATION

Even though the strengthening of administrative capacities in order to facilitate meeting the commitments stemming from the process of European integration is, without a doubt, significant by itself, an even more important goal is to develop quality and functional institutions that will meet the needs of the citizens and have their trust. To that purpose, 800 adult citizens of Montenegro were surveyed about their experiences with the institutions and services of public administration. In order to achieve a full functionality of public administration, beside the quality of service, it is also necessary to have institutional cooperation, whose quality was evaluated by 319 civil servants and state employees, as well as managers and executives. Finally, in order to maintain high levels of efficiency and effectiveness, the criteria for employment are also important, because irregularities, partiality and nepotism in these processes represent a big obstacle in the development of administrative capacities in Montenegro.

### Employment criteria

In relation to already mentioned, although the majority of employees believes that factors influencing employment in public administration are education/degree (70%) or experience and work performance, 48% of employees believe that kinship or friendship of candidates are important criteria in employment as well. Also, 41% of employees believe that party membership also plays an important role in employment of candidates.

In a survey of general public, kinship and friendship (83%), as well as party membership of candidates (77%) are considered to be important factors for employment in public administration, followed by computer literacy (51%), candidates' qualifications (50%), knowledge of foreign languages (48%) and experience and work performance of candidates (40%). Predictably, kinship and friendship (44%) and party membership of candidates (30%) are considered criteria that influence the most employment in public administration, while only every tenth citizen believes that education of candidates is the most influential factor.

Finally, most managers and executives consider kinship and friendship as a criterion that mostly influences employment (38%), then education (27%), party membership (23%) and experience and work performance (10%).

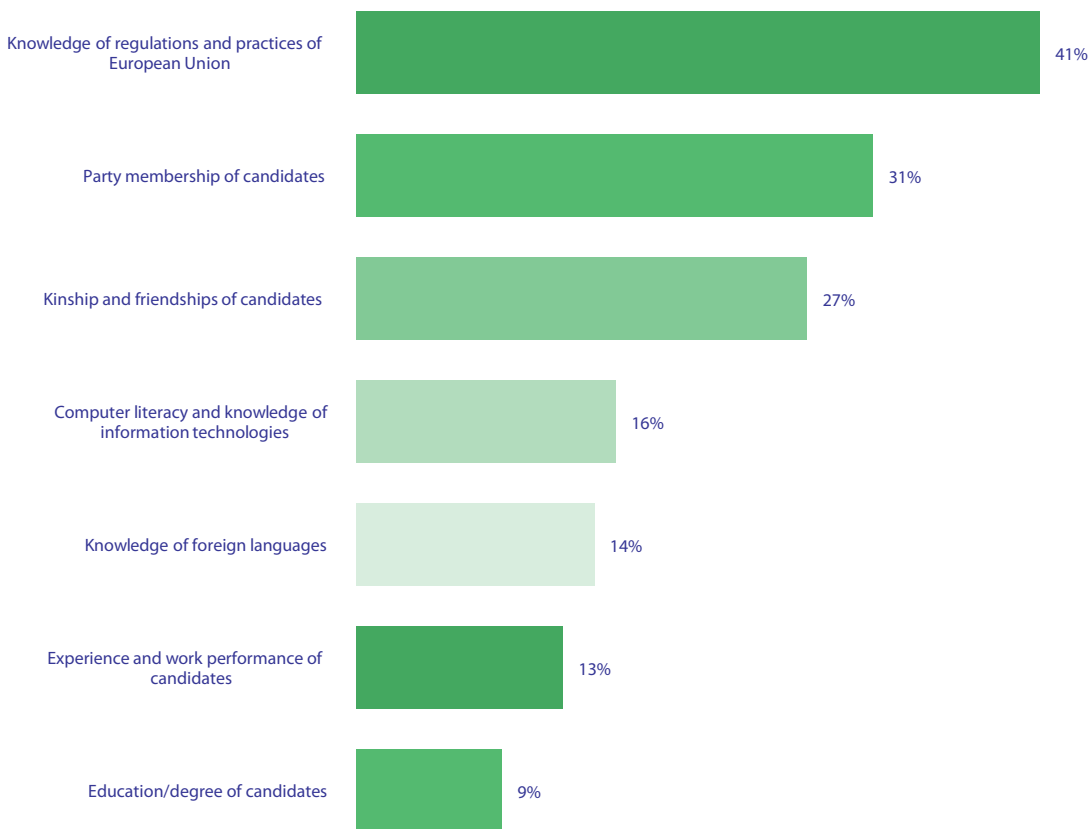
As usual, young people, and those who do not have the need for further education, more than others consider education, i.e. degree of candidates as main employment criteria, while older employees (46+), and those who are on their current jobs longer than 9 years much less often underline this criteria. On the other hand, older employees (46+) more than others see kinship and friendship of candidates as important, while the younger respondents



do that significantly less often (20-32), as do those with no need for further education. Most of the employees believes that education (40%), experience and work performance (35%) should be the most important criteria for the employment in public administration.

However, kinship (6%) is still perceived as more important than knowledge of foreign languages (3%) and computer literacy (2%), and also party membership (3%). Around 12% of employees can't name the most important condition for employment. One quarter of employees considers that knowledge of regulations and practices of the European Union is important for getting a job, while 41% believes that it does not affect the employment.

**In your opinion, to what extent does each of these criteria have impact to employment?**



Although 81% of population believes that education and degrees of candidates should be the most important factor in the process of employment, it is obvious that majority of the respondents believes that in practice some other factors have a priority. It is impossible to stress enough the deep roots of partisan connections and nepotism in many social spheres in Montenegro, so the same applies for the functioning of state administration. It would be therefore impractical to make individual and direct recommendations that would guarantee effective combating of this systemic anomaly. However, when it comes to “recruitment of human resources” in state and other services, there is a room for establishing of more transparent and efficient mechanism and systems of control that would control the employment procedure from the beginning to the end. This mechanism would require participation of many institutions and it would, in time and with active participation of Human Resources Management Authority, at least improve the appalling perception of employees and other citizens about the practice of filling in work positions in Montenegro.

## **Institutional cooperation**

The issue of cooperation between institutions in Montenegro, such as inter-agency cooperation between the ministries, the level of cooperation between academic institutions and relevant bodies in public administration, and also between academic institutions themselves, was already the subject of a similar study on administrative capacities of Montenegro which concludes that "there is a general impression regarding administrative capacities that there are no organized forms, whether public or private nature, within which interested actors are being connected systematically in order to improve efficiency of the structures in question" and that there is an impression that there is "lack of regular consultations with other institutions regarding strategic development, as well as those obligations stemming from the NPI (lost institutional memory)"<sup>41</sup>.

However, when assessing administrative capacities, perception of cooperation between organizational units within the institutions, cooperation with the business sector, and institutional cooperation with NGOs and the EU institutions is also very important. There is an impression that the majority of employees understand importance of cooperation on all levels, but also that in practice such cooperation is often missing. Thus, there is a perception that cooperation and exchange of information with business sector is taking place when performing tasks on operational level (44%), making strategies (44%) and implementation of programmes (44%), while there is a belief that there is none in the procedure of evaluation and awarding of civil servants and state employees (52%), new work positions (48%), planning of the budget (50%), making of sector policies (47%) and planning and implementation of activities aimed at developing of administrative capacities. State employees perceive existence of cooperation with the business sector less than other almost regarding all areas. However, the importance of cooperation with the business sector is perceived as important in almost all aspects, except in procedures of evaluation and awarding of civil servants and state employees (38% believes that it is irrelevant, 32% important), and new work positions (36% thinks it is irrelevant, 30% important). At the same time, employees who are seeking further professional training as well as those who are willing to finance the training themselves, perceive the importance of this cooperation much more often than the others.

## **Cooperation with non-governmental sector**

Also, most of the employees believe that there is no stable and constant cooperation between institutions/services of public administration and the NGO sector. They perceive importance of cooperation with non-governmental sector in the fields of strategy making and realisation of programmes, while other forms of cooperation are considered to be less important, or even irrelevant. Such is the case with procedures of evaluating and awarding of civil servants and state employees, new work positions and planning of the budget. Employees seeking further professional training more often than the others perceive that constant communication with NGO sector is important in order to improve overall efficiency. In general, the same number of employees is satisfied and dissatisfied with the cooperation with NGOs, while the level of satisfaction is higher when speaking about strategy making (25%) and implementation of programmes (23%).

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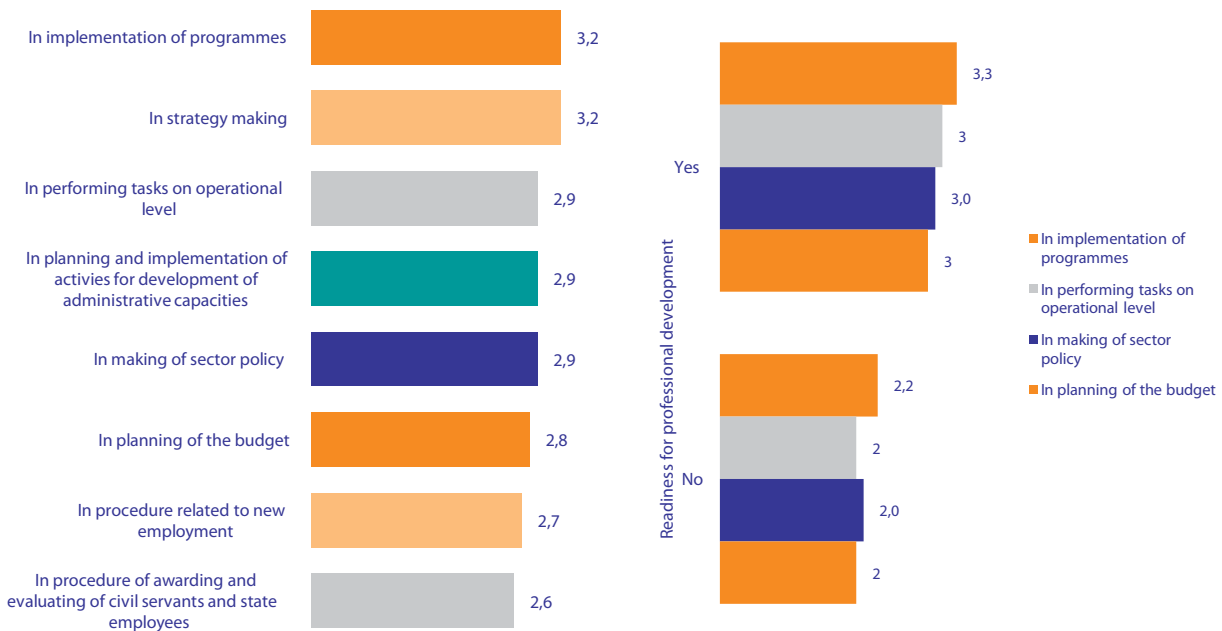
41 *Administrative capacities and NPI*, Study of European Movement in Montenegro, project EU Matrix, 2010.



### Do you believe that there is a cooperation and exchange of information between your institution/service and business sector?



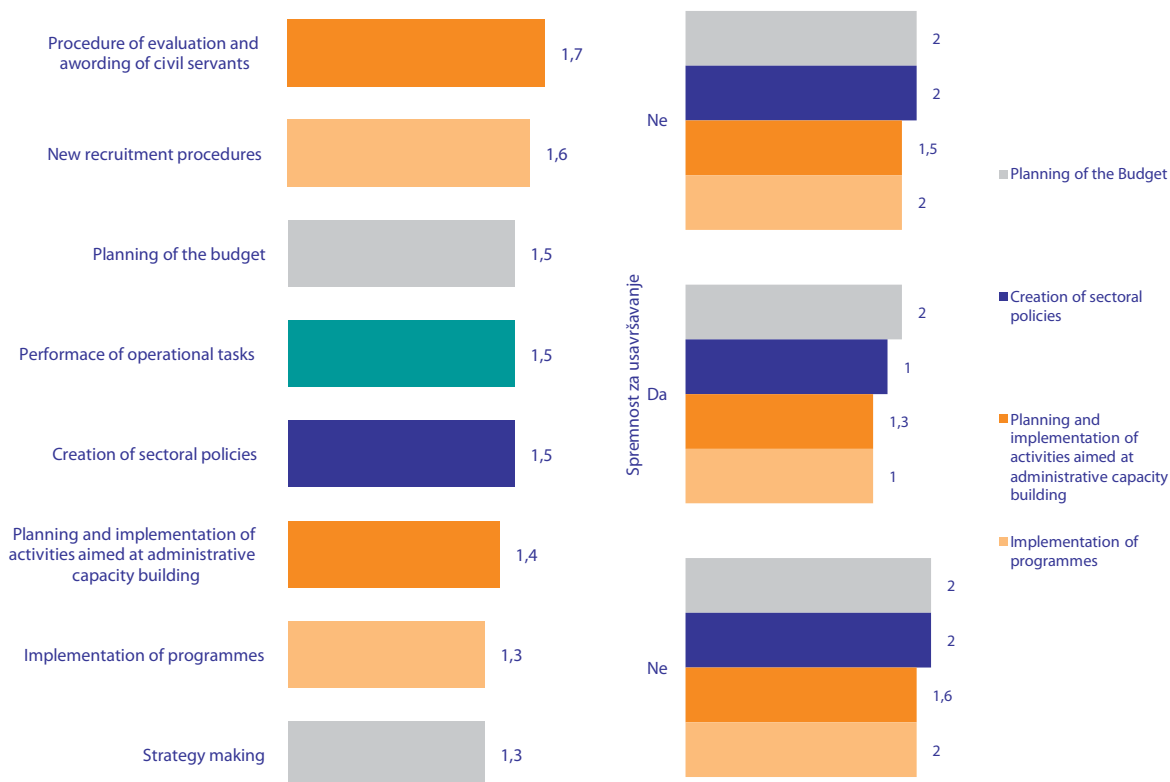
### How important for better and more efficient work of public administration is continuous cooperation and exchange of information between your institution/service and NGO sector?



## Cooperation with the EU institutions

Most of the employees perceive that the cooperation with the EU exists in the field of strategy making (55%) and implementation of programmes (52%), as well as in planning and realisation of activities aimed at development of administrative capacities (48%), and making of sector policy (41%). Employees are indecisive when it comes to cooperation with the EU in performing tasks on operational level (37% believes that there is no any, the same percentage believes that it exists) and planning of the budget (36% perceives the cooperation, the same percentage does not). There is no perception of continuous cooperation in procedures for new work positions (46%), as well as in evaluating and awarding of civil servants and state employees (49%). There is mostly no perception of cooperation with the EU institutions outside of Montenegro, except in strategy making and implementation of programmes. However, this exchange is seen as important for more efficient performance of public administration. Employees are mostly satisfied with the cooperation with institutions of EU in strategy making and, implementation of programmes and making of sector policy, while in the other fields they are mostly dissatisfied, or the percentages of satisfied and dissatisfied is equal. Older employees (46+) are more often dissatisfied with the exchange of information with the institutions of EU.

**Would you say that there is a continuous cooperation and exchange of information between your institution/service of public administration and institutions of EU in Montenegro? (Base: 77% of target population answered the question)**





#### **Recommendation 10:**

In the process of hiring new human resources, there is a room for establishing of new more transparent and efficient mechanism and system of control that would control the employment procedure from the beginning to the end, with the special emphasis on using of preventive measures against corruption and politization. This mechanism would definably require participation of many institutions, and possibly some structures of civil society which would, through establishing of new practice, deepen their mutual cooperation and functionality.

#### **Recommendation 11:**

It is very important to recognise the role of inter-institutional cooperation and cooperation with civil sector in developing of administrative capacities in Montenegro through more frequent realisation of activities and exchange of information and expert opinions. It would also be useful to strengthen exchange of information between services of public administration and NGOs, and especially in the process of planning and making of strategies, frameworks for public policies and individual programmes, as well as in planning and implementing activities related to planning and development of administrative capacities of public bodies

# 6

## REGIONAL EXPERIENCES IN REFORMING PUBLIC ADMINISTRATION

### Croatia

In the middle of 2008, *Public Administration Reform Strategy for the period 2008 – 2011* was adopted in Croatia which, similarly to Montenegrin AURUM, had a goal to achieve the European standards regarding functionality and efficiency of state administration by reducing the size of state administration, increasing efficiency and savings, reorganising professional services of the Government, improving coordination, transparency and citizens' participation and, through depolitisation and professionalization, combating corruption and strengthening the ethics of civil servants and state employees, and thus create modern state service as a result of strategic planning, programme, evaluation of efficiency of new legislation and implementation of regulation<sup>42</sup>.

In order to monitor political and professional aspects of public administration reform, the Government of the Republic of Croatia established in 2008, *National Council for the Evaluation of the Modernisation of State Administration*, its members being the members of Croatian Parliament, Government, civil society, syndicate, public administration experts and National Competitiveness Council. The Council had a task to give recommendations to the Government and also to revise the Strategy of reforms and propose amendments. The evaluation of results was done once a year, and the Strategy was revised only two years after it was adopted.

In Croatia, special attention was given to increasing efficiency of public administration through decentralisation, which allowed wider competencies for units of local and regional self-government, and a higher degree of their independence. This process started in 2004, and already a significant progress was made in 2005, when „large towns took over the competencies related to maintaining of local roads, issuing construction and location permits, and other tasks related to construction and implementation of spatial planning documentation in their area “<sup>43</sup>. In 2010, the Government of the Republic of Croatia took initiative and adopted special guidelines for functional decentralisation in order to enhance the making of a more rational, better and transparent public administration. In this process, the biggest challenge for Croatia was reaching the level of real fiscal decentralisation, which had not changed significantly since the beginning of the process of decentralisation and because of which, despite all the efforts, in 2010, Croatia was still in the group of highly centralised states.

<sup>42</sup> *Strategy of Public Administration Reform for the period 2008 – 2011*, [http://www.logincee.org/remote\\_libraryitem/27130?lang=hr](http://www.logincee.org/remote_libraryitem/27130?lang=hr)

<sup>43</sup> *10 themes of Public Administration Reform in Croatia*, Economic Institute Zagreb, Zagreb, 2011



Studying the approach of the Republic of Croatia provides an insight when it comes to raising the capacities of public administration, where an analysis of education structure and aptitudes of all civil servants and state employees was conducted at the very beginning, which was followed by setting of clear indicators and timeframes for achieving desired results. Although the evaluation of this process shows that there were discrepancies and that goals were impossible to achieve, a lot has been accomplished by the mere defining of the problem and taking concrete, proactive measures in order to solve it.

Finally, a lot of effort was invested in establishing and preserving the integrity of public administration and combating corruptive acts. Measures for combating administrative corruption were twofold: those directed towards general public and those directed at employees in the public sector. Anticorruption campaign was mostly based on education and raising of awareness of both civil servants and state employees, and citizens who were also identified as an important part of the problem. Also, through constant repetition of empirical researches, case studies, surveys and expert analyses which would estimate the impact of anticorruption measures realistically, “potential key areas and opportunities for corruption in public sector” were identified.<sup>44</sup>

The core of the Croatian experience in public administration reform is based on deep reform measures and continuous monitoring of the “health” and functionality of public administration. The biggest challenge on the road towards the membership in European Union for Croatia may be described as transition from formal establishment of legislative framework, to real results and implementation of laws and regulations. Although some of the problems in this field are more pronounced in Croatia on the level of local self-governance, because of unfeasibility of its complete fiscal decentralisation, being informed about efforts of Croatia in developing of administrative capacities may be useful and applicable in Montenegrin context.

## Slovenia

When it comes to Slovenia, most of the reforms of public administration and aligning levels of administrative capacities with the European happened somewhat earlier than in Croatia. Public administration reform started already in 1991 and it lasted, in several stages, from 1991 – 1996, 1997-2002, and from 2003 until the present day. The most important stage for developing of the administrative capacities in Slovenia was period 1997 -2002, when most of the legislative framework concerning public administration reform was adopted as well as the Government’s strategy which comprehended state administration, local self-governance, public services, the protection of citizens from administration and public finances. Until 2002 almost entire legal and institutional framework was aligned with European, through adoption of laws and bylaws such as Salary Systems Act, Inspection Act, Public Administration Act, Rulebook on Civil Servants and Employees and others.<sup>45</sup>

However, administrative capacities of individual sectors within institutions still failed to meet required standards, so their strengthening became one of the key priorities. The European Commission reports for 2002 and 2003 confirmed that the efforts of the Slovenian Government were very successful and that a thorough approach to each sector and department in public administration resulted in positive evaluations in monitoring of administrative capacities on both horizontal and vertical level.

<sup>44</sup> *10 themes of Public Administration Reform in Croatia*, Economic Institute Zagreb, Zagreb, 2011

<sup>45</sup> *Slovenian Public Administration: Continuation of Reforms*, Zlata Ploštajner, Ljubljana, 2009.

Ministry of Interior had a key role in these reforms, and lead the implementation and oversight of public administration reforms through organisation of regular reports, inspections and activities dedicated to increasing of the level of knowledge of civil servants and employees. A more thorough analysis of the conditions that facilitated such a wide spectre of activities of Slovenian Ministry could be useful in assigning competencies to Ministry of Interior of Montenegro in efficient implementation of public administration reform.

## Serbia

As far as the public administration reform in Serbia is concerned, it appears that there is a very good legislative framework, almost completely harmonised with the European standards, with over 300 laws and bylaws adopted since 2009. Therefore, the impossibility of creating quality mechanisms for monitoring the implementation of these regulations remains a challenge because, in view of some experts, "there is a lack of political will to do so"<sup>46</sup>. In addition, the decentralisation of public administration along with the regional economic and social disparities in Serbia significantly complicate the implementation of reforms, because it encourages inter-regional disparity and uneven trust the citizens have in Serbian institutions. After the first reform of public administration from 2004 - 2008, Strategy for regulatory reforms was being developed in period 2008 - 2011. Some analysts assess that the implementation of this strategy is inconsistent, because of already mentioned reasons.<sup>47</sup> One of the problems that is symptomatic is lack of motivation of employees in public administration, caused by poor financial situation and an ambivalence of executives regarding to their status, performance, and rights. It is interesting to hear the opinion of Mr. Sasa Jankovic, the Ombudsman at the time, who at the Democratic political forum in June 2011 drew attention to the irrational public employment: "We have to stop using institutions as social services for employment. The state must stop seeing employment in public sector as a measure of social peace which leads to hiring large number of people with low salaries. We have to find the way to align this institutional rivalry, because there is absolutely room for everyone".<sup>48</sup> It seems that, as in Montenegro, the policy of hiring has a priority over efficiency of institutions, which in a democratic context must build reputation and integrity. It is the presence of some socialist norms that can be seen as an obstacle for building a quality administration, which can play its institutional role only in a democracy.

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46 *"Institutions in Serbia – What we should do in 2011?"* Democratic political forum, Rodoljub Šabić, June 2012.

47 *Public administration reform in Serbia*, Jasmina Džinić 2010

48 *'Institutions in Serbia – What we should do in 2011?'* Democratic political forum, Rodoljub Šabić, June 2012.

## RECOMMENDATIONS



1. It is necessary to improve the legal framework regarding procedures for employment of civil servants and state employees, primarily by adopting and establishing new mechanisms for monitoring the implementation of newly adopted regulations. In addition, special attention needs to be given to establishing of criteria within the Decree on procedure for testing of aptitudes of candidates, the role of the Commission for evaluating of performance of employees, as well as to adequate implementation of the Decree on professional exam which changes the concept of state exam.
2. It is necessary to strengthen capacities for implementing the Law on Civil Servants and State Employees. Generally, it is necessary to develop more efficient mechanisms for monitoring the implementation of the public administration reform and new legislation, which directly contribute to the strengthening of institutional capacities. This entails regular reporting on implementation of the most important strategic documents from this field, primarily of AURUM, enabling smooth operation of inspection services. Most importantly it is necessary to define success indicators in the process of systematic monitoring of law enforcement, for example, the satisfaction of citizens with the work of public administration, implementation of administrative decisions, opinions of relevant international institutions, the average length of administrative procedures, etc.
3. It is necessary to strengthen the capacity of authorities managing human resources in terms of manpower, space and resources, as well as to deepen the legal structure that defines cooperation between these institutions and other public administration bodies. This especially applies to the capacity for training and human resources management, but also to maintaining of the central electronic personnel records, for whose efficiency it is necessary to have better cooperation and promptness of individual institutions, when it comes to providing information in order to maximise the availability and transparency of information about human resources structure through statistical data.
4. Reconsider the existing structural organisation of individual institutions regarding the necessity of having a separate Department for European integration. Activities related to the accession to the European Union will become a part of everyday duties of the civil servants and state employees even more intensively in the future, and therefore the existence of a separate sector with delegated spe-

cific competences regarding European integration seems redundant and leads to reducing functionality and undermining the hierarchy within the institutions.

5. It is necessary to conduct a specific study which would analyse the staffing structure and staffing needs in local self-governments in Montenegro, in order to determine the possibility and sustainability of transferring a part of civil servants and state employees from state institutions to local self-governments or other institutions with lack of manpower. This would somewhat help to save budgetary funds and reduce the number of employees in an expensive and massive administration, without increasing the number of unemployed persons, whereas local self-governments would improve their capacity for a more effective functioning.
6. When creating personnel policies there is a need to be more guided by the principle of efficiency of state administration and not only by the need of institutions in terms of number of employees. Flexible employment policies, based on competencies, with an assessment of the actual needs of specific positions in administration, lead to sustainable and cost-effective solutions, as regards the number of employed staff. This is especially true when assessing the need for managerial positions. In addition, the persons in charge for adoption of personnel policies should more often rely on the expertise, quality and proactive suggestions of the members of civil society.
7. In preparation of the National Program for adoption of the Aquis Communautaire, it is necessary to use the methodology of drafting, institutional memory, cooperation with the network of experts from civil and government sectors, as well as negative experiences and obstacles from the process of adoption and implementation of the National Program for Integration. Special emphasis should be placed on the process of implementation, submission and adoption of quarterly reports and the training of civil servants and state employees on the objectives and obligations deriving from the new strategic documents.
8. Institutions within state and public administration in Montenegro need to develop internal documents on strategic development of human resources, which would adequately plan the needs for aptitudes, knowledge and skills for every position in individual institutions, with special emphasis on the needs and commitments in the process of negotiation of Montenegro to the EU. These documents would later become the basis for planning and professional development of employees through trainings.
9. It is necessary to make criteria, not only for employment but also for all of the areas of importance for maintaining of human resources capacities, such as promotions, suspensions and discontinuities in work, as transparent as possible. A stronger communication between the executives and the employees needs to be developed, through which the employees would be adequately informed about their participation in the system of work performance record, as well as about privileges and sanctions that depend on the degree and quality of their work.



10. In the process of hiring new human resources, there is a room for establishing of new, more transparent and efficient mechanisms and systems of control that would control the employment procedures from the beginning to the end, with the special emphasis on using preventive measures against corruption and politization. These mechanisms would definably require participation of many institutions, and possibly some structures of civil society which would, through establishing new practices, deepen their mutual cooperation and functionality.
  
11. It is very important to recognise the role of inter-institutional cooperation and cooperation with civil sector in developing of administrative capacities in Montenegro through more frequent realisation of activities and exchange of information and expert opinions. It would also be useful to strengthen exchange of information between services of public administration and NGOs, and especially in the process of planning and making of strategies, frameworks for public policies and individual programmes, as well as in planning and implementing activities related to planning and development of administrative capacities of public bodies.

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# EUR BLOK

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Strengthening the civil society capacity to contribute  
to EU integration and the accession process



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