

Montenegro

by Lisa McLean

Capital: Podgorica
Population: 0.7 million
GNI/capita: US\$8,930

The social data above was taken from the European Bank for Reconstruction and Development's *Transition Report 2007: People in Transition*, and the economic data from the World Bank's *World Development Indicators 2008*.

Nations in Transit Ratings and Averaged Scores

| | Yugoslavia | | | | Montenegro | | | | |
|-------------------------------------|------------|------|------|------|------------|------|------|------|------|
| | 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| Electoral Process | 5.50 | 4.75 | 3.75 | 3.75 | 3.50 | 3.25 | 3.50 | 3.50 | 3.25 |
| Civil Society | 5.25 | 4.00 | 3.00 | 2.75 | 2.75 | 2.50 | 3.00 | 3.00 | 2.75 |
| Independent Media | 5.75 | 4.50 | 3.50 | 3.25 | 3.25 | 3.25 | 3.25 | 3.50 | 3.75 |
| Governance* | 5.50 | 5.25 | 4.25 | 4.25 | 4.00 | n/a | n/a | n/a | n/a |
| National Democratic Governance | n/a | n/a | n/a | n/a | n/a | 4.50 | 4.50 | 4.50 | 4.25 |
| Local Democratic Governance | n/a | n/a | n/a | n/a | n/a | 3.50 | 3.50 | 3.25 | 3.25 |
| Judicial Framework and Independence | 5.75 | 5.50 | 4.25 | 4.25 | 4.25 | 4.25 | 4.25 | 4.25 | 4.00 |
| Corruption | 6.25 | 6.25 | 5.25 | 5.00 | 5.25 | 5.25 | 5.25 | 5.50 | 5.25 |
| Democracy Score | 5.67 | 5.04 | 4.00 | 3.88 | 3.83 | 3.79 | 3.89 | 3.93 | 3.79 |

* With the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

In the 16 years since the introduction of a multiparty system, Montenegro continues to be dominated by the same political force confronted by a divided and weak opposition. Politicization in the public sector persists and limits the development of independent, nonpartisan civil service, police, judiciary, electoral administration, and media. It also interferes with the struggle against corruption. Much of its first full year as an independent, sovereign country with full control and responsibility over the development of its own institutions was spent establishing the institutions of the new state.

A key foundation of the state—its Constitution—was adopted with a two-thirds majority in Parliament in October and is expected to provide the basis for a civic state with full political, civil, and human rights and a healthy balance of powers among the three branches of government. In addition, Montenegro and the European Union (EU) signed a Stabilization and Association Agreement (SAA) as a first significant step toward EU membership. As part of its international obligations, the government began to implement measures to combat organized crime and corruption and to improve the administrative structure. Nonetheless, in Montenegro's small society, familial, friendship, and political connections undermine the establishment of the rule of law with equal opportunities for all. These connections also thwart the ability of civil society and the media to act as effective watchdogs and pressure groups for change.

National Democratic Governance. On October 15, the EU and the Montenegrin government signed the SAA, launching Montenegro's membership bid. Four days later, 55 of 81 members of Parliament (MPs) voted to adopt the new Constitution and a law on its implementation that met the Council of Europe's minimum standards. The ability to muster the necessary two-thirds majority in Parliament is a credit to the three opposition parties that voted for it, as well as the ruling parties. The reaction of those parties that voted against the Constitution was a disappointment and sign of competition within the opposition for primacy based on divisive issues of ethnicity. The new Constitution and the EU agreement should provide the basis for faster reforms, especially in depoliticizing parts of the public sector. The Parliament should continue to use the oversight instruments it began to use in 2007 to follow the reform process. *The Constitution—and especially its passage by a two-thirds majority in Parliament—is a significant development, signaling the thawing of political animosities in the interests of citizens and earning an improvement in Montenegro's rating for national democratic governance from 4.50 to 4.25.*

Electoral Process. In 2007, for the first time in seven years, there was no election held in Montenegro. Several provisions on the electoral process were enshrined in the Constitution, including the requirement for a high level of consensus, guaranteed representation of minorities in elected bodies, and residency requirements for voters and citizens. Most laws related to electoral processes must be harmonized with the Constitution by January 22, 2008—a process that had not begun by the end of the year. Cases of vote buying and pressure that surfaced as early as March 2006 remain tied up in court or in the investigation stage, lacking vigorous pursuit of all cases of illegal voter persuasion. The absence of sanctions in such cases fails to serve as a deterrent against such illegal methods of voter persuasion. *Although internationally recommended changes to the electoral laws are still needed, the new constitutional provisions mark a step forward. Thus, Montenegro's electoral process rating improves from 3.50 to 3.25.*

Civil Society. In 2007, the civil society sector had a number of significant accomplishments, demonstrating its growing credibility and effectiveness. First and foremost, working in cooperation with the government, a coalition of nongovernmental organizations (NGOs) managed to introduce changes to the NGO law that will limit NGO advantages to genuine NGOs. NGOs also ensured the inclusion of free access to information and consumer protection provisions in the Constitution and engaged actively in the public debate on a number of important long-term development strategies. Finally, the government opened an NGO liaison office. Still, some NGOs have complained that the success of their efforts have led to harassment and threats from the police and government bodies. *Given the growing effectiveness of the NGO sector and efforts made by a part of the government to establish good cooperation, Montenegro's civil society rating improves from 3.00 to 2.75.*

Independent Media. In 2007, two instances of journalist beatings threatened the independence of the media. Local observers believed that failure to find the perpetrators of these attacks demonstrated a lack of commitment on the part of the authorities to protect the freedoms of expression and the press recently enshrined in the new Constitution. Further, the continuing ability to sue journalists and media for unlimited sums of money in slander cases also limits the growth of true investigative journalism in Montenegro. In the meantime, public service television and radio lagged behind in its transformation process. A positive step was the improved government response rate to requests for free access to information. *The seriousness of the attacks on independent journalists results in a deterioration of Montenegro's independent media rating from 3.50 to 3.75.*

Local Democratic Governance. The new Constitution enshrines the principles of local self-government and autonomous operation and financing of local government. With a directly elected mayor accountable to the citizens, there were clear indications of increased municipal decision making in the interests of citizens

rather than politics. Still, planning and local government financing continue to be a challenge. Many urban-planning decisions produce allegations of corruption, and national government concern about local financial management prevents decentralization of real authorities. *While a change in municipal management practices in the interests of citizens is a positive development, it is offset by continuing challenges to municipal financing and budgeting and suggests that Montenegro's local democratic governance has remained solidly at 3.25.*

Judicial Framework and Independence. The new Constitution paid special attention to establishing previously nonexistent fundamental political, civil, and human rights and institutionalizing the office of the ombudsman. Constitution drafting also focused on establishing the independence of the judiciary, which is much improved, although the parliamentary majority continues to be involved in some appointments. The weak state administration limited the ability of citizens to fully exercise their rights, and the length of court processes continued to be a problem. Legislation and the Action Plan for Judicial Reform were put in place by the end of the year to improve judicial administration. Efforts to hold police accountable for prisoner abuse and conclude the civil suit on Bosnian Muslim deportations are still under way. *Together, the Action Plan for Judicial Reform and the Constitution create the basis for improvements in judicial independence and improved protection of fundamental rights, leading to an improvement in Montenegro's judicial framework and independence rating from 4.25 to 4.00.*

Corruption. The government began implementation of its Action Plan for the Fight Against Corruption and Organized Crime and began to put in place the legal framework for that struggle. But no significant cases of corruption or organized crime were prosecuted successfully ending with a conviction and jail sentence. *Although the domestic and international public continue to criticize the lack of effective efforts to hold public servants accountable for their behavior, the establishment of the Anticorruption Commission and Action Plan for the Fight Against Corruption and Organized Crime merits a slight improvement of Montenegro's corruption rating from 5.50 to 5.25.*

Outlook for 2008. In 2006, Montenegro focused on regaining its independence; and, in 2007, the focus was on establishing the state framework. Montenegro's challenge in 2008 will be to make the established legal framework produce real change, especially the establishment of an independent judiciary, the struggle against corruption, and the strengthening of the state administration. These challenges place special importance on laws related to state administration, courts, the state prosecutor, and the Judicial Council. The Law on Minority Rights and Freedom, the definition of minority nations and national minorities, and other special minority rights defined in the Constitution may serve to raise tensions and divisions among different ethnic groups living in Montenegro, as will the presidential elections.

MAIN REPORT

National Democratic Governance

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | |
|------|------|------|------|------|------|------|------|------|---|
| Y | u | g | o | s | l | a | v | i | a |
| | | | | n/a | 4.50 | 4.50 | 4.50 | 4.25 | |

On October 19, 2007, Parliament adopted a new Constitution and the law on its implementation. It was written in cooperation with the Council of Europe’s Venice Commission, and its December opinion considered the new basic law as deserving of a “generally positive assessment” and found no measures that contradicted the Declaration of Minimal Principles signed in February by six of eight parliamentary groups and representing a promise to the Council of Europe.¹ The new Constitution provides for an 81-member Parliament that elects a prime minister, while the president is elected by popular vote. Civilian control of the armed forces and security forces is based on establishing a civilian Defense and Security Council, designating the president as commander in chief, and granting Parliament some authority in sending troops abroad and approving security and defense strategies.²

Importantly, the Constitution was adopted in Parliament by 55 of 81 MPs—that is, by a two-thirds majority. Initially, it had appeared that no one from the opposition ranks would support the draft the ruling parties advocated, which meant that the Constitution would have to be adopted in a referendum. But during the summer, the opposition negotiated a common platform of 29 demands that was used in negotiations with the ruling parties on the final draft. As the negotiations came to a conclusion, the People’s Party, followed by the Serbian List, the Socialist People’s Party, and the Democratic Party of Serbs, withdrew from the negotiations, dissatisfied with agreed solutions related to the name of the language, the definition of a civic state, and the lack of reference to the Serbian Orthodox Church.

In the end, Movement for Changes (PzP) led the way, together with Bosnian and liberal parties, in providing a high degree of consensus for the Constitution. Unfortunately, emotional issues about the country’s language, its state symbols, the status of churches, and the civic nature of the state dominated the yearlong debate over the Constitution in an attempt by some political leaders to maintain divisions among the people and raise tensions. In a sign of the immaturity of the political system and the continued internal fight within the opposition for leadership of that bloc, PzP was severely criticized in parliamentary debate by its opposition colleagues for supporting the Constitution. A common accusation was that by cooperating with the ruling parties, PzP had failed to oppose, thereby betraying opposition voters. Those against the Constitution claimed that opposition to the document was necessary in order to bring down the regime.

In addition to working on the Constitution, Parliament was busy in 2007 debating and adopting a number of treaties and laws necessary for establishing the

state and its institutions and for pursuing the goal of Euro-Atlantic integration. In addition, Parliament made tentative steps toward improving its oversight of government. The opposition advanced three interpellations on government policies related to energy policy, privatization, and telecommunications—adopting proposed conclusions in two of these cases. Also, parliamentary committees began to exercise oversight functions. Especially notable were actions by the Committee for Security and Defense and the Committee for International Relations and European Integration.³ Finally, the prime minister's question hour, followed by MP questions to ministers, was held four times in 2007, which is significantly more regular than was the case in the previous parliamentary mandate.

Despite these achievements, the Parliament as a whole continued to function with less than adequate human resources and office space. Further, despite live broadcast of plenary sessions on public service television, Parliament's operations were far from transparent given (among other things) the lack of a regular schedule, a rarely updated Web site, and lack of public access to voting records without a lengthy request for access to information. At the end of the day, while there were improvements, Parliament continued to be a theater for the presentation of views and interests of politicians based on the topical issues of the day, rather than an institution through which political parties representing social groups articulate interests of the citizens and affect decision making in state institutions. Plagued by infighting, the opposition continually used strong attacks on government in Parliament to appeal to the public. The political machinations on both sides of the aisle blocked a number of reform processes and threatened to isolate Parliament as a significant branch of government in the eyes of the people.

A significant achievement in 2007 was the signing of the Stabilization and Association Agreement (SAA) with the European Union (EU). All political parties hailed the SAA, with governing parties defining it as a significant step toward EU membership and opposition parties as the introduction of an external monitor that will force reforms. As Montenegro embarks on its path to EU membership, a key challenge identified is weak administrative capacity. With the January approval of the EU partnership document, the government undertook to implement public administration reforms; ensure transparent employment, professionalism, and responsibility in the public service; and depoliticize public administration. Despite the existence of a formal system of examinations—such as language and computer knowledge—for attaining civil service jobs, there are continued accusations that party affiliation and familial and friendship connections are key qualifications for public sector employment. In October, the Council for Citizen Control of the Police—joined by other nongovernmental organizations (NGOs)—pointed out that throughout the state administration, the picture of the president of the Democratic Party of Socialists (DPS) hangs in official buildings, including at the Police Academy. The long-term challenge is to instill a sense of responsibility in the public on the part of public servants, to hold public servants accountable, and to make the evaluation of public servants' work transparent.

Electoral Process

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|------|------|------|------|------|------|------|------|------|
| Y | u | g | o | s | l | a | v | i |
| a | v | i | a | | 3.50 | 3.25 | 3.50 | 3.50 |
| | | | | | | | | 3.25 |

The year 2007 was the first since the new millennium that Montenegro did not hold an election. With political focus on the Constitution, it was that document that brought the most significant changes to the electoral process. At the insistence of opposition parties, a two-thirds majority of all MPs—that is, a high level of consensus—is required to adopt electoral laws. Also, the Constitution establishes residency requirements for voters and candidates. Eligible voters and candidates are now citizens who are at least 18 years of age and have resided in Montenegro for two years, while candidates for the presidency must be “a Montenegrin citizen residing in Montenegro for a minimum 10 of the past 15 years.”⁴

Finally, the new Constitution’s section on special minority rights says, “Persons belonging to minority nations and other minority national communities shall be guaranteed the rights and liberties, which they can exercise individually or collectively with others....” One of the listed rights is “the right to authentic representation in the Parliament of the Republic of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action.”⁵ Like legislation related to the electoral system, legislation regarding special minority rights must be approved by a two-thirds majority of all MPs.

The European Partnership with Montenegro document adopted by the Council of the EU in January 2007 expects Montenegro, within the next two years, to bring its election legislation “in line with the recommendations of the Office for Democratic Institutions and Human Rights.”⁶ At present, since the current election system is the result of a carefully negotiated balance of individual political party interests, the new constitutional requirement of two-thirds support for changes may actually prevent some of the very changes that the EU expects. Furthermore, the guarantee for representation of minority nations and other minority national communities in Parliament and municipal assemblies will meet its first challenge with the need to define a minority nation and other minority national communities and decide which groups qualify for special minority rights.⁷ The presidential elections that must be held by April 2008, along with two local elections, will be the first test of whether the international community’s concerns about electoral legislation are addressed. By the end of the year, Parliament had adopted its own Law on Presidential Elections but had not made progress in addressing the legislation on elections of MPs and councillors and political party financing, which require intense political negotiations.

Until now, participation in elections in Montenegro has been high in comparison with other countries in Central and Eastern Europe. In campaign periods, political parties are quite active in mobilizing their activists and supporters. In the 2006

referendum, the Montenegrin style of political activism was caught on tape when two DPS activists tried to convince a neighbor to vote “yes” or abstain in exchange for payment of an electricity bill in the amount of €1,500 (US\$2,052). The activists were quickly sentenced to 6 and 10 months in jail; but on appeal, the case was sent back to the basic court “because of important violations of provisions of the criminal procedure.”⁸ To date, no one has been punished.

In February 2007, a member of the border police transferred without his consent told Radio Free Europe that a DPS MP had forced him to get 34 of his neighbors to vote for DPS in the September 2006 elections. He explained that for nine years, he had worked on contract with the constant threat of not having his contract extended if he did not deliver the votes.⁹ The ruling party denied the charges, and no official charges have been filed, although the policeman has since been dismissed from the service as part of its downsizing and reorganization.

The fact that the actors in the referendum video have not yet been brought to justice and that a policeman publicly states he agitated for the ruling party lends credence to the long held beliefs that political party activists exceed the legal limits in their efforts to convince voters. Establishment of a genuinely fair electoral process absolutely depends on the depoliticization—and the consequent professionalization—of the civil service, the police forces, the judiciary, and all other public servants.

Civil Society

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------------------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 2.75 | 2.50 | 3.00 | 3.00 | 2.75 |

The 1999 Law on NGOs makes it easy to establish an NGO with five individuals and an address in Montenegro. Many small businesses register as NGOs because the profit of an NGO’s economic activities currently is tax-exempt; as a result, a majority of the more than 3,800 registered NGOs function as cafés, kindergartens, taxi companies, or consulting firms, and only a few hundred can be considered genuine members of civil society. Not surprisingly, therefore, a poll in March found that 41 percent of respondents have either only a little or no trust in the NGO sector, and 31 percent were not sure whose interests NGOs represent.¹⁰

A number of NGOs conducted effective advocacy campaigns, watchdog programs, and civic education programs in 2007. A coalition of more than 200 NGOs, Together Toward the Goal, successfully brought together 147 NGOs on October 19 to sign a code of conduct and elect a seven-member self-regulatory body to enforce and monitor the implementation of the code. With the code, NGOs obliged themselves to submit their program and financial reports to the public, which should further the process of distinguishing between real and nominal NGOs and strengthen the credibility of NGOs. The same coalition has also worked with the government to prepare amendments to the Law on NGOs that limit tax-exempt

status to organizations with an annual income of less than €4,000 (US\$5,473). The amendment should cut drastically the number of registered NGOs, bring clarity to the civil society sector, and improve public perception.¹¹

Other NGO activity is considered responsible for the inclusion of provisions on consumer protection and free access to information in the new Constitution. NGOs were additionally active throughout the year in public debates over important planning documents, such as the National Strategy for Sustainable Development, the Spatial Plan, the Energy Development Strategy, and municipal urban development plans. In public statements, NGOs raised a number of issues that put government representatives who prepared the plans and strategies on notice that people were watching. The debates in the news between the NGOs and the government helped raise awareness about the purposes of these strategies and plans.

One particular campaign—led by the Network for Affirmation of the NGO Sector (MANS) and joined by another 40 NGOs and some branch trade unions—raised the issue of the price consumers pay for electricity, comparing it with prices paid by two recently privatized companies. Entitled “KAP Spends, Who Pays?,”¹² the campaign forced the government to explain the differences, examined the reasons for the companies’ government-guaranteed prices, and even eventually contributed to the cancellation of the privatization of the Thermo-Electric Plant and Coal Mine in Pljevlja. While the government continues to maintain that government-guaranteed prices are necessary to ensure successful privatization of these two companies and much larger investments, the public furor raised by the MANS campaign forced the government to explain itself, and citizens learned more about the economics of electricity pricing and privatization.

Another significant development in the civil society sector in 2007 was a split in the trade union confederation, whose former unity had made Montenegro unique in the region. While this split has not yet been formalized and while the government continues to consider the Confederation of Trade Unions of Montenegro its social partner, the breakaway confederation¹³ has organized itself as a strong advocate for democratization of trade union governance and for workers’ rights. If nothing else, its presence on the public scene has forced the leadership of the traditional confederation to take action in cases where it might not have ordinarily, such as when the prices of basic foodstuffs increased in the fall.

In terms of government-NGO relations, the government established in its first ever Office for NGO Cooperation in 2007 and appointed a national NGO coordinator who is considered to be open and committed to cooperation. Still, a report issued late in the year concluded that government has a “two track” approach to the nongovernmental sector. Cooperation is good when government wants to attract the interest of the international community and the topic is noncontroversial. However, when the issue is about transparency and accountability of government and when the NGOs present themselves as bodies with the right to know, to criticize, and to ask for accountability, the relationship is not so smooth.¹⁴

Also, some NGOs complained of government harassment in 2007 because of their activities. Human rights activist Aleksandar Zeković claimed to be the

target of systematic surveillance, phone taps, blackmail, and death threats,¹⁵ and he accused the police and its director of responsibility. Despite a stated commitment on the part of the police director to find the perpetrators, there had been no arrests by the end of the year.

In other cases, the Tax Administration has conducted extensive financial audits on NGOs that pursue particularly sensitive cases. The director of the Center for Civic Education and the director of MANS both believe that the thorough audits of four years of their respective finances in March and April, respectively, were intended to pressure the two organizations for their watchdog activities at the time.¹⁶

Independent Media

| | 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | | 3.25 | 3.25 | 3.25 | 3.50 | 3.75 |

The new Constitution guarantees freedom of press and of expression and prohibits censorship. Importantly, the Constitution also guarantees everyone's "right to access information held by state authorities and organizations exercising public authority."¹⁷ The opinion of the Venice Commission notes, however, that the focus of the freedoms of press and expression is on the "protection of 'dignity, reputation, and honour' and the provision of a remedy for the publication of untrue, incomplete, or incorrectly conveyed information"¹⁸ and does not limit such freedoms only as "necessary in a democratic society."¹⁹

While the public enjoys a diverse selection of print and electronic sources of information at both national and local levels and privately controlled newspaper distribution, two beatings of journalists were quite disturbing. In addition to the September beating of Željko Ivanović, a founder of the highest-circulation daily *Vijesti*, Tufik Softić, a journalist for the daily *Republika* and Radio Berane, was beaten severely in the northern town of Berane in November. The victims consider the cases to be unsolved, although police have arrested two individuals who have apparently confessed to the attack on Ivanović. A lawyer from the NGO Action for Human Rights believes that "having failed to seriously investigate and punish murders, physical attacks, and threats directed to the critics of the government, the competent authorities have created an atmosphere of fear where only the courageous dare speak up, which is a drastic limitation of freedom of expression to the detriment of democratic society in Montenegro."²⁰

According to current law, the penalty for slander in criminal cases can be up to €14,000 (US\$19,156), while there are no limits for slander in civil suits.²¹ DPS president Milo Đukanović filed a €1 million (US\$1,368,325) civil suit against *Vijesti*, Ivanović, and the paper's editor for "mental injury" to his reputation and dignity owing to public statements by Ivanović and a strong editorial in *Vijesti* that blamed the DPS president for the attack on Ivanović.²²

In 2007, there was little to no progress in the transformation of Radio Television Montenegro (RTCG) into a public service television station, a delay that many consider to be the result of a lack of political will.²³ Commenting on the public service news, journalist Duško Vuković said that “instead of inviting citizens to a critical dialogue about the issues that are of utmost importance for the community, our public service directs most of its energy to the promotion and propagation of the government’s party line.”²⁴ Officials in the public service claim that the problems with transformation are financing an overly complicated management structure, overstaffing, and lack of donor funding. Total expenditures in 2006 were almost €13 million (US\$18 million) of which 62 percent was spent on “employee expenses”²⁵; thus suggesting that downsizing could produce savings to help overcome lack of financing.

Unfortunately, the year ended with the breakdown of the independent management system created by the 2002 media reform, when Parliament failed to confirm nominees to the Radio and Television Council, leaving it without a quorum to make decisions on program issues. While NGOs insist that Parliament had a legal obligation only to “confirm” the independent sector’s nominees, a majority in Parliament believes it also has the right not to confirm a nomination if it believes that the individual is not politically neutral or was nominated in a fraudulent process.²⁶ At a November roundtable, an analysis on the transformation of the public service noted that Parliament’s role in the “election” of council members had brought the autonomy of the public service into question,²⁷ suggesting the need for introducing changes to the management system.

In terms of free access to information, two NGOs—Association of Young Journalists (AYJ) and MANS—have submitted about 90 percent of the requests and, as such, have been most instrumental in keeping the Free Access to Information Act alive.²⁸ The average response rate is now 60 percent, which is a concrete improvement over the 20–30 percent response rate achieved in 2006.²⁹ The other 40 percent of the state organs do not respond. Both organizations have submitted appeals to the administrative court, whose decisions have been positive, according to the two organizations, but take a long time given the limited capacity of the court.³⁰

Local Democratic Governance

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | |
|------|------|------|------|------|------|------|------|------|---|
| Y | u | g | o | s | l | a | v | i | a |
| | | | | n/a | 3.50 | 3.50 | 3.25 | 3.25 | |

The new Constitution guarantees the autonomy of local government in the performance of its duties and “the right of citizens and local self-government bodies to regulate and manage certain public and other affairs in their own responsibility and in the interest of the local population.”³¹ Importantly, the Constitution gives local self-governments the right to own property and enables the national government to

dismiss the mayor or the municipal assembly only if either fails to perform requisite duties for a period of more than six months. All of these provisions are improvements and provide more explicit guarantees for the independent functioning of local self-government.

After four years under new local government laws, the functioning of local government has improved. Divided government in several municipalities, joint projects of opposition municipalities with the national government, and joint appearances of opposition municipal leaders and government ministers indicate that politicized management of the municipality is giving way to municipal administration based on all citizen interests. At present, 38 percent of the municipalities have Web sites that provide useful and timely information to the public about upcoming meetings of the municipal assemblies, decisions made, and public tenders issued and awarded. In two cases, even the 2007 budget is available on the Web site.³² Especially in the last year, when mayors directly elected and directly accountable to citizens assumed office in each municipality, the local governments have exhibited an increased level of responsibility for the management and development of the municipalities—particularly in those municipalities with enough revenues to pay for development projects.

Local governments are free to collect taxes, fees, and other revenues, and they receive transfers from the national budget and an equalization fund, as well as subsidies for specific national development or investment projects.³³ In the first half of 2007—as was the case in 2006—the bulk of the local government budgets (83.3 percent in the first half of 2007 and 80 percent in 2006)³⁴ came from local revenues, especially land sales and construction taxes. Having valuable land for building, the three richest municipalities—Podgorica, Kotor, and Budva—raised 65 percent of the total local revenue collected throughout Montenegro and spent 56 percent of total expenditures, while the six poorest municipalities raised 1.7 percent and spent 2.5 percent.³⁵ More than half of these expenditures in the poor municipalities went to current expenditures, including salaries, compared with only 23 percent in the top three municipalities.³⁶

In the effort to raise local revenues, some municipal administrations often fail to understand the concept of competition and drive away business interests or choke small- and medium-size enterprises with excessive regulations, taxes, and fees. A March 2006 study found that municipalities had defined 859 local taxes and fees, for an average of 41 taxes in each municipality, which represented a barrier to establishing and running a business.³⁷ In some cases, municipalities see an opportunity to wrest money from state-owned enterprises or regulated monopolies that have a hard time passing on the cost to the users. In 2007, the Electricity Company of Montenegro (EPCG) found its bank accounts blocked several times for failing to pay exorbitant municipal fees for services it believes it is charged for at the national level.³⁸ EPCG complained to the government that it was being used like a cash cow.³⁹ In 2007, the government recognized imbalances created by Montenegro's uneven economic development and planned to make changes in 2008 to the way equalization funds are distributed.

The fact is that the current real estate boom in Montenegro and successful 2007 tourist season created a significant windfall for some local governments. At the coast and in the capital, the urban-planning function has become especially important with the skyrocketing price of land and the focus on the tourist industry. Designating land for business development purposes has the potential to generate significant financial resources for a municipality that can be used to finance further development, but it also generates regular accusations of corruption, abuse of office, and irreversible environmental degradation from NGOs and ordinary citizens.

There are also signs of financial mismanagement at the local level and irrational spending; and the government, the State Audit Institute, and the European Commission have expressed concern about financial management, especially related to respect for the Budget Law, Law on Public Procurement, and Law on Wages of Public Employees, at the local level.⁴⁰ As a result, the national government is reluctant to decentralize public services and leaves in place (or creates new) systems to maintain national control over tasks in important sectors, such as tourism. It is likely to remain this way until the local administrations begin to demonstrate improved fiscal responsibility and administrative capacity.

Judicial Framework and Independence

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------------------|------|------|------|------|------|------|------|------|
| Y u g o s l a v i a | | | | 4.25 | 4.25 | 4.25 | 4.25 | 4.00 |

The new Constitution provides for equality before the law; freedom of thought, conscience, and religion; freedom of expression; guaranteed property rights; the right to work and to entrepreneurship; and gender equality. In the opinion of the Venice Commission on the Constitution of Montenegro, the adopted Constitution “meets most of the recommendations made by the Venice Commission...[and] provides for the direct applicability and supremacy of human rights treaties, including the European Convention on Human Rights.”⁴¹

For the first time, the institution of ombudsman is included in the Constitution, although the Venice Commission expressed regret that its suggestions for strengthening the body’s independence were not taken into account sufficiently. Thus, there is no explicit mention of its functional or budgetary independence, and the parliamentary majority holds the power to appoint and dismiss the ombudspersons.⁴²

In the 2006 *Report of the Ombudsman*, almost 50 percent of complaints related to the slow court procedure, especially in civil suits, while others related to property rights and the rights to free access to information, to legal and nonpartisan treatment in state administration, to work and work-related benefits, and of children.⁴³ The 2006 report concluded that the state’s weak administrative capacity has the effect of limiting the exercise of citizens’ political, civil, and human rights.⁴⁴

Preliminary figures for 2007 suggest a similar proportion of complaints about the slow judicial process.⁴⁵ The provisions in the new Constitution guaranteeing the “right to recourse” and “right to fair and public trial within a reasonable time before an independent and impartial court established by law,” as well as the adoption in November of the Law on Protection of the Right to Trial Within a Reasonable Period, if applied in a meaningful way, may begin to address the long-standing problem of unreasonably long court proceedings.

Among the cases that saw little progress in 2007, but are important for the protection of fundamental human rights and freedom, are two in which the police were put under investigation for prisoner abuse related to arrests made in 2006.⁴⁶ By the end of 2007, two indictments in these cases had been issued, but there was no resolution in either case. Complete investigation of these cases and the handing down of disciplinary judgments in fair trial procedures would send a powerful message to the police force as it continues its effort to become a modern, professional body serving the public interest.

International and domestic public attention also focused in 2007 on accountability of the state and the police in the case of some 83 Bosnian Muslims who in 1992 were rounded up in Montenegro and deported to Foča, Bosnia-Herzegovina. Their subsequent disappearance has led most of the families of the victims to believe that they were killed, and they have filed a civil suit against the state that is still in the investigation stage, without any charges having yet been brought or damages awarded. The state prosecutor also launched investigation in two cases of potential war crimes from the wars of the Yugoslav succession. One relates to a concentration camp established in the coastal town of Morinj, where Croatian prisoners of war are said to have been abused and tortured; another relates to the massacre, arrest, and torture in Montenegro by the Yugoslav army of ethnic Albanians fleeing Kosovo in 1999. In neither case has anyone been arrested or charged with a crime.

The independence of the judiciary was a key topic in 2007, especially in the debate on the Constitution and in continued court vacancies. The mandate of the Judicial Council, tasked with nominating judges to the bench, expired in December 2006, and Parliament did not take up the issue of appointing a new Judicial Council in 2007. As a result, no vacancies were filled and no disciplinary action against judges took place.

The new constitutional provisions on the judiciary move the power to appoint judges to a Judicial Council with a balanced composition that, according to the Venice Commission, is “now suitable for preserving...the autonomy and independence of courts and judges.”⁴⁷ It also provides judges only with functional immunity, which makes them more vulnerable to corruption charges. Nonetheless, Parliament has retained an influence in its power to elect the Supreme Court president, nominated jointly by the president, Speaker, and prime minister, which according to the Venice Commission leaves “the impression that the whole judiciary is under the control of the majority of the Parliament...which risks undermining the public confidence.”⁴⁸ A simple parliamentary majority also appoints and dismisses the state prosecutor,

the prosecutors, and members of the Prosecutorial Council, as well as all members of the Constitutional Court. This same parliamentary majority decides on the immunity of the president of the Supreme Court and the Constitutional Court judges.

The Venice Commission's opinion explained that "the Montenegrin political class is firmly convinced that [problems related to the effectiveness and impartiality] can be overcome only through oversight of the judiciary by Parliament."⁴⁹ While the commission accepted this argument, it expects a change once there are improvements in the judiciary. In the meantime, Parliament appointed a new president of the Supreme Court, who vowed to restore confidence in the judiciary but acknowledged that it would take time. In another positive step, in December the government adopted the Action Plan for Judicial Reform for 2007–2012, which defines concrete measures to improve the independence, autonomy, effectiveness, and public trust in the judiciary and a budget focused on capital investments rather than salaries, which is usually the case.

Corruption

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | |
|------|------|------|------|------|------|------|------|------|---|
| Y | u | g | o | s | l | a | v | i | a |
| | | | | 5.25 | 5.25 | 5.25 | 5.50 | 5.25 | |

In February, the government established a National Anticorruption Commission to coordinate efforts to implement the Action Plan for the Fight Against Corruption and Organized Crime.⁵⁰ At the end of the year, Parliament passed a resolution expressing its "maximum readiness to build anticorruption legislation and establish strong international cooperation" in the fight against corruption.⁵¹

The National Anticorruption Commission met in July and December and adopted its first report on realization of measures on July 10. The conclusion of that report is that based on monthly reports of some 30 institutions, 25 percent of the two-year plan (69 of 280 measures) had been fully achieved from September 2006 until March 2007, including the adoption of a number of laws, the beginning of work on a new criminal procedure code, analyses on harmonization of legislation with international standards in the field of fight against organized crime, and work on a number of laws and amendments to existing laws and reform strategies. In addition, the various institutions tasked with a role in implementing the action plan established bilateral or multilateral cooperation with counterparts in the region and international institutions.⁵² Thus, by the end of 2007, the responsible state organs had begun to put into place a framework for the struggle against corruption.

Still, in 2007, no major corruption case had concluded with a conviction. Charges against officials in state companies for abuse of office brought in 2006 and before were either still in the investigation stage or dismissed because of lack of evidence. In fact, in presenting the July report, the deputy prime minister who chairs the National Anticorruption Commission noted that "only based on verdicts can

I talk about the level of corruption because there is no other data. In Montenegro, in 2006, the courts handed down 442 verdicts on corrupt criminal activities, which are hard to prove. I hope that the Law on Criminal Procedure will be changed so that secret surveillance can be applied to a larger number of investigations, and the investigative organs can be more effective.”⁵³

The EU *Report on Montenegro* in November noted that “corruption is widespread and is a very serious problem...enforcement remains a problem.... There have been no improvements in activities to curb political corruption.... The situation calls for urgent action in order to achieve relevant results on the ground, especially in the area of high-level corruption.”⁵⁴ Equally, the NGO MANS severely criticized the government for feigning its struggle against corruption⁵⁵ and brought many charges against public officials for violating the Law on Conflict of Interest—most of which were dismissed as unfounded. While the Commission for Determining Conflicts of Interest has sent five cases to the state prosecutor since 2005, no charges have yet been filed.⁵⁶ Further, the much criticized Law on Conflict of Interest was not amended in 2007, nor was any effort made to increase the transparency of political party financing, demonstrating a lack of political commitment to the anticorruption struggle.

There are regular media reports about corruption in public procurement, the management of state companies, construction, and privatization that remain in the realm of speculation without any charges filed and that leave the impression of corruption cases not pursued. The police, public prosecutor, and courts regularly exchange accusations about inefficiencies in corruption investigations, and a tripartite commission among these three institutions was established in October to address the problem and improve cooperation in the struggle against corruption.

In fact, corruption in Montenegro is as real as it is perceived. Public opinion surveys identify customs, health, judiciary, police, municipal services, and the public prosecution as the public institutions with the highest levels of corruption.⁵⁷ Yet the same public is considered to be a participant in official corruption in these sectors, and the high level of tolerance for and unwillingness to report official corruption help fuel Montenegro’s culture of impunity.

Despite the bleak picture in the area of corruption, there is no doubt that the adoption of laws and pressure from NGOs and the public for implementation of those laws has begun to change behavior. As an example, the Property Administration made data about landownership available on its Web site, which MANS used to compare with the public declarations of assets and income of public officials available on the Commission for Determining Conflicts of Interest Web site. Thus, in 2007, 72 percent of the charges MANS filed against public officials were for incorrect data on their declarations—something that had been impossible to track in previous years. In 2005 and 2006, a majority of MANS’s charges focused on unlawful membership in boards of public companies and multiple public functions.⁵⁸ Thus, as the framework detailed in the government’s Action Plan for the Fight Against Corruption and Organized Crime continues to be put in place, public institutions will be forced to increase their transparency and

accountability with the expectation of reduced conflicts of interest and corruption cases. But political will is still necessary in the coming year to pass the necessary laws to control official behavior and strengthen the capacity of the enforcement agencies to pursue abuses.

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¹ The signatories to the declaration pledged to enshrine into the new Constitution the following provisions: 1) establishment of Montenegro as a civic state with equality of all persons and not of constituent peoples; 2) provisions to guarantee the independence of the judiciary; 3) removing the public prosecutor from the role of representing the state in civil cases to avoid conflicts of interests; 4) establishment of human rights guarantees at least on the level they had been in the Charter on Human and Minority Rights in the State Union of Serbia and Montenegro; 5) prohibition of the death penalty; 6) provisions for the retroactive applicability of human rights protection to past events; and 7) regulation of the status of the armed forces, security forces, and intelligence services and the means for parliamentary supervision, as well as establishment of a civilian as commander in chief. *Opinion on the Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, December 20, 2007), 3.

² *Ibid.*, 15.

³ On a number of occasions, the police director, the head of the National Security Agency, and the minister of defense appeared before the Committee on Security and Defense to provide reports on organized crime and ordinary crime. Committee members also visited the police headquarters, Defense Ministry, and National Security Agency at the invitation of those bodies. The Committee for International Relations and European Integration invited the minister of foreign affairs to discuss the government's foreign policy priorities and the deputy prime minister to discuss EU integration efforts.

⁴ Article 96, Constitution of the Republic of Montenegro, October 19, 2007.

⁵ Article 79, §1, item 9, Constitution of the Republic of Montenegro, October 19, 2007.

⁶ Those recommendations as summed up in the partnership document are “depoliticize the election administration, improve its functioning, in particular regarding announcement of results, codify election legislation, establish rules for media coverage of campaigns and introduce rules guaranteeing transparency for the allocation of seats in line with European standards; set up a transparent framework for campaign financing.” Council Decision on the Principles, Priorities, and Conditions Contained in the European Partnership with Montenegro, 5047/07, Council of the European Union, January 17, 2007, 4.

⁷ According to the 2003 census, 43% of residents identified themselves as Montenegrin, 32% Serb, 8% Bosniak, 5% Albanian, 4% Muslim, and 1% Croatian. Given this breakdown, it is hard to say who is a minority and who is entitled to special protections. Furthermore, within

the Serbian community, there is a dispute about whether Serbs are a minority in Montenegro and entitled to minority rights or whether Serbs and Montenegrins are the same people and together make up the majority population in Montenegro. Ethnic Albanians consider themselves a minority with special characteristics (for instance, distinctive language) that sets them apart from all other ethnic groups in Montenegro and entitles them to special considerations. Ethnic Bosniaks disagree with this interpretation.

⁸ D.B., “Jedno suđenje svim ‘glumcima’” [One Trial for All ‘Actors’], *Vijesti*, October 4, 2007, <http://www.vijesti.cg.yu>.

⁹ N.R., “Odradio 34 komšije da glasaju za DPS” [I Worked on 34 Neighbors to Vote for DPS], *Vijesti*, February 22, 2007, <http://www.vijesti.cg.yu>.

¹⁰ CEDEM Empirical Research Department, “Public Opinion in Montenegro, June 2007,” *Newsletter 20*, March–June 2007, 10.

¹¹ Interview with Claire O’Riordan, Chief of Party, USAID/ORT, Montenegro Advocacy Program (MAP), October 2007.

¹² The campaign highlighted the reduced prices that the Aluminum Conglomerate (KAP) and steelworks companies pay compared with ordinary citizens and argued that taxpayers funded the difference between the government-guaranteed price and the market price.

¹³ Calling itself the Coordination Board, it claims to represent 27,000 workers, including from the education sector, from the populated towns of Nikšić and Bar, and from the Aluminum Conglomerate.

¹⁴ N. Nelević, “Dva lica saradnje, Intervju: Stevo Muk, autor izvještaja ‘Odnos Vlade i državne uprave sa nevladinim organizacijama—2007’” [Two Faces of Cooperation, Interview: Stevo Muk, Author of the Report, ‘Relations with Government and State Administration with Nongovernmental Organizations—2007’], *Građanin 53*, January 2008, 16–17.

¹⁵ Zeković believes that he became a target because of his efforts to investigate the case of Bosnian Muslims deported to Bosnia-Herzegovina in 1992 and the case of police brutality in the arrest of ethnic Albanians in September 2006 accused of plotting a terrorist incident.

¹⁶ Interviews with Daliborka Uljarević, director of Center for Civic Education, October 2007, and Vanja Čalović, director of MANS, January 2008.

¹⁷ It can only be limited in the “interest of: protecting life; public health; morality and privacy; criminal proceeding; security and defense of Montenegro; foreign, monetary, and economic policy.” Article 51, Constitution of the Republic of Montenegro, October 19, 2007.

¹⁸ *Opinion on the Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, December 20, 2007), 8.

¹⁹ Article 10, §2, European Convention on Human Rights, Council of Europe, Rome, November 1950. Article 51, Constitution of the Republic of Montenegro, October 19, 2007.

²⁰ Vladan Zugić, “Politicians Must Tolerate Greater Criticism Than Ordinary Citizens,” *EIC Bulletin*, no. 24, September 2007, 6.

²¹ M. Jovović, “Tuže novinare da ugase medije” [Journalists Sued to Extinguish Media], *Vijesti*, October 7, 2007, <http://www.vijesti.cg.yu>.

²² “Objective responsibility for all that [i.e., ineffective police and weak state], as well as for the attack on Ivanović...falls on the regime that Milo Đukanović led for 17 years, which he still leads, regardless in what form. He and his people are responsible from top to bottom for the atmosphere in which journalists, writers, and all those who dare to think and speak differently become victims.” Editorial Department, *Vijesti*, “Neće nas uplašiti” [You Will Not Scare Us], *Vijesti*, September 2, 2007, <http://www.arhiva-medija.com>.

²³ “After almost five years...practice has shown that the public service has not become a reality yet...partly because of the reluctance of some circles for reform that would make RTCG a real citizens’ service and not a service for a group of individuals.” M.B., “Još daleko od servisa građana: Učesnici okruglog stola o transformaciji RTCG ocijenili da je finansiranje

- glavni problem te kuće” [Still Far Away from Citizens’ Service: Participants in Roundtable on Transformation of RTCG Consider Financing to Be the Big Problem of that House], *Vijesti*, November 29, 2007, <http://www.arhiva-medija.com>.
- 24 Vladan Zugić, “Politicians Must Tolerate Greater Criticism Than Ordinary Citizens,” *EIC Bulletin*, no. 24, September 2007, 4.
- 25 *Izveštaj o izvršenoj reviziji finansijskih iskaza za 2006. godinu* [Report on the Final Audit of the Financial Statement for 2006] (Podgorica: Revizorska agencija “Auditor” DOO, May 2007), 2.
- 26 V. Radenović, “Krivokapić podmetnuo krivotvorenu izjavu: Doris Pak optužila Predsjednika Skupštine da je izmijenio tekst zajedničkog dokumenta, opozicija traži njegovu ostavku” [Krivokapić Put Aside Forged Statement: Doris Pak Accused President of Parliament of Changing the Text of the Joint Document, Opposition Seeks His Resignation], *Dan*, December 21, 2007, <http://www.arhiva-medija.com>.
- 27 M.B., “Još daleko od servisa građana: Učesnici okruglog stola o transformaciji RTCG ocijenili da je finansiranje glavni problem te kuće” [Still Far Away from Citizens’ Service: Participants in Roundtable on Transformation of RTCG Consider Financing to Be the Big Problem of That House], *Vijesti*, November 29, 2007, <http://www.arhiva-medija.com>.
- 28 I.A., “Uvesti institut povjerenika: Asocijacija mladih novinara Crne Gore predlaže izmjene zakona o slobodnom pristupu informacija” [Introduce a Commissioner: Association of Young Journalists of Montenegro Proposes Changes to the Law on Free Access to Information], *Pobjeda*, November 1, 2007, <http://www.arhiva-medija.com>.
- 29 Interview with Claire O’Riordan, Chief of Party, USAID/ORT, Montenegro Advocacy Program (MAP), October 2007.
- 30 I.A., “Uvesti institut povjerenika: Asocijacija mladih novinara Crne Gore predlaže izmjene zakona o slobodnom pristupu informacija” [Bring the Institute of Representative: Association of Young Journalists of Montenegro Proposes Changes to the Law on Free Access to Information], *Pobjeda*, November 1, 2007, <http://www.arhiva-medija.com>.
- 31 Article 113, Constitution of the Republic of Montenegro, October 19, 2007.
- 32 Especially notable is Pljevlja municipality, which published its full 35-page budget with specific line items and a detailed 48-page budget of planned capital investments, <http://www.pljevlja.cg.yu/budzet.html>.
- 33 National budget transfers include a portion of the collected income tax, land sales tax, concession fees, and motor vehicle registration. The equalization fund makes transfers to municipalities based on the proportion of total residents to residents earning less than the average income in the municipality. *Bulletin IX* (Podgorica: Ministry of Finance, July–September 2007), 52–54.
- 34 Vladislav Karadžić and Gordana Radović, “Realization of Public Spending at the Local Level from January to June 2007,” *Bulletin IX* (Podgorica: Ministry of Finance, July–September 2007), 52; and MINA Business, *Debts 1.7 Percent of GDP*, May 7, 2007, 1.
- 35 All located in the north, the six municipalities are Andrijevića, Mojkovac, Plav, Plužine, Šavnik, and Žabljak.
- 36 Vladislav Karadžić and Gordana Radović, “Realization of Public Spending at the Local Level from January to June 2007,” *Bulletin IX* (Podgorica: Ministry of Finance, July–September 2007), 52–55.
- 37 Mina Business, “Opštinski propisi prepreka biznisu” [Municipal Regulations Are an Obstacle for Businesses], *Vijesti*, February 10, 2007, <http://www.vijesti.cg.yu>.
- 38 The municipalities of Kolašin, Nikšić, and Pljevlja each blocked EPCG accounts at various times during 2007.
- 39 M. Milošević, “Za takse traže šest miliona” [For Taxes, It Asks Six Million], *Vijesti*, August 28, 2007, <http://www.vijesti.cg.yu>.

- ⁴⁰ See MINA Business, “Opštine mnogo duguju: Vlada zabrinuta radom lokalnih vlasti [Municipalities Owe a Lot: Government Worries About the Work of Local Authorities],” *Vijesti*, May 7, 2007; “Municipalities Do Not Abide by Local Financing Decision,” MINA Business, October 26, 2007, 3; and *Montenegro 2007 Progress Report* (Brussels: Commission of European Communities, November 6, 2007), 10.
- ⁴¹ *Opinion on the Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, December 20, 2007), 5.
- ⁴² *Ibid.*, 9, and *Interim Opinion on the Draft Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, June 5, 2007), §103, [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)017-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)017-e.asp).
- ⁴³ *Izveštaj o radu za 2006. Godinu [Report of Work for 2006]* (Podgorica: Ombudsman, Protector of Human Rights and Freedom, March 2007).
- ⁴⁴ N.M., “Crnovršanin: Ljudska prava kršena na svim nivoima: Ombudsman prošle godine primio 495 pritužbi, većinom na rad sudova i državne uprave” [Crnovršanin: Human Rights Violated at All Levels: Last Year, Ombudsman Received 495 Complaints, Mostly on the Work of the Courts and State Administration], *Dan*, June 5, 2007, <http://www.arhiva-medija.com>.
- ⁴⁵ Šefko Crnovršanin, Speech at Press Conference on the Occasion of Human Rights and Freedom Day, December 10, 2007, <http://www.ombudsman.cg.yu/aktuelnosti.php>.
- ⁴⁶ One case relates to the arrest of suspects accused of killing the head of the criminal division in the police and the other to the arrest of ethnic Albanian suspects accused of plotting a terrorist incident.
- ⁴⁷ The president will now appoint a Judicial Council for a four-year term that will include the president of the Supreme Court, four judges elected by the Conference of Judges, two MPs (one each from the parliamentary majority and opposition), two renowned lawyers nominated by the president, and the minister of justice. The latter cannot vote in disciplinary proceedings against judges. *Opinion on the Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, December 20, 2007), 14.
- ⁴⁸ *Opinion on the Constitution of Montenegro* (Strasbourg: European Commission for Democracy Through Law, Council of Europe, December 20, 2007), 13.
- ⁴⁹ *Ibid.*, 12.
- ⁵⁰ With 11 members including representatives from government anticorruption and crime-fighting agencies, one NGO and one opposition representative, the body’s official name is the National Commission to Monitor Implementation of the Action Plan for Implementation of the Program for the Fight Against Corruption and Organized Crime.
- ⁵¹ D.M., “Da bitka ne bude samo formalnost: Skupštinski odbori utvrdili predlog rezolucije o borbi protiv korupcije i organizovanog kriminala” [That the Struggle Be Not Just a Formality: Parliamentary Committees Approved the Resolution About the Fight Against Corruption and Organized Crime], *Vijesti*, December 11, 2007, <http://www.arhiva-medija.com>.
- ⁵² National Commission to Monitor Implementation of the Action Plan for Implementation of the Program for the Fight against Corruption and Organized Crime, *The First Report on Realization of Measures from the Action Plan for Implementation of the Program for the Fight Against Corruption and Organized Crime* (Podgorica: July 10, 2007), 3–9.
- ⁵³ D.P. and M.R., “Vanja ne razumije mnogo toga, ali je dragocjena: Gordana Đurović pozvala direktoricu MANS-a da se vrati u Komisiju za suzbijanje korupcije i organizovanog kriminala” [Vanja Does Not Understand Much of It, but She Is Well-Intentioned: Gordana Đurović Calls the Director of MANS to Return to the Commission for Fighting Corruption and Organized Crime], *Vijesti*, July 12, 2007, <http://www.arhiva-medija.com>.
- ⁵⁴ *Montenegro 2007 Progress Report* (Brussels: Commission of European Communities, November 6, 2007), 12.

- ⁵⁵ Ibid.
- ⁵⁶ MINA News Agency, “Zaboravili na stanove i poklone: MANS optužio Tužilaštvo da podstiče prikazivanje prihoda i imovin” [They Forgot Apartments and Gifts: MANS Accuses Prosecution of Filing False Data on Income and Assets], *Vijesti*, January 17, 2008, <http://www.vijesti.cg.yu>.
- ⁵⁷ CEDEM Empirical Research Department, “Public Opinion in Montenegro, June 2007,” *Newsletter 20*, March–June 2007, 14.
- ⁵⁸ N. Mrdak, “Za tri godine samo 15 odluka: Od osnivanja Komisije za konflikt interesa MANS prijavio 119 javnih funkcionera” [In Three Years Only 15 Decisions: Since Founding of the Commission for Conflict of Interest, MANS Charged 119 Public Officials], *Dan*, January 10, 2008, <http://www.dan.cg.yu>.

