



THE GOVERNMENT OF MONTENEGRO

The General Secretariat – the Office for cooperation with NGOs

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MONTENEGRIN EXPERIENCE:

**PREPARATION PROCEDURES FOR STRATEGIC,
LEGAL AND BYLAW ACTS AS PRECONDITIONS
FOR COOPERATION OF STATE BODIES AND NGOS
WITH DATA ABOUT NGO PARTICIPATION**

International Conference

Relations between Public Institutions and Civil Society

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CURRENT STATE

The Report on Action plan implementation of the realization of Strategy of cooperation of the Government of Montenegro and non-governmental organizations, at the proposal of the Council, the **Government adopted in July, 2012 and decided to approach the preparation of a new strategic document which would regulate the issue of creating a supportive/enabling environment for development of NGOs.**

Public call for participation in consultations on new Strategy, published on the Ministry of Interior's web page www.mup.gov.me on October 5 to November 20 with request to deliver their initiatives, suggestions and propositions, in written and/or electronic form to Ministry.

Two representatives from NGOs were elected for members of working group in accordance with the public call of Ministry of Interior.

Cross-sectoral working group established by the Ministry of Interior (8 members) started with the preparation of the new Strategy and held its first session on November 15, and in the meanwhile held its three-days workshop with an external expert for the preparation of the first working version of the Strategy.



CURRENT STATE (Continued)

TACSO Office in Montenegro, Ministry of Interior and Office for cooperation with NGOs organized **counseling with the NGOs**, about the structure and contents of future Strategy on November 19, 2012.

Council for cooperation of the Government of Montenegro and NGOs discussed initially the structure of new Strategy in December 2012, and supported the process, asking to be regularly informed about activities of the Group and about various versions of the document.

According to the Montenegrin Government work program for 2013, the **adoption of the new Strategy is planned for the IV quarter**.

Beside the TACSO Office in Montenegro, support to the proces of the preparing new Strategy, gives as well **OSCE Mission to Montenegro**, so we can tell that we have international approach and support to this process, which is very important for the quality of the Document.



PRECONDITIONS for preparation of Strategy of cooperation (the first one-2007)

1. Legislation: Constitution of Montenegro (2007), Law on state administration (2004) and Law on non-governmental organizations (1999)

2. Document titled „Basis for Cooperation of the Government of Montenegro and Non-governmental Organizations“ (Government adopted it in May 2006) set goals, principles and models of cooperation and concluded:

- that ministries and public administration bodies are to nominate contact persons responsible for cooperation with NGOs (currently exist 55 civil servants)
- that General Secretariat is to provide conditions for the work of National coordinator for cooperation with NGOs / Office (established in 2007)
- that **cross-sectoral team for drafting the proposition of the Strategy of cooperation of the Government of Montenegro and NGOs should be formed (established in 2007)**

3. Document titled „Strategy of relations between the Government of Montenegro and NGOs in Montenegro“ was created by the NGO Coalition „Through Cooperation to the Aim“ in 2007 and was delivered to the Government, which initiated the process for preparation of its Strategy.

KEY PHASES and consultative procedure

1. Preliminary draft of the Strategy (February 2008.) was **sent to contact persons** (civil servants) for cooperation with NGOs in the ministries and to the other bodies of state administration and **to the Coalition of NGOs** “Through Cooperation to the Aim” for their opinion, suggestions.

2. Working version of Strategy (May 2008) and Action plan (May/June 2008), was submitted **to the ministries** and to the other bodies for their opinion; working documents were available to the widest range of stakeholders **through web-site of the Government** of Montenegro and **web-site of the Center for Development of Non-Governmental Organizations** (CRNVO) from June 23 to July 23, 2008.

3. Round table discussion on the subject “Improving cooperation of the Government of Montenegro and non-governmental organizations” (October 1), on which were presented working documents and the review of the comments, recommendations and propositions received in the period of June/July (the organizers were Office for cooperation with NGOs and OSCE, Mission to Montenegro).

4. Proposals on working versions of both documents were **again sent to ministries** and to the other bodies of state administration (November/December 2008.); **final suggestions were collected** and in January, 2009 **proposition of the Strategy and AP was submitted to the Government - which adopted it on 22 January, 2009** with operational conclusions for the implementation of the most important measures from AP.



IMPLEMENTATION OF AP -THE FIRST EXAMPLE: establishing the Council



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1. Decision on establishing the Council for Cooperation of the Government of Montenegro and NGOs (Official Gazette of Montenegro, no 28/10; April 2010, www.gov.me/biblioteka/odluke)

The **Office** was the drafter of the decision, and **NGO Coalition** “Through Cooperation to the Aim” were involved, by **giving positive opinion on the draft decision**.

The **Council** is composed of a **Chairman (president)**, **12 representatives of state institutions** and **12 NGO representatives**.

The **Office** also conducted the nomination procedure for **NGO candidates for Council members** (**2 public calls** were published both in the daily Pobjeda and on the web page www.gov.me/biblioteka/oglasji)

2. The Government adopted decision regarding the appointment of the Council chairman and members (November 2010, www.gov.me/biblioteka/rjesenja)

The Constitutional session of the Council was held on 25 January 2011. At this session, based on the proposal of the Council Chairman (a Government representative), **the Deputy Chairman was appointed from the representatives of nongovernmental organizations in Council**.

3. The Government adopted on its session held on July 26, 2012. the Report on the work of the Council in 2011 (7 sessions were held) www.gov.me/biblioteka/izvjestaji

THE SECOND EXAMPLE: the new Law on NGOs



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The Government adopted “**The analysis of the current regulations relevant for the NGOs' work**” prepared by the cross-sectoral working group, in January, 2011 and obligated Ministry of Interior to prepare and submit to the Government draft Law on NGOs till the end of the second quarter of 2011, in cooperation with the working group which prepared the Analysis and with the prior received opinion of the Council.

On 6 June 2011 the **Council gave a positive opinion** on draft Law as well as on “**The analysis of public source funding models**”, which was prepared by cross-sectoral working group along with the draft Law and which was adopted by the Government along with the draft Law.

The Government accepted draft Law on NGOs on 16 June 2011

The Parliament of Montenegro, at the proposal of the Government, adopted the Law on 22 July 2011.

The transparency of the procedure (summary): **public discussion on draft Law** was conducted from March 25 to April 14, 2011, and **published it in daily Pobjeda** (print media which is distributed throughout Montenegro) and **on the web page www.mup.gov.me**, and was sent **via mailing lists to the NGOs**; **three round table discussions** were organised in Bijelo Polje (north region), Budva (south region) and Podgorica (central region).

THE THIRD EXAMPLE:

Improvement of the consultations and participation of NGOs in policy-making process

1. Law amending the state administration Law (July 2011), by which the legal basis for bringing 2 bylaw acts was fortified.

2. The Decree on the modalities and procedure for exercising cooperation between state administration bodies and nongovernmental organizations (Official Gazette of Montenegro, no. 5/12) defines responsibilities of state bodies in informing public about their activities, especially in the field of legislation preparations and eligibility criteria for nominating NGO representatives in different groups and bodies established by the public administration.

3. The Decree on the procedure and modalities for conducting public debates on draft Laws (Official Gazette of Montenegro, no. 12/12) defines obligatory method of operation in preparation procedure for normative acts.

The preparation of decrees was organised through CRNVO project “Active participation of civil society in the creation and implementation of public policies”, in which Ministry of Interior and the Office for cooperation with nongovernmental organizations participated as collaborators and members of the working group, Ministry of Interior had in formal legal terms “repacked” them into the drafts (propositions), submitted them to the Council which supported them (decisions), whereupon the Government adopted the first one in December 2011 and the second one in January 2012.



IMPLEMENTATION of the decrees

•**The CRNVO research for the first nine months** shows that the decrees are being implemented, but unevenly: for example the annual work programs released 14, but 16 state bodies did not; the Report on their work released 22 and 29 did not; data on contact persons for cooperation with NGOs, 15 bodies released and 36 did not; three ministries issued the list of Laws on which the public discussion will be conducted, and 13 did not- however, 30 working groups were organized with a total of 38 representatives of NGOs in them; 57 calls were published to NGOs (only from 6 ministries) www.crnvo.me

•**A-In 14 working groups for 14 negotiation chapters MVPEI and the Office of the chief negotiator**, on the basis of the general public call, which is constantly open, and a several specific calls for the chapters for which the screening has been scheduled, **involved 106 civil society representatives, out of which 27 NGOs representatives**, and the others were representatives of trade unions, academic community, media, employers etc. The form for proposing was published on the web page of MVPEI www.mip.gov.me

•**B- MVPEI published, a public call to NGOs for candidate nomination for member of Joint consultative council between Montenegro and European Economic and Social Committee**, in both daily Pobjeda and on the web page www.mip.gov.me and after conducted procedure chose 2 members, while the trade unions and employer's associations chose two of its representatives with the remark that in this body there are no representatives of state institutions.



GOVERNMENT ADVISORY BODIES

- **The Office** for cooperation with NGOs is with the various bylaw acts and according to the procedures and criteria from the Decision on the Council, in charge of conducting the **nomination procedure for NGOs representatives for advisory bodies of the Government** (for example on October 26, 2012 **public call to NGOs for candidate nomination for member of National Council for employment and development of human resources was published both** in daily Pobjeda and on the web page www.gsv.gov.me/biblioteka/oglasj). Out of 56 nominations, 54 were in accordance with the public call, and the form for nominating was published on the web page www.gsv.gov.me/biblioteka/obraci. The right to propose had NGOs whose activity fields were: the promotion of employment and technical training, education and lifelong learning, health and social welfare and care for persons with disabilities.

REGIONAL COOPERATION OF GOVERNMENTS

- As it was published, **the Government of Montenegro started with the initiative for signing the Memorandum of Cooperation between the Governments of the Western Balkans and Turkey with CSO.**
- MVPEI informed the Council that in the first round, the support was given from every country, and that the memorandum text was finalized. The Council will discuss the finalized text of Memorandum at the beginning of April after which it will be submitted to the Government on further processing towards Governments- future signatories of document.
- **Signing of Memorandum is expected until the end of July.**



COOPERATION in EU integration process



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- **Draft Action Plan for the Implementation of EC Recommendations is one of the positive examples of cross-sectoral cooperation - both on draft and on the implementation of measures.** Positive opinion from Brussels in Progress Report was a result of the successful cooperation on implementation of recommendations. Representatives of DGE asked for meeting and met twice with Council members in Podgorica regarding already mentioned AP and its implementation. Council participated in AP creation and discussed as well the monthly reports on implementation and suggested to the Government to take certain measures.
- **In two Reports on cooperation of ministries/public state bodies with NGOs in 2010 and in 2011 was indicated the problem of weaker implementation,** that is to say **weaker monitoring implementation,** as a result the Government set a task to state bodies to focus on this area and to include more the representatives of NGOs in monitoring bodies. Preparation for Report for 2012 is ongoing.
- **The Council session is scheduled for 3 April and on agenda will be next to Report on cooperation in 2012, Memorandum of cooperation between the Governments of the Western Balkans and Turkey with CSO, AP draft for negotiation chapter 23- part about civil society which prepared NGO representative in working group for chapter 23 in cooperation and consultations with the Office for cooperation with NGOs.**



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THANK YOU!

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