

Title:

Implementation of the Action Plan for Fight Against Corruption and Organized Crime in Montenegro, from September 2006 to December 2007:
TACKLING CORRUPTION FOR EU INTEGRATIONS

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Podgorica, February 2008

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INTRODUCTION

“The lack of appropriate control over state institutions and the influence of organized crime further limit the capacity to fight corruption.

Overall, there have been a few results in this area. The situation calls for urgent action in order to achieve relevant results on the ground, especially in the area of high-level corruption.”

*Montenegro 2007 Progress Report, Political Criteria: Anti-corruption policy
Commission of the European Communities, Brussels, 6.11.2007*

This publication summarizes MANS' experiences gained through participation in work of the National Commission and monitoring implementation of the Action Plan for the Fight against Corruption and Organized Crime from September 2006 till end of 2007.

Aim of this publication is to question the political will for the fight against corruption and organized crime, through pointing out problems in the structure and functioning of the National Commission, shortcomings of the existing monitoring system and obstacles in free access to information. An integral part of this publication is the Report on implementation of the Action Plan developed on the basis of data gathered using the Law on Free Access to Information.

The Program of Fight against Corruption and Organized Crime was adopted at the Government session held on 28 July 2005, and a year later, on 24 August 2006 the Government adopted an Action Plan for the Implementation of that Program.

The Action Plan covers a number of systemic reforms, as well as a range of specific measures to strengthen capacities of state authorities in charge of fight against corruption and organised crime. The Plan stipulates the timeframe for taking specific measures, the implementing agencies, success indicators, and risk factors for the implementation.

The Action Plan envisaged the establishment of the National commission for monitoring of its implementation that was formed by the Government of Montenegro, a year after the adoption of the Action Plan, on February 15 2007.

The report consists of four chapters which are outlined in brief below.

I Chapter: National Commission

This section documents how at the very basic level even the structure of appointees to the National Commission is in violation of the principle of incompatibility of public functions prescribed by the Constitution and the Law on Conflict of Interest.

It describes how the Commission has violated a number of provisions from the Rules and Procedures regarding the public character of its work and for convening of sessions, therefore reducing the ability of any conscientious Commission member to properly carry out their function in accordance with the Rules and Procedures.

The final section documents the manner in which a member of the National Commission, as the highest instance for fight against corruption and organized crime in the state, has been denied access to information on the state of organized crime in Montenegro, although the Commission members have the right to that material, according to the Government decision and the Rules and Procedures on the Work of the Commission.

II Chapter: Monitoring implementation of the Action Plan

This chapter highlights one of the main challenges faced by the Commission - how to establish an efficient monitoring system that enables the Commission to produce reliable and realistic reports.

In the first section, MANS highlights, using information obtained through the Freedom Information Act, that many targets which the Commission report describes as being completed have not in fact been achieved.

The next section of this chapter documents the official attitude of the Deputy Prime Minister and President of the National Commission towards MANS's monitoring of implementation of the Action Plan, whose "watchdog report" was estimated as "contrary to the interests of the state and joint work of all institutions". Having failed to undermine the credibility of MANS work in relation to monitoring the Action Plan, the Government moved to add a second NGO member to the Commission claiming the need for "even stronger contribution of NGOs".

From adoption of the Action plan in 2006 until end of 2007, MANS submitted requests for free access to information to institutions competent for implementation of the Action Plan. MANS asked for data on indicators for the assessment of successful realization of each of the measures, in order to assess the Action Plan implementation.

The responses to MANS's requests, documented in a series of case studies, ranged from provision of accurate and usable data to vague and partial information as well as replies in which the responsibility for providing information was denied. In many cases no response of any kind was received.

III Chapter: Report on implementation of the Action Plan

The third chapter contains information on the implementation of 280 measures defined by the Action Plan, related to political and international obligations for action, general goals and specific measures to combat corruption and organised crime

Figures are given for each area covered by the Action Plan on the number of measures fully implemented, partly implemented, not implemented at all, and those on the implementation of which there is no information available. We also provide the information on the implementation of measures in relation to the observance of set deadlines.

IV Chapter: Detailed information on implementation of measures from the Action Plan

The last chapter gives detailed information on the implementation of each of the measures including data on indicators envisaged by the Action Plan and evaluation of implementation of measures.

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