



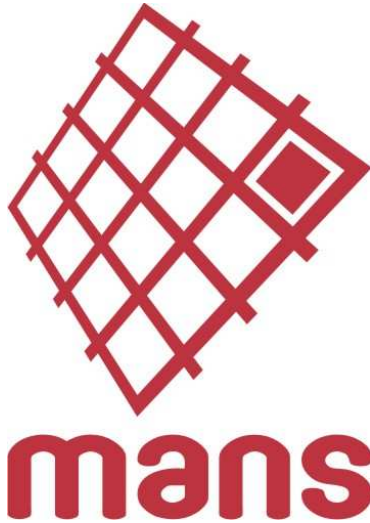
**mans**

**2008**

**annual report**







### **VISION**

Montenegro is a just, open society  
of active citizens and governance serving its people.

### **MISSION**

MANS is fighting corruption for sustainable future.



## CONTENTS

Introduction	7
1. About MANS	9
2. Key Achievements in 2008	11
3. Activities in 2008	13
3.1. Sustainable Development	13
3.2. Transparency and Conflict of Interest	15
3.3. Monitoring Anticorruption Policies	17
3.4. Legal Initiatives	19
3.5. Citizens' Initiatives	21
3.6. Other Activities	23
3.7. Publications	24
3.8. Relations with media	25
4. Organizational Development	27
5. Finances in 2008	31
Annex 1: MANS Brief History	32
Annex 2: Key Achievements from previous period	36
Annex 2: Publications from previous period	38



## Introduction

The Network for Affirmation of the NGO Sector - MANS is a leading anticorruption advocate in Montenegro, the largest NGO in the country with well established contacts with all stakeholders.

This Annual Report is published in order to promote our achievements and activities in 2008 and to increase transparency of our work.

During 2008, MANS worked in five areas: sustainable development focused on corruption in spatial planning and construction industry; transparency of the National Parliament and conflict of interest of public officers; monitoring implementation of national anticorruption policies; monitoring implementation of freedom of information legislation and developing institutional and judicial practices; and supporting citizens' initiatives through legal advices and network of local offices.

The first section of this report provides information on MANS mission and the strategic goals and objectives for the following three years.

The second section points out key achievements of each of our programs with a special emphasis on the impact of their activities on changes of policies and practices. The next section provides more detailed information on specific activities conducted by each program throughout 2008, as well as publications and the information of our interaction with media.

The fourth section is focused on organizational development and it provides our organizational structure, data on employment and key issues related to the internal capacity building. The last chapter of 2008 Annual Report is dedicated to finances and it provides information on the budget, structure of donors and expenses. More information on our history, key achievements from the previous period and the main publications are provided in the annexes.



Member of Freedom of Information  
Advocates Network



Partner for Montenegro of the  
Transparency International





## 1. ABOUT MANS

MANS is a non-governmental organization that supports sustainable development of Montenegro through fight against corruption, making governance more transparent, accountable and responsive to citizens' needs and stimulating citizens to take actions in order to achieve their rights.

### **Strategic Goals and Objectives for 2009-2011**

#### **Significantly reduce corruption**

- There are more judicial decisions in high level corruption cases.
- Policies and practices in conflict of interest, public procurement and spatial planning and construction are changed in order to reduce serious corruption.
- The Government produces and publishes data sufficient to assess progress in implementing comprehensive national anticorruption policy.

#### **Increase the level of active participation of citizens in formulating development policies and combating corruption.**

- More citizens use MANS hotline for reporting corruption cases.
- At least one significant civic action has been successfully carried out.
- More citizens independently submit requests for information to public institutions.

#### **Make governance more transparent, accountable and responsive in the ways which eliminate corruption and increase the level of active citizenship.**

- The National Parliament is holding more hearings and investigations resulting in clear findings and/or recommendations for changing policies, laws and/or practice.
- More contracts on privatization of the biggest state owned companies in Montenegro are published; policies and practices are changed to be more transparent.
- Freedom of Information Law is better enforced because institutions are publishing more information proactively and upon request; Administrative Court proceedings are shorter and rulings are granting access to information; Penalty Court procedures for citizens are clarified and produce results.



## **2. KEY ACHIEVEMENTS IN 2008**

### **Sustainable Development**

- Successful advocacy campaign on a high-scale illegal construction case led to changes of legislation resulting in defining illegal construction as a criminal act;
- Public disclosure of illegal construction in protected areas resulted in the first joint and successful action of the police and construction inspection;
- Our media campaign on a large scale illegal construction in protected areas resulted in the first arrests of investors and responsible public officers and the first trials have started;
- On the basis of MANS criminal complaint, the first case related to organized crime in construction industry is being reviewed by the Special Prosecutor for Corruption and Organized Crime.

### **Transparency and Conflict of Interest**

- MANS advocacy campaign resulted in adoption of the new and somewhat improved legislation on the conflict of interest;
- The first ever civic initiative, submitted by MANS and human rights NGOs, was reviewed in the Montenegrin Parliament and resulted in recommendations for the Government to change practices influencing disabled persons;
- Over 80 public officials were forced to report their property, transfer management rights and resign on multiple public positions including memberships in boards of directors, upon our legal initiatives.

### **Monitoring Anticorruption Policies**

- The National Commission monitoring implementation of reforms in fighting corruption and organized crime, composed of the highest representatives of competent institutions, reviewed the European Commission's Progress Report on Montenegro and adopted recommendations for institutions, upon MANS initiative.

- At the National Anticorruption Conference, the largest national event of such kind organized by MANS, authorities committed themselves to improve monitoring and reporting on reforms implementation. Our permanent monitoring and advocacy have resulted in a widely raised awareness on shortcomings of the official system of reporting, while quarterly shadow reports distributed to numerous stakeholders have provided realistic and comprehensive picture on implementation of reforms.

### **Legal Initiatives**

- Nearly 8.000 requests for information were submitted to public institutions in 2008 out of 16.000 submitted in past three years, resulting in improved practices of institutions providing over 75% of requested information;
- Over 250 complaints submitted to the Administrative Court in 2008 resulted in the development of judicial practice and in over 100 court decisions, out of which 94% were in our favor;
- Provided free legal assistance to over 60 citizens to obtain information held by public institutions.

### **Citizens' Initiatives**

- Developed capacities of three local offices to provide legal assistance to citizens reporting corruption;
- Provided legal assistance to over 270 citizens and their groups, and initiated legal procedures in nearly 60% of reported cases of corruption.
- Twenty initiatives on corruption cases reported in media submitted to the prosecutor's office resulted in investigations in 20% of cases.

### **Other Activities**

- Developed capacities of 13 young activists to use legal procedures and mechanisms through pilot anticorruption school and internship in MANS;
- Developed draft anti-corruption indicators for freedom of information and conflict of interest to be used by civil society to monitor progress of countries at the regional level in the process of EU integration.

## ACTIVITIES IN 2008

### 3.1. Sustainable Development

In 2008 we were increasing transparency in development of spatial plans and construction of profit-oriented objects, through watchdog of relevant institutions' performances, analyzing and publishing obtained information, but also by mobilizing citizens in fighting corruption, and providing them with free legal advices, reporting specific cases to responsible institutions and public through media and advocating for changes of legislative and policies.

We have conducted watchdog over adoption of local spatial plans in five municipalities<sup>1</sup> to assess whether they are envisaging legalization of objects constructed without permits and if their adoption in terms of dynamic and procedures is in compliance with legislation. We were monitoring local government's practices in organizing public debates on spatial plans, and mobilizing citizens to participate in decision-making. MANS has developed two watchdog reports containing analyses of statistical information on performances of local and national inspections obtained through freedom of information legislative, as well as case studies on the most severe cases of illegal construction, corruption and other law violations.

In order to increase transparency of local governments' operations, we have developed pilot online map of illegal construction in Podgorica municipality showing planned dimensions and positions of objects, photos of illegally constructed ones, permits provided by institutions, initiatives to competent inspections and their responses<sup>2</sup>.



In 2008 we provided free legal assistance to nearly 50 community groups reporting corruption and illegal construction and submitted 203 initiatives to competent institutions (82% were submitted to the national and local construction inspections and 18% to communal, environmental and other inspections).

<sup>1</sup> Municipality Podgorica, Herceg Novi, Budva, Bijelo Polje and Ulcinj.

<sup>2</sup> The map is accessible at [http://www.urbanizam.info/lokalni\\_planovi.htm](http://www.urbanizam.info/lokalni_planovi.htm)

Majority of initiatives related to illegal construction in specially protected areas such as the national parks or the coastal zone. However, in most cases the competent construction inspections did not react.



In order to improve efficiency in fighting corruption and illegal construction, we have developed advocacy strategy based on a specific case, the notorious “Zavala” case related to illegal construction of large profit-oriented objects involving high level political figures.

After publicly disclosed by MANS, this became the first criminal case in construction industry investigated by the Special Prosecutor for Organized Crime and Corruption<sup>3</sup>.

We have used public pressure created with the “Zavala” case to advocate for illegal construction of objects to be defined by legislation as a criminal act.



Soon after we submitted a criminal complaint against the main actors of the case, the Government proposed and the Parliament adopted changes of the Criminal Code, criminalizing construction of objects without construction permit.

Upon adoption of the new legislation, MANS started submitting initiatives related to illegal construction to the police, which claimed not to be informed on legal changes and not responsible to act upon initiatives. After public letters to the director of the Police Directorate and disclosure of the case of illegal construction in “Lipci” - in UNESCO protected Bay of Boka - the police reacted by imprisoning the main investor, which was the first case of enforcement of the new law.

Disclosure of illegal construction in Ada Bojana Resort in Ulcinj, another area under special protection, resulted in the first joint action of the police and construction inspection that terminated illegal construction. On the basis of research conducted in this case, MANS filed criminal complaints against high level police officers and directors of public companies<sup>4</sup>.

---

<sup>3</sup> More info at [www.urbanizam.info/zavala/Zavala\\_Case\\_Study.pdf](http://www.urbanizam.info/zavala/Zavala_Case_Study.pdf)

<sup>4</sup> More info at: [www.urbanizam.info/Bojana.htm](http://www.urbanizam.info/Bojana.htm)

## 3.2. Transparency and Conflict of Interest

### Parliament Monitoring

MANS monitored transparency of the Parliament's operations, activities of individual members of the Parliament (MPs) and political parties, at both plenary sessions and committee meetings. We have published two reports with analyses of statistics on the number and length of sessions, activity of MPs in terms of speeches, their activities at committee meetings and submission of amendments.

We monitored transparency of the Parliament's financial operations, using freedom of information legislation and strategic litigations. We submitted over 200 requests, but the Parliament refused to provide almost all requested information. Therefore, we submitted 30 appeals for key cases to the Administrative Court. For over 50% of cases, the Court made decisions, and each of those was in our favor.



We provided NGOs with information on activities of the Parliament and assisted them in distributing relevant information on their activities to Members of the Parliament.

MANS advocated for the Parliament to hold the executive power accountable by using mechanisms of the Rules of Procedure, such as parliamentary and control hearings, and act upon civic initiatives.

In cooperation with other NGOs, we submitted five initiatives and finally in October 2008, the Parliament reviewed the first case submitted by the civil society and adopted recommendations for the executive power.

We organized a round table with representatives of the Macedonian and the Croatian Parliaments, to discuss their experiences in acting upon citizens' initiatives, gathering representatives of all parliamentary political parties.



MANS developed capacities to monitor finances of political parties on the basis of the official financial disclosures and other official documents and presented initial findings on financing presidential elections and regular work of political parties in pilot watchdog reports.

## Monitoring Conflict of Interest

MANS monitored implementation of the Law on Conflict of Interest by comparing public officials' reports on property and income with other available official data (e.g. data on real estate, companies and memberships in boards of directors etc), and monitoring appointments of new public officials.



We submitted 142 initiatives against public officials in cases where their official reports on property and memberships in boards of directors of companies differed from other official data. In most cases, the Commission for Conflict of Interest decided that there were no violations, but over 80 officials adjusted their behavior with the law prior to the Commissions' decisions.

MANS published three watchdog reports in 2008 and a bi-lingual publication on implementation of the Law on Conflict of Interest since its adoption in 2004, which contains all the relevant statistical data on the work of the Commission for Conflict of interest. The publication includes a series of case studies related to high level public officials used to present key challenges in the law enforcement.

On the basis of specific cases of conflict of interest, we advocated for adoption of a new legislation. We participated in each phase of development of the legislation, provided comments on the draft law that were partially accepted by the Government, as well as 29 amendments to the law proposal that were jointly submitted by all opposition parties to the Parliament. After the amendments were refused by the majority, the President of Montenegro returned the Law to the Parliament upon our request. Majority in the Parliament than decided to reject that law, but at the same session proposed and adopted another law, enabling themselves to hold multiple public positions and numerous benefits.





### 3.3. Monitoring Anticorruption Policies

At the beginning of 2008 we organized the National Conference on Implementation of the Action Plan for Fight Against Corruption and Organized Crime in Montenegro. The conference was launched by the Deputy Prime Minister and the President of the National Commission for Monitoring of the Action Plan.



Ambassadors of Great Britain and the Federal Republic of Germany and the Acting Head of the European Commission Delegation opened the event with presentations of the state of fight against corruption, experiences of their countries and requirements of the EU integration process in relation to the fight against corruption and organized crime.

Representatives of 45 state institutions, international organizations, embassies and civil society attended the conference and it was the largest anti-corruption event in 2008 reported as the main news in all media.



Recommendations for improvement of a part of the Action Plan defining responsibilities of the police were given by the police advisor of the Ministry of Justice of the United States of America, while a representative of the Transparency International gave proposals for improvement of fight against corruption in the field of public procurement and political parties financing.

In order to discuss problems and challenges in the official monitoring system, maintained by the National Commission, we organized a round table with representatives of 30 out of 54 institutions responsible for implementation of the Action Plan.

Soon after the Conference, the Government established a working group for amending the Action Plan. MANS participate in the working group and proposed new activities in areas related to spatial planning and construction of objects, public procurement and privatization process. Majority of our proposals related to public procurements were accepted. Some of them referred to privatization, while the new version of the Action Plan envisioned development of a special action plan for fighting corruption and organized crime in the spatial planning and construction industry.

We organized the round table to underline the importance and discuss possible activities against corruption and organized crime in the construction industry. Presentations and key recommendations were given by a Montenegrin judge and former Italian prosecutor with large experience in these issues, while

MANS provided concrete examples from its practice to 20 representatives of the judiciary, prosecutor's office, the police, construction inspections and other relevant institutions. Soon after, the president of the National Commission, in the meeting with representatives of diplomatic community, stated that a special action plan for construction industry will be developed by the government.

MANS continuously monitored implementation of the Action Plan and in 2008 we published four watchdog reports. We monitored indicators for assessment of implementation of each out of more than 300 activities, defined by the Action Plan, and obtaining information on performance of institutions on the basis of freedom of information legislation. In 2008 we submitted over 2500 requests for information to 54 competent institutions.

As a member of the National Commission, we submitted the total number of 278 amendments for four official reports, and 10% of them were accepted by the Commission and the Government in the form of recommendations for eight competent institutions.



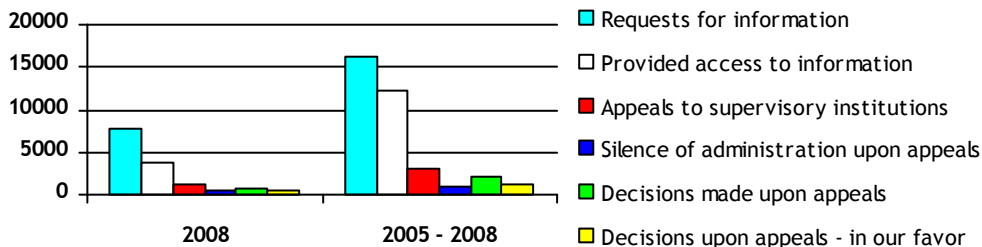
At the end of the year, upon MANS request, the National Commission held a meeting reviewing the European Commission's Progress Report for Montenegro. On the basis of the Progress Report, MANS submitted 67 draft recommendations for competent institutions and amendments to the Action Plan, in line with recommendations from the Progress Report. The Commission refused to adopt amendments, but accepted 21% of the proposed ones and adopted 30 additional recommendations submitted by other members of the Commission.

We celebrated the International Anti-Corruption Day by launching a new awareness raising campaign, pointing out that corruption and organized crime are recognized as key obstacles for the Montenegrin integration. On that occasion, we organized the performance "Cleaning the Corruption" in front of the Montenegrin Parliament.



### 3.4. Legal Initiatives

This team monitors implementation of freedom of information legislation. Since December 2005 we have filled over 16.000 requests for information and in 2008 we submitted 7875 requests.



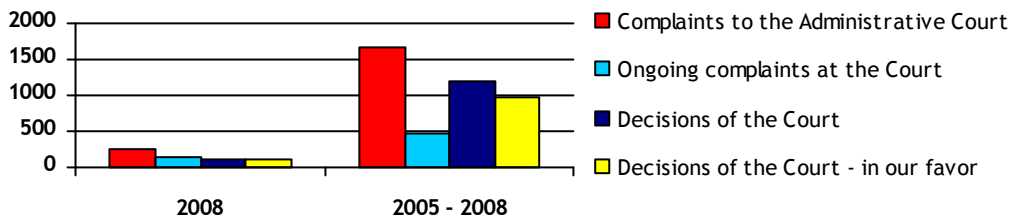
#### *Requests for information and administrative procedure*

We obtained over three quarters of all requested information for three years, and almost half of the information requested during 2008<sup>5</sup>. We posted the obtained information related to citizens' rights and operations of local governments in a special section of the web site.

MANS submitted over 3000 appeals to supervisory institutions, out of which over one thousand were submitted in 2008. On average, supervisory institutions acted in 70% of cases and made 50% of all the decisions in our favor.

We submitted over 1600 cases to the Administrative Court in the three year period, while 15% of them were submitted in 2008.

The Court made decisions in 70% of all the cases submitted from 2005 to 2008, and 80% of decisions were in our favor. In 2008, the Court made decisions in 43% of the submitted cases and 94% of the decisions were in favor of MANS.



#### *Requests for information and procedure in the Administrative Court*

We also submitted 30 cases to the Supreme Court that made decisions in 84% of cases, and 50% of those decisions were in MANS favor.

<sup>5</sup> Percentage of the obtained information in the past three years is higher than in 2008, as it is increasing due to decisions of supervisory institutions and of courts.

Legal Initiatives Team also provided legal assistance to other MANS programs, including eight initiatives to the Constitutional Court, as well as to the citizens requesting information<sup>6</sup>.

Throughout 2008 we mobilized citizens to submit requests for information on their own. We conducted public campaigns in five municipalities<sup>7</sup> through monthly public performances, where we invited citizens to submit requests for information on their own and/or obtain free legal assistance in that process<sup>8</sup>.

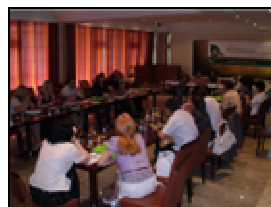
We also organized celebration of the International Right to Know Day by organizing public events in all five municipalities where we distributed awareness raising materials and invited citizens to use their rights.



During 2008, we monitored willingness of public institutions to publish information on the state of the environment, especially in the most endangered areas and by key polluters. We used all the legal mechanisms provided by the Freedom of Information Act, but also the Criminal Code in the part pertaining to the right to be informed on the state of the environment.

We published and widely promoted obtained documents on investigations on environment pollution by large industrial pollutants, investments into environmental protection and charges paid for pollution, and we also provided other relevant information to NGOs dealing with environmental issues to serve as a base for their advocacy.

In order to promote conclusions and lessons learned and underline key obstacles in obtaining information on environment, as well as internationally recognized standards such as the Aarhus Convention, we organized a round table with 24 representatives of all relevant institutions.



<sup>6</sup> Legal assistance to citizens is provided by the Civic Initiatives Program, while Legal Initiatives are involved in processing appeals to supervisory institutions and cases to courts and communication with citizens only in complex cases.

<sup>7</sup> Podgorica, Bijelo Polje, Herceg Novi, Kotor, Budva

<sup>8</sup> This was done in cooperation with the Civic Initiatives Program, through the local offices.

### 3.5. Citizens' Initiatives

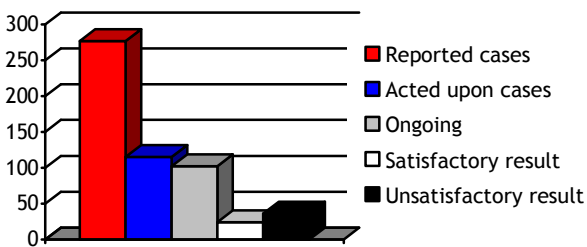
Since 2004 MANS has been providing assistance to citizens reporting corruption cases. In June 2008 we established local offices in three municipalities - Bijelo Polje (North), Budva (South-East) and Herceg Novi (South-West) to provide assistance to citizens at the local level.

Citizens report corruption cases through a hotline, mail and online form at our web site, while they can also schedule a meeting with a legal adviser. Upon citizens' reports, we collect available data through requests for information to competent institutions, develop cases, submit them to the police and prosecutor's office and continuously request feedback until the cases are closed.



Citizens are also provided with legal assistance to submit requests for information, develop complaints to supervisory institutions and appeals to the court. When citizens are not willing to reveal their identity to institutions, requests are submitted by MANS and citizens are provided with answers obtained from the institutions.

In 2008 citizens reported 277 cases and we acted upon 58% of cases, since the other one did not relate to corruption<sup>9</sup>. Out of 162 cases initiated in 2008, by the end of the year we closed 60 cases, where 40% of them had a satisfactory result.



*Reported cases and results*

Most cases were reported to the central office, while 3% were reported to the offices in the South and 10% to the office in the North.



At the end of 2008, MANS local offices organized round tables to discuss characteristic cases - corruption in privatization and in provision of local public services. In the North, we gathered representatives of workers from companies that are in the process of privatization and/or liquidation, to assist them in accessing information and increasing transparency of privatization. The meeting in Herceg Novi was focused on corruption in providing local public services and it brought together representatives of local government, local parliament and NGOs.

<sup>9</sup> Other cases related to maladministration, social issues, labor rights, police torture etc.

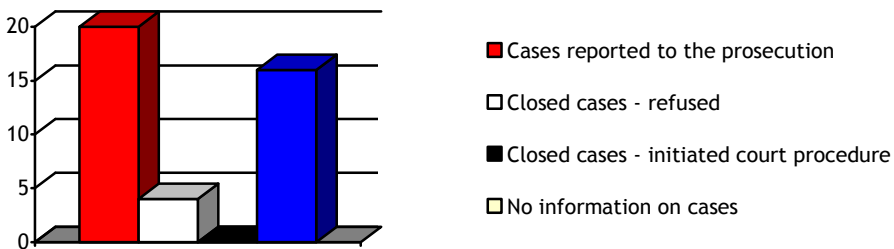
A number of reported cases of corruption were related to public procurement. Therefore, we established a monitoring system for shopping methods in public procurements, developed software and guidelines and collected over 1850 decisions on awarding contracts, enabling us to analyze concrete cases (e.g. whether the same company is frequently granted contracts by the same public institutions).

So far we have submitted 34 initiatives reporting irregularities in procurements to responsible institutions. The Public Procurement Agency has issued a leaflet with guidelines for citizens reporting violations of the procedures, but upon submission of our initiatives declared it was not responsible to act upon citizens' initiatives.

Therefore, we submitted eight appeals to the Ministry of Finance, as a supervisory institution, asking for responsible institution to be identified. The Ministry made no decisions upon appeals, and at the end of 2008 we were about to start submitting those cases to the Administrative Court.

Furthermore, we reported to the police and prosecutor's office 54 violations of public procurements that might include corruption or misuse of power, but all the cases are still ongoing.

By the law, public prosecutors should act upon any information on possible crimes, including those published in media. However, the Montenegrin prosecution office almost never acts upon numerous publicly disclosed cases, especially those related to corruption and misuse of power.



*Cases from media reported to the prosecution*

Therefore, MANS submitted 20 initiatives to the prosecutor's office to act upon the information published in media. The prosecutor's office stated that investigations were conducted for 20% of reported cases and closed due to a lack of evidence, while they provided no information on the activities on the remaining cases.

### 3.6. Other Activities

#### School for Active Citizens

In order to raise awareness and develop capacities of local activists to use MANS tools and experiences in fighting corruption, MANS organized a 14-week School for Active Citizenship for 20 young participants.



The school covered a theoretical part with five modules (freedom of information, spatial planning and construction, monitoring parliament operations, conflict of interest, advocacy and lobbying), a public debate with prominent journalists on the role of media in fighting corruption, and a four week internship in MANS.

During the internship, school participants volunteered in MANS, assisting in daily activities such as legal procedures for requesting information, organization of round tables, field work and street performances. They also visited relevant public institutions, including the Parliament.

Participants that participated in more than 70% of the lectures and internship were requested to pass a written test and 80% of those were successful and obtained MANS certificates.

#### Anticorruption Indicators

MANS initiated a joint regional project with the Transparency International (TI) to develop objective indicators for monitoring progress in the fight against corruption throughout the EU integration process. In order to develop a comprehensive picture on requirements of the previous accession processes, we have conducted analyses of the European Commission's Progress reports for countries in the region, Romania and Bulgaria for the period 2005 - 2008, as well as Council of Europe's and GRECO's reports and recommendations.

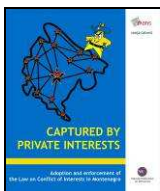
On the basis of the analysis, and provisions from the United Nations Convention against Corruption, we have developed draft indicators for monitoring freedom of information and conflict of interest legislative and its enforcement, through consultations with civil society actors from the region.

Together with the TI, we are lobbying within the European Commission to conduct official consultations for development of indicators that will be used whether by the Commission itself or as a matrix for more comparable and objective civil society monitoring of the accession process.

### 3.7. Publications

#### CAPTURED BY PRIVATE INTERESTS

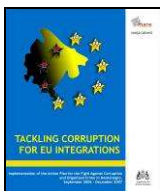
Adoption and enforcement of the Law on Conflict of Interests in Montenegro, 2008



The purpose of the publication is to document our experiences in exposing and preventing conflict of interest from 2004 to 2007. The publication consists of three components: chronology of events related to adoption of the legislation, competences and performance of responsible institutions when implementing the legislation and case studies highlighting the most frequent law violations of high level public officials.

#### TACKLING CORRUPTION FOR EU INTEGRATIONS

Implementation of the Action plan for the fight against corruption and organized crime in Montenegro, September 2006-december 2007, 2008



This publication summarizes our experiences gained through participation in the work of the National Commission and monitoring implementation of the Action Plan for the Fight against Corruption and Organized Crime. It questions political will to fight corruption and organized crime by pointing out the problems in the structure and functioning of the National Commission, shortcomings of the existing monitoring system and lack of transparency of competent institutions. An integral part of the publication is the shadow Report on implementation of the Action Plan.

#### DO YOU KNOW THAT YOU HAVE THE RIGHT TO KNOW

Free access to information serving citizens, 2008



This publication incorporates all experiences gathered through raising awareness on public right to information, providing legal assistance to citizens and advocating for the institutions to properly implement the legislation. The publication includes experiences of citizens in using their rights, case studies and statistical data showing how the legislation could be efficiently used in proving corruption or maladministration.

#### THE GREEN MAZE

Access to Information on Environment, 2008



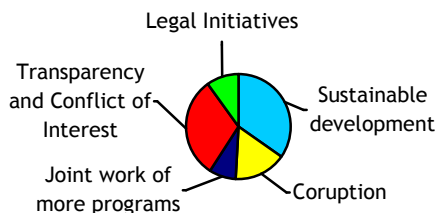
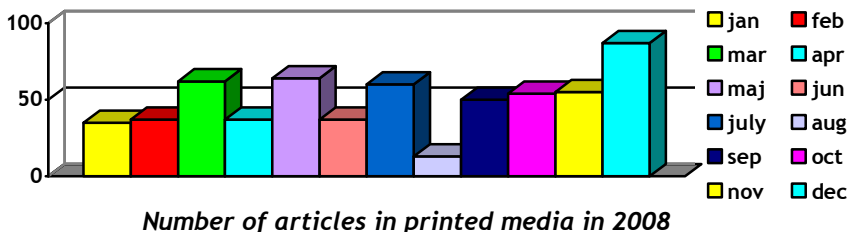
This publication presents key challenges in obtaining information on environment. It includes case studies related to accessing information on assessments of environmental pollution, investments into protection and charges paid by the largest polluters, including the Aluminum Plant, Ironworks Nikšić, Brown Coal Mine “Berane”, Coal Mine and Thermal Power Plant in Pljevlja, Port of Bar and Adriatic Shipyard Bijela.



### 3.8. Relations with media

MANS maintains excellent cooperation with most media and is frequently present in public, while strongly advocating for changes of policies and legislation, using concrete examples.

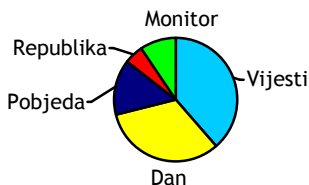
In 2008, almost 600 articles on our activities were published in four daily and one weekly newspapers and 5% of them were published on cover pages.



This graph shows participation of each program in the total number of articles published during 2008. Most articles related to the activities of the Sustainable Development Program and Transparency and Conflict of Interest.

#### Number of articles by programs

Most articles from 2008 were published in daily „Vijesti” and „Dan”. MANS articles were at 28 cover pages during 2008, mostly in daily „Vijesti” and „Dan”.



Number of articles by media



Number of cover pages by media



## 4. ORGANIZATIONAL CAPACITIES AND DEVELOPMENT

**Sustainable development & Advocacy Program** team monitors illegal construction of profit-oriented objects, supports public participation, increases transparency, researches and reports corruption in spatial planning and construction industry. The Program is also responsible for advocacy and media strategies and for providing assistance and supervision of all media-related events.

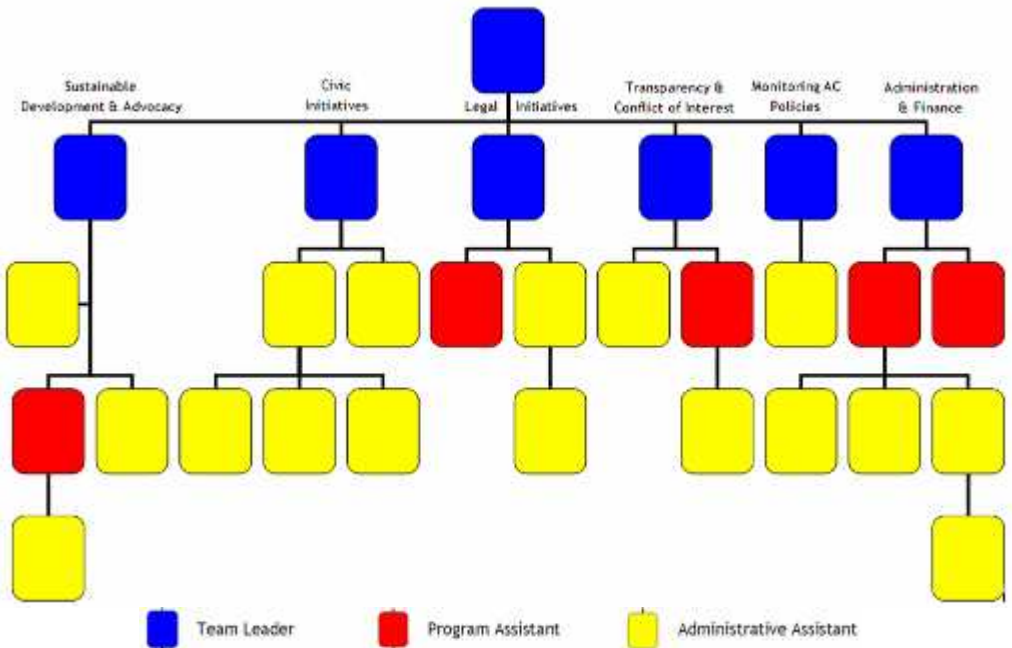
**Transparency & Conflict of Interest Program** team monitors the Parliament financial operations and the Rules of Procedure, watchdog activities of members of the parliament and their benefits, supports civil society and citizens' dialogue with the Parliament committees. The Program also monitors conflict of interest, benefits and unexplained wealth of national public officials, and advocates for transparency of privatization.

**Civic Initiatives Program** team manages regional centers and provides assistance to citizens reporting corruption, but also carries out research into corruption patterns at regional level, monitors conflict of interest and unexplained wealth of local public officers, increases transparency of local administration procedures and regulations, as well as privatization of local companies.

**Monitoring Anti-corruption Policies** team submits requests for information to competent institutions and develops reports on implementation of the National Action Plan for Fight against Corruption and Organized Crime. The program monitors performance of the National Commission in charge for monitoring of the Action Plan, develops analyses, proposals and amendments for the official report adopted by the Government. This program publishes all the collected information, including case studies of court proceedings of high level corruption and organized crime cases.

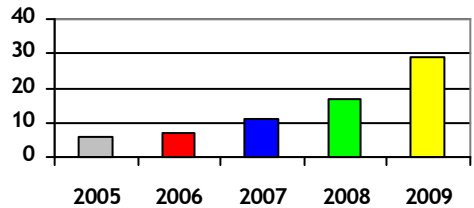
**Legal Initiatives** team deals with administrative procedures in public administration, conducts strategic litigation for cases related to freedom of information, mobilizes citizens to use their rights to information and provides them with free legal assistance. The program services other MANS programs with information on monitoring indicators from relevant public institutions obtained on the basis of freedom of information legislation.

**Administration & Finance** team provides administrative and logistic services to all the programs and three regional offices and maintains financial records and reports. The Team is also in charge of human resources and internet and communication technologies.

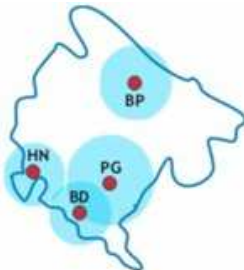


At the end of 2008 we had 29 full time employees, seven team leaders, five programs assistants, while nearly 60% of employees are administrative assistants. About 45% of total number of employees is women with 57% participation in the management structures.

MANS continuously experiences growth in employment, as shown on the graph, while in 2008 the number of employees increased in 70% compared to 2007.



*Number of employees per year*



*MANS offices*

In 2008 we established three local offices based in different regions of the country as shown on the map.

In order to maintain extensive growth, MANS has developed internal capacities through strategic planning, series of retreats, workshops and trainings.

### **Strategic Planning and Follow Up Workshops**

MANS conducted three day strategic planning sessions<sup>10</sup> that has resulted in revised Mission, Vision, Strategic Goals and Objectives.

In the previous period, MANS has focused on pressuring responsible institutions to enforce laws by submitting numerous requests, initiatives and appeals. That has helped institutions to develop their administrative capacities, and created both institutional and judicial practice.

However, in the upcoming period MANS will rather focus on a few strategic cases, and on the basis of those conduct strong advocacy for changes in legislation, policies and practices. That would require even stronger cooperation and coordination of MANS programs and different org. structures.

Following the strategic planning session, we have organized internal workshops discussing changes that should be introduced in order to ensure that the ongoing and planned projects are in compliance with the strategic objectives. Another workshop was focused on developing indicators for recognizing strategic cases and identification of the available tools, while the last workshop resulted in the development of a new organizational structure and job descriptions.

### **Retreats and Trainings**



The first retreat was organized at the beginning of the year and it was dedicated to development of the annual plan and strategy for expansion, as well as to a revision of the existing administrative procedures, terms of references, personal goals and improve of coordination among programs.

The retreat was followed by a set of extensive trainings for all new employees, and especially managers of local offices. After the offices were established and the tem was trained, we organized another retreat to further develop procedures and coordination with the central office.

Furthermore, MANS Executive Director was provided with an assessment and coaching in management and organizational development by the Hay Group. The Parliament Team have participated in training *on* monitoring financing political parties, while Civic Initiatives Program Team have been part of a regional project and participated in the Transparency International’s regional training on Advocacy for Human Rights.

---

<sup>10</sup> The Strategic Planning was conducted with the assistance of Mr. Ed Rekosh, Executive Director of the Public Institute for Legal Initiatives



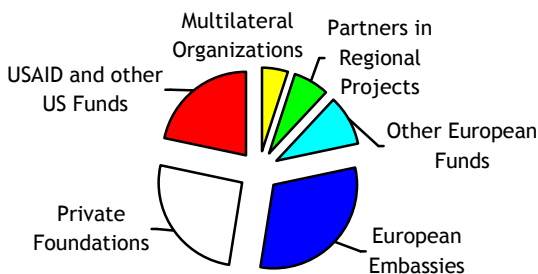
## 5. INCOME AND EXPENDITURES

Through years, we have developed partnerships and cooperation with numerous donors including:

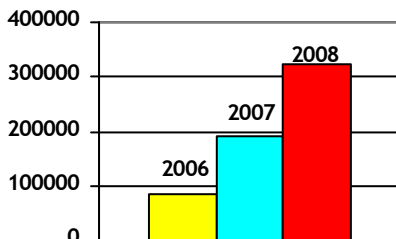
- Balkan Trust for Democracy,
- British Embassy,
- Catholic Relief Services,
- Charles Steward Mott Foundation,
- Council of Europe,
- German Government, Stability Pact for South East Europe,
- German Embassy,
- HIVOS - Netherlands,
- International Rescue Committee,
- National Endowment for Democracy,
- Norwegian People's Aid,
- Open Society Institute - Human Rights & Governance Grants Program and Office in Montenegro
- Organization for Security and Cooperation in Europe
- Regional Environmental Center
- Rockefeller Brothers Fund,
- Royal Netherlands Embassy
- Swedish Helsinki Committee for Human Rights,
- UN Development Programme
- USAID / ORT and IRD

During 2008 we signed contracts with the total budget of 497.626 euros for implementation of projects in 2008 - 2010, almost 50% more than all the contracts signed in the previous two years. Our funding was well balanced between four groups of donors:

- European embassies,
- USAID and other US Grant Funds,
- Private Foundations and
- Other European grant funds, multilateral organizations and funds obtained from partnership in regional projects.



**Structure of donors in 2008**



**Budget expenditures for 2006, 2007 & 2008**

Total MANS expenditures in 2008 were 323.847, while 35% of the total signed contracts in 2008 are to be spent for the activities in the upcoming period.

The increase in the annual budget and org. development was followed by increased expenditures in almost 70% compared to the previous year.

## **Annex 1: MANS Brief History**

MANS was founded in 2000 by six NGOs: Alter Modus (Podgorica, *micro-credit*), Fortuna (Niksic, *children and youth*), Manifesto (Bijelo Polje, *media*), Anima (Ulcinj, *women rights and minorities*), Anima (Kotor, *women rights and non-violent communication*), Mercy Corps (international, *humanitarian assistance and development*).

### ***NGO Capacity Building***

2000 - 2002 We were founded to support development of NGOs through capacity building, information-sharing and lobbying for improvement of their relations with stakeholders. For two years MANS was organizing trainings, round tables and info-sharing meetings, as well as conducting researches on the position of NGOs in Montenegro and lobbying for its improvement. In that period, we established e-lists for information-sharing that are still actively used as communication channels.

### ***The First Consultative Process & Anticorruption Policy (2002 - 2003)***

2002 - 2003 As most active NGOs had gone through a range of trainings, but they still lacked practical experience, in 2002 and 2003 MANS supported over 60 NGOs in participating in the development of the Poverty Reduction Strategy Paper (PRSP).

MANS implemented media and awareness raising campaign on PRSP and the Millennium Development Goals (MDGs), which included eight 40-minutes shows, each dedicated to a particular goal. All shows included government and NGOs activities and opinions, and were broadcast on three national TV networks, covering audience of different geographical and political background.

MANS coordinated several NGOs to conduct public debates with participation of more than 6000 citizens in the development of PRSP and they recognized corruption as one of key causes and consequences of poverty. In cooperation with the NGO partners, MANS advocated for citizens opinions to be incorporated into the final PRSP and for development of anti-corruption policies.

### ***Development & Monitoring of Anticorruption Policies (2004 - 2008)***

2004 When the Government decided not to incorporate majority of citizens opinions, especially those related to corruption, MANS lobbied within the World Bank, the International Monetary Fund and UN Agencies to create additional pressure toward the Government. Our remarks on corruption were confirmed in the Joint Staff Assessment conducted by the World Bank and IMF, and in the official remarks given by the UN Agencies. As a result, the Government was forced to develop the first anti-corruption policy as a part of the PRSP.



2005 At the end of 2005, in cooperation with the Council of Europe, UNDP and the Government Agency for Anti-Corruption, MANS organized the first ever National Anti-Corruption Conference gathering representatives of more than 40 relevant institutions and foreign experts. The Conference participants advocated for the development of the Action Plan for Combating Corruption and Organized Crime that would enable implementation of policy documents adopted by the Government.

2006 - 2007 After the Conference, the Ministry of Interior established the Commission for development of the Action Plan in 2006, with MANS representative as the only NGO member of the Commission. The Government adopted the document in August 2006 and in 2007 established the National Commission for Monitoring the Action Plan, where MANS has also participated as the most active NGO in field of anti-corruption. MANS permanently monitors implementation of the Action Plan, submits amendments to the National Commission and develops shadow reports to ensure transparency and accuracy of the reporting on implementation of anticorruption policies.

We lobbied within the Government to establish a framework for combating corruption in local governments and developed the draft Local Anti-Corruption Action Plan (LAAP). The Ministry of Interior established a working group for development of the Strategy for Combating Corruption at Local Level and accepted draft LAAP as a basis for its development. The Strategy was adopted by the Government, and development of Action plans is now underway, with participation of MANS in the task force.

### ***Conflict of Interest (2004 - 2008)***

2004 We started monitoring implementation of the PRSP and produced 12 monthly reports in 2004, showing that implementation of government policies was increasing poverty among the most marginalized structures of society, on the one hand, while increasing wealth of the richest on the other.

Our researches have shown that high government officials participate in boards of directors of the largest companies that are in the process of privatization. In line with that, we conducted a campaign for adoption of the Law on Conflict of Interest, which eventually forced members of the government out of the boards of directors.

2005 - 2008 After adoption of the Law on Conflict of Interest, we monitored its implementation and submitted initiatives against public officers who participated in boards of directors of different companies (2005 - 2006) or submitted false information in their reports on property and income (2007 - 2008). We advocated for adoption of the new legislation that occurred at the end of 2008, and due to lack of political will of public officials to restrain themselves from numerous benefits, the legislation still needs to be improved.

## ***Spatial Planning and Construction Industry (2004 - 2008)***

- 2004 In cooperation with other NGOs, in 2004 MANS supported public participation in development of local statutes and decisions on citizens' participation in local affairs in three pilot municipalities and also carried out watchdog activities aimed at monitoring local governments' performance in interaction with citizens. After the first year, it became clear that the citizens most frequently interact with local governments in relation to spatial planning and construction of objects, where corruption was recognized as one of the major obstacles for law enforcement.
- During 2004, in cooperation with other NGOs and international organizations, we submitted the first civic initiative to the Local Assembly of Podgorica Municipality, asking for clear and transparent procedures and criteria for dealing with illegal construction. In the same period MANS also supported public participation in development of the new Law on Spatial Planning and Development and in development of the Law on Legalization of Objects.
- 2005 In 2005, we implemented local and national anti-corruption campaigns focused on urban planning and development. On the basis of reported cases of corruption, public debates, consultations with experts from different fields and using documents and media articles collected during the two years of monitoring local governments, we developed the first research on forms and methods of corruption in spatial planning and construction industry.
- 2006 - 2007 During 2006 and 2007 we supported citizens' participation in development of local spatial plans in pilot municipalities from the central, northern and southern Montenegro. We were assisting community groups fighting against illegal developments and corruption in spatial planning and construction of objects, researching concrete cases of corruption and maladministration and providing free legal advices to those whose rights to housing were violated.
- In the beginning of 2007, we established a coalition with NGOs dealing with environmental issues, to support public participation in the development of the National Spatial Plan for Montenegro and the Energy Strategy envisaging development of large hydro and thermal plants, which might endanger future country development & irrevocably destroy environment. When we discovered that the Aluminum Plant of Podgorica (KAP), the largest consumer of energy in the country, receives subsidies for electricity prices, while households are forced to pay for expensive, imported electricity, we mobilized almost 30.000 citizens against such a decision of the Government.
- 2008 In 2008 we dealt with cases of severe corruption cases in spatial planning and construction, leading to changes of legislation and first arrests.

### ***Services for Citizens (2004 - 2008)***

- 2004 - 2008      MANS publicly advocated for anticorruption policies to be developed by the Government, and since there were no other NGOs dealing with that issue, citizens started approaching us with concrete cases of corruption asking for assistance. Therefore, in 2004 MANS established a hotline for victims of corruption and provided citizens with free legal advice. On the basis of cases reported over the hotline, MANS developed advocacy strategies for changing legislation and policies.
- 2005 - 2008      As soon as the Law on Free Access to Information was adopted, at the end of 2005, MANS started using it as a tool to obtain documents proving cases of corruption, and we established an INFO line to support citizens in obtaining information held by public institutions.

### ***Freedom of Information (2005 - 2008)***

- 2005              As MANS extensively used freedom of information legislation as a tool to obtain a range of information for the cases reported by citizens, monitoring and researches conducted by other programs, we started monitoring implementation of the Law since its adoption.
- 2006 - 2007      In 2006 and 2007 we were focused on developing practice in institutions to act upon requests for information as well as judicial practice in cases when information is declared secret. We also engaged experts to provide comments on the freedom of information legislation and provide inputs for legislation on secrets in compliance with international conventions.
- 2008              In 2008 we continued with strategic litigation at the Supreme Court, and we mobilized citizens to request information on their own.

### ***Monitoring Parliament Operations***

- 2007 - 2008      In the beginning of 2007, MANS established a new program focused on increasing transparency of the National Parliament and linking it with citizens and civil society. During 2007 and 2008, our representatives were permanently present at all Parliament sessions and meetings of the parliamentary committees, monitoring level of activities of MPs, salaries and benefits they receive from the Parliament. We maintained direct communication with all the MPs, supplying them with analyses, proposals and initiatives developed by MANS and other NGOs.
- In 2008 we focused our efforts on promoting direct communication between citizens and MPs through establishment of channels for submitting and procedures for reviewing citizens' initiatives.

## **Annex 2: Key Achievements from previous period**

### **Corruption and Conflict of Interest**

- Due to advocacy campaign conducted by MANS, the Joint Staff Assessment prepared by the World Bank and the International Monetary Fund requested the Government to respect citizens' opinions and recommended incorporation of anti-corruption policies into the PRSP. (2002 - 2003)
- Publicly presented cases of conflicts of interests at the highest levels of government led to adoption of the Law on Conflict of Interest and public disclosure of property and income reports of public officials. (2004)
- Following MANS application to the Constitutional Court and its positive decision on this issue, members of the Government are no longer able to hold other public functions, and four deputy prime ministers and six ministers were forced to resign from their positions in boards of directors of companies, on the basis of conflict of interest. (2005)
- Following awareness raising campaign, almost 90% of public officials have reported their property and income.
- After MANS had submitted over 150 initiatives for conflict of interest, the Commission for conflict of interest reported 23 officials for illegal generation of income and/or force them to resign from positions in boards of directors.
- Changes of the Law on Conflict of Interest were required by the European Commission and the Government envisaged to do this within the Action Plan for Fight Against Corruption and Organized Crime, while MANS established a working group for development of the new legislation holding over 2/3 majority in the National Parliament. (2006-2007)
- Awareness raising and advocacy campaign conducted in partnership with international organizations led to Government developing and adopting the Action Plan for Implementation of the Program for Combating Corruption and Organized Crime and establishing the National Commission for its monitoring. (2007)
- Following our advocacy campaign, the Government established a working group to develop local anti-corruption plans, using our model as baseline materials. (2007)

### **Corruption in Spatial Planning and Construction Industry**

- MANS watchdog role led to cessation of human rights violations in resolving problem of illegal developments. (2006)
- MANS increased capacities of citizens and their groups in Podgorica Municipality to more independently advocate for their rights and more easily recognize and report corruption in the field of construction. (2006-2007)
- Our research in spatial planning and construction led to the first criminal investigations in that area and establishment of indicators for monitoring money laundering. MANS was presented as a credible source of information on corruption and organized crime at the training organized by US Ministry of Justice at the conference for prosecutors and police representatives (2006-2007)
- Following public petition on subsidies in electricity prices provided to large industrial consumers, signed by almost 30.000 citizens, representing the largest public support obtained for civic initiative by then, the Government developed a social program for vulnerable groups, while the Regulatory Agency removed

oscillations in electricity prices for households and small and medium enterprises caused by imports of energy consumed by large industry. (2007)

- Mobilization of citizens and NGOs in public hearings on the National Spatial Plan resulted a decreased number of envisaged large hydro power plants that might affect environment and the Government committed themselves to perform environmental impact assessment. (2007)

### **Freedom of Information and Free Legal Aid**

- Created institutional practice in the area of right to free access to information through over 7800 requests for information and 38% of obtained information, published in online database, 70% of decisions upon appeals made in our favor (2006-2007)
- Created judicial practice through 524 decisions of the Administrative Court with 66% of decisions in our favor, and 26 of the Supreme Court, with 50% decisions in favor of MANS (2006-2007)
- The first privatization agreement was disclosed after two-year legal process (2007)
- Following MANS appeal related to free access to information on environment, the first criminal case was initiated against a high level public official refusing to provide information (2007)
- Following the decision of the court reached upon MANS' initiative, the National Security Agency was forced to disclose a number of persons that were subject to secret surveillance during 2005, which was unique case in Europe (2006)
- Provided assistance to over 200 citizens when obtaining information held by public institutions (2006-2007)

### **Parliament Operations**

- Four members of the Parliament identified by MANS' watchdog reports as the least active resigned from their positions, while their caucuses committed themselves to introduce a more professional approach in serving the MP position. (2007)
- After pointing out the key shortcomings in transparency of public voting of MPs during plenary sessions, the Parliament Administration initiated procedure for technical improving of the voting procedure by installing the necessary technical equipment. (2007)

### **Public Participation and Civil Society**

- Established and maintained self-sustainable Internet-based communication channels within NGO community: e-network with over 600 NGO members to discuss general issues and 9 sectoral e-networks with over 2000 members (2001-2007).
- Increased NGO participation in development of government policies on poverty and spatial planning; initiated and supported the first initiatives of community groups affected by illegal construction. (2005-2007)
- Raised public awareness on the Millennium Development Goals and linked the Montenegrin context to global targets through a national campaign conducted in partnership with the Government, over 60 NGOs and three national TV networks. (2006)
- Established model of procedure for allocation of funds for NGOs in Podgorica, which was replicated in other municipalities. (2005)

## Annex 3: Publications from previous period

### EYES WIDE SHUT

#### or how the state does not punish illegal construction of objects, 2007



Through a series of concrete examples, this publication points out to a lack of political will to resolve problems of illegal construction of objects by enforcing the existing legislation. It includes case studies and data on performance of responsible institutions in three regions with different causes and types of illegal construction.

### CORRUPTION IN SPATIAL PLANNING AND DEVELOPMENT

#### Case study - Montenegro, 2005



This publication presents research on causes, consequences and possible forms of corruption in spatial planning and construction. It includes over forty case studies from Montenegro and abroad, showing that the process of planning and construction is controlled by cartels connected to decision makers at the highest levels.

### DO I HAVE THE RIGHT TO KNOW?!

#### Enforcement of the Law on Free Access to Information in Montenegro, 2007



This publication presents key achievements and main obstacles in accessing information. It consists of a series of case studies referring to the most frequent law violations, judicial practice and experiences with institutions intimidating citizens using their rights to information.

### FREE ACCESS TO INFORMATION & SECRECY OF DATA IN MONTENEGRO

#### Law comments with recommendations, 2007



This publication contains an analysis and recommendations for ensuring that Montenegrin legislation is in compliance with international standards and best practices in establishing secrecy legislation and respecting public rights to access information.

### BEHIND THE CLOSED DOOR

#### Free access to Privatization Information - Case study Aluminum Plant (KAP), 2006

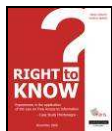


This publication reveals almost complete unwillingness to allow the public to be informed about the conditions under which state-owned companies are privatised. It points out the problems experienced when attempting to access information on privatisation and aims at encouraging changes in legislation and practice.

### RIGHT TO KNOW

#### Experiences in the application of the Law on free access to information:

#### Case study Montenegro, 2006



This publication focuses on the first year of implementation of freedom of information legislation and it includes a number of case studies pointing out early practices of institutions to forbid or avoid providing information as well as the first judicial decisions.



**mans**

dalmatinska 188  
podgorica, montenegro  
+382.20.266.326  
+382.69.446.094  
mans@t-com.me  
www.mans.co.me