

## **VISION**

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

## **MISSION**

MANS is fighting corruption for sustainable future.



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## 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 2009 and to increase transparency of our work.

During 2009, MANS was fighting corruption in construction industry, supporting investigative journalists in fighting corruption and organized crime, providing free legal aid to citizens and support to their initiatives, increasing access to information held by state, and monitoring implementation of anticorruption policies, operations of the Parliament and conflict of interest legislative.

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

The second part 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 sections provide more detailed information on specific activities conducted by each program throughout the year, as well as publications and the information of our interaction with media.

Next section is focused at organizational development and it provides our organizational structure, data on employment and key issues related to the internal capacity building.

The last chapter is dedicated to finances and it provides information on the budget, structure of donors and expenses.

More information on 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 2009**

Our activities combining community mobilization, provision of free legal aid, submission of cases to responsible institutions and strategic litigation, together with extensive and permanent monitoring, strong advocacy campaigns and joint projects with investigative journalists, led to important changes in policies and practices of institutions, but also among the public:

### **Fighting Corruption in Construction Industry**

- Number of initiatives and strong media campaign led to the first trial and the first judicial verdict against investors that significantly devastated protected areas at the coast through large scale illegal construction and against responsible public officers.
- Media campaign and submission of numerous cases of illegal construction to responsible institutions, resulted with Ministry for Spatial Planning, Police and Prosecution signing Memorandum of Understanding to improve cooperation in fight against corruption and organized crime in construction industry, while the Ministry also started with development of special action plan for all responsible institutions.

### **Supporting Media in Fighting Corruption**

- The first ever partnership among two daily and one weekly independent printed media established, and joint team of journalists developed series of investigative stories on corruption at high levels.
- Regional team of investigative journalists from Serbia, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo, Albania and Montenegro is developing joint investigative story on narcotic smuggling in Balkans.

### **Supporting Citizens' Initiatives**

- Free legal assistance in fighting corruption provided to almost four hundred citizens and their groups, and we acted upon two thirds of cases. Over 80 cases submitted to the prosecution, resulting with one investigation.
- The Public Procurement Agency established clear procedures for reporting corruption in public procurement, after MANS submitted dozens of our appeals to the Ministry of Finance;

### **Monitoring Conflict of Interest of Public Officials**

- Possible cases of illicit enrichment of members of the Parliament and the Government, judges, prosecutors and key members of all local governments are submitted to the prosecution, on the basis of analyzes of their official reports on property and income for last five years.

## **Increasing Access to Information**

- Institutions published 50% of information upon almost 10.000 requests; over 1.500 submitted appeals to supervisory institutions resulted with 50% of favorable decisions; more than 1.000 cases were initiated at the Administrative Court, 62% of them were resolved out of which 98% of court rulings were in favor of MANS.
- Extensive and permanent submission of requests for information, numerous judicial verdicts in favor of transparency, and mobilization of citizens to request information resulted with establishment of the web site of the Council for Privatization, more than a decade after privatization started, and publication of 37 privatization contracts, although without annexes.

## **Monitoring National Parliament**

- Information on level of activities the Parliament and each MP is available to public in regular intervals as well as the first, detailed information on expenditures of the Parliament and financial reports for each MP.
- Upon our initiative, the Constitutional Court ruled that ex presidents, ministers and MPs are no longer able to enjoy high retirement fees and obtain pensions easier than other citizens;

## **Monitoring Anti-corruption Policies**

- Over 80 high level participants of the Third Annual Anti-Corruption Conference, organized by MANS, including Deputy Prime Minister, numerous ambassadors and international community representatives, members of the Parliament, Government and Judiciary expressed their political support to fight against corruption and organized crime.
- Our recommendations, developed on the basis of the European Commission's Progress Report for 2009, were adopted by consensus of all members of the National Commission for fighting corruption and organized crime, established by the Government, as baseline documents for development of new Strategy and Action Plan.
- Factual information on results of implementation of planned reforms in fighting corruption and organized crime are available to public in four bilingual quarterly reports on implementation of over 300 activities by more than 50 institutions.

### 3. ACTIVITIES IN 2009

#### 3.1. Fighting Corruption in Construction Industry

In 2009, MANS continued to increase transparency of the process of development of spatial plans and construction of objects, while monitoring performances of responsible institutions. We were supporting citizens in fighting corruption in construction, but also advocating for changes of legislative and practice on the basis of concrete, high level cases.

In order to increase transparency of spatial plans and encourage public to recognize and report illegal construction MANS has developed online maps<sup>1</sup> covering more than ten local spatial plans in Podgorica and all of the urban core of coastal municipality of Bar<sup>2</sup>. Special maps were developed for the area of National Park of Skadar Lake<sup>3</sup> as result of 6-month monitoring that covered 12 locations where MANS reported construction works within protected areas<sup>4</sup>.

During 2009, MANS attended more than 20 public hearings on spatial plan and other relevant documents and provided direct support to nearly 30 community groups that reported corruption and/or illegal construction. In that period, we have submitted 249 initiatives to competent institutions<sup>5</sup>.



In 2009, MANS was following development of three major cases of corruption initiated in 2008, “Zavala”, “Lipci” and “Ada Bojana”, and advocated for their proper and immediate resolving. While “Zavala” case is under investigation for two years now but none of the actors has been held responsible yet, the “Lipci” case resulted with first verdicts against investor, but not high ranked responsible public officers. “Ada Bojana” case is still pending at the Office of Supreme State Prosecutor, with no formal charges brought yet.

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<sup>1</sup> The maps are developed through on-site monitoring and on the basis of citizen’s initiatives. They are showing planned dimensions and positions of objects, photos of illegally constructed ones, construction permits, initiatives to inspections and their responses.

<sup>2</sup> [www.mans.co.me/odrzivi-razvoj/mapa-nelegalne-gradnje/bar/](http://www.mans.co.me/odrzivi-razvoj/mapa-nelegalne-gradnje/bar/)

<sup>3</sup> [www.mans.co.me/odrzivi-razvoj/mapa-nelegalne-gradnje/podgorica/skadarско-jezero/](http://www.mans.co.me/odrzivi-razvoj/mapa-nelegalne-gradnje/podgorica/skadarско-jezero/)

<sup>4</sup> More at [www.mans.co.me/wp-content/uploads/2009/11/undp-publikacija-final.pdf](http://www.mans.co.me/wp-content/uploads/2009/11/undp-publikacija-final.pdf)

<sup>5</sup> 86% were submitted to the national and local construction inspections and 14% to communal, environmental and other inspections

Moreover, MANS discovered a new large case of misuse of office in process of legalization of huge apartment buildings in City of Podgorica and submitted a criminal appeal to Supreme State Prosecutor against several local public officers. This case disclosed and documented an interest-based scheme between huge construction investors and city authorities in changing detail urban plan “Zagorič“, which enabled investors to legalize their illegal objects and avoid paying penalties in amount close to one million euros.



We have organized round table on corruption and organized crime in construction industry where judge from Montenegrin Higher Court presented main legal obstacles for successful processing cases in this area. Guest speaker, an Italian Special Prosecutor shared his experiences in processing these cases in Italy, while MANS reminded participants on key cases on corruption in construction industry still not being processed.

Our advocacy created pressure at authorities to develop policies for improving fight against corruption and illegal construction. Ministry for Spatial Planning, Police and Prosecution signed Memorandum of Understanding and development of action plan for all responsible institutions in fighting corruption in construction industry was initiated.

We have learned in the past that legalization of large objects in Podgorica municipality is very prone to corruption, and we continued to monitor dynamics of spatial plans development and adoption. MANS was also collecting information on major construction companies, and analyzing their ties with local and national government, participation at public tenders and major contracts that they were granted to be able to proactively react in potential cases of corruption.

The analyses of schemes of influence of major investors helped in raising awareness of decision makers in local parliament of Podgorica municipality. We have participated at two sessions of the Local Assembly, discussing legalization and underlining possible cases of corruption, while pointing out lack of transparency and accountability in spatial planning and construction.



### 3.2. Supporting Media in Investigating Corruption and Organized Crime

In 2009, MANS initiated a new project aimed at supporting development of investigative journalism in Montenegro. The project is implemented in cooperation with Daily “Vijesti”, Daily “Dan” and Weekly “Monitor”, printed media that already invested significant effort in reporting on corruption and organized crime, and for the first time brought together in such manner.

MANS established a team of six journalists from mentioned media to work on different topics related to corruption and organized crime and portal [www.podlupom.info](http://www.podlupom.info).

During 2009 we have developed 16 stories that were published in dailies, while Monitor was publishing dossiers composed of four stories, dedicated to the following topics:

- Processing corruption and organized crime,
- Corruption and organized crime in privatization processes,
- Corruption and monopolies in regional energy market and impact on environment,
- Nepotism and clientelism in public institutions.



Processing cases



In privatization



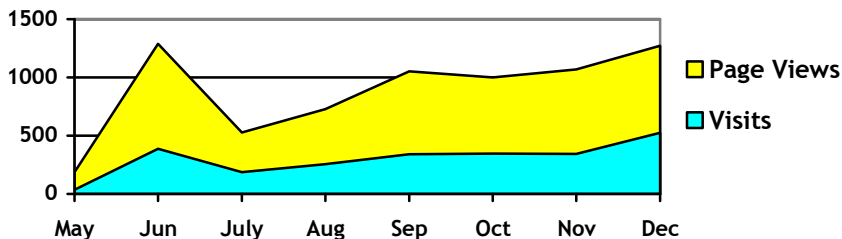
In energy



Nepotism and clientelism

***Dossiers on Corruption and organized Crime published in Monitor***

We have developed new web site to serve as a portal for investigative journalism stories [www.podlupom.info](http://www.podlupom.info). Portal was established in May 2009 and throughout the year attracted 2,5 thousand visitors. Number of page loads was permanently increasing and over 7000 pages were visited since establishment of the Portal, while 50% of visitors are returning.



*Number of page views during 2009 - [www.podlupom.info](http://www.podlupom.info)*

At the end of 2009, MANS started working on regional story on organized crime and drug smuggling through Balkans, in cooperation with journalists from Serbia, Bosnia and Herzegovina, Croatia, Macedonia, Kosovo and Albania. The regional team is composed of five Montenegrin journalists, and one journalist per each other country. The team is exchanging information over specially designed listserv, which is of key importance for recognizing regional schemes of influence and potential organized crime structures.

### 3.3. Supporting Citizens' Initiatives

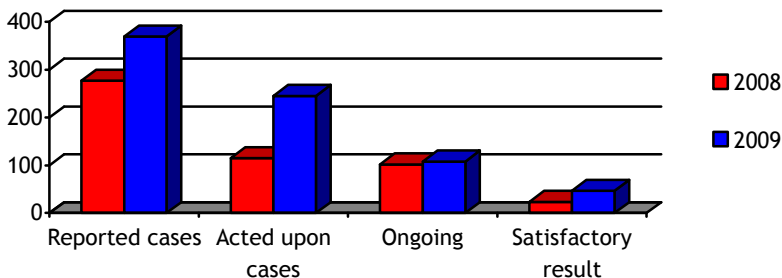
Since 2004 MANS has been providing assistance to citizens reporting corruption cases and we are maintaining two regional centers in Bar (South-East) and Herceg Novi (South-West) to provide assistance to citizens at the local level.



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 prosecutors 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 2009 citizens reported 369 cases and we acted upon 67% of cases. Out of 245 cases initiated in 2008, by the end of the year we closed 137 cases, with satisfactory result in 35% of them.



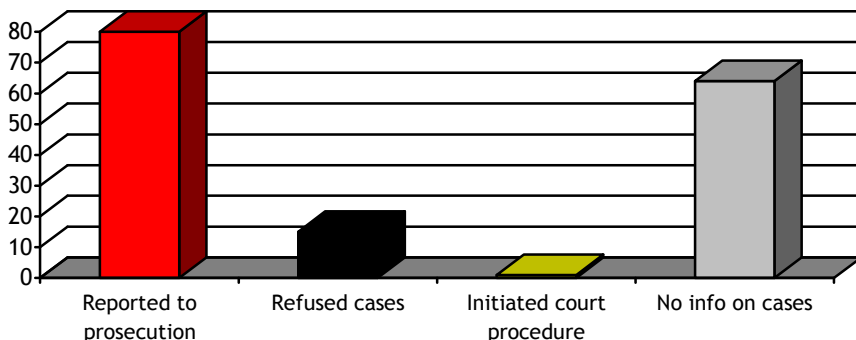
***Reported cases and results in 2008 and 2009***

A number of reported cases of corruption were related to public procurement. Therefore, we are monitoring process of public procurements, and submitting cases to relevant institutions. In specially designed software, we are analyzing data collected on over 3500 public procurement cases and submitted over 160 initiatives to responsible institutions<sup>6</sup> and despite the fact some violations were recognized not a single of those tenders was yet nullified.

<sup>6</sup> Directorate for Public Procurements 49, Ministry of Finance 26, Prosecution 52 and Police 36



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 in 2008 and 2009***

Therefore, MANS submitted 80 initiatives to the prosecutor's office to act upon the information published in media. The prosecutor's office stated that investigations was conducted for only one case, they refused 15 cases and provided no information on the activities on the remaining cases.



At the beginning of 2009, MANS local office organized round table on coastal management. Discussions were focused at illegal construction in the coastal zone and management of funds with special focus at shortcomings of legislative. It gathered about 70 participants from all local governments in the coastal zone, as well as representatives of NGOs and media.

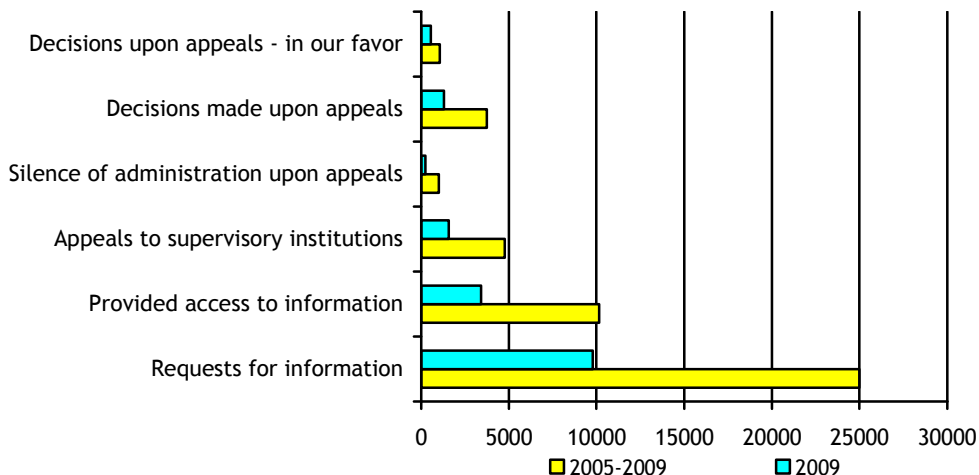
We were collecting and analyzing data on finances of the state coastal management company "Morsko dobro", and researching experiences of other countries in managing coastal zones, to prepare for advocacy campaign that will be conducted in 2010.

During 2009 we have conducted analyses of 130 privatized companies and those privatized in the previous period. Based on data from printed media, answers on requests for information, national registers and direct contacts with workers and minority shareholders, we developed description of each case, analyzed them and identified some similarities and patterns. On the basis of descriptions, we have started submitted initiatives to responsible inspections, police and prosecution, but all cases are still ongoing.

### 3.4. Freedom of Information

MANS was monitoring implementation of freedom of information legislative through extensive use of all legal mechanisms to obtain documents from institutions at all levels, mobilization of citizens to use their rights and provision of free legal aid, strategic litigation and advocacy campaigns based upon concrete cases.

Since December 2005 we have filled over 25.000 requests for information and solely in 2009 we submitted almost 10.000.

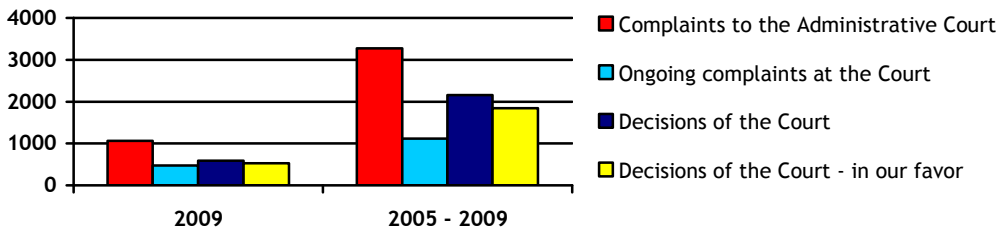


#### ***Requests for information and administrative procedure***

We obtained over three quarters of all requested information for three years, and less than a half of the information requested during 2009<sup>7</sup>. MANS submitted over 4.500 appeals to supervisory institutions, out of which over 1.500 were submitted in 2009. On average, supervisory institutions acted in 70% of cases and made 40% of all the decisions in our favor.

We submitted over 3.200 cases to the Administrative Court in the five year period, while over 1.000 were submitted in 2009. The Court made decisions in 57% of all the cases submitted from 2005 to 2009, and 85% of decisions were in our favor. In 2009, the Court made decisions in 62% of the submitted cases and 98% of the decisions were in favor of MANS. We also submitted over 40 cases to the Supreme Court that made decisions in 87% of cases, and 53 % of those decisions were in MANS favor.

<sup>7</sup> Level of obtained info in 2005-09 is higher than in 2009, due to decisions of supervisors and courts.



### *Decisions of the Administrative court*

During 2009, we have paid special attention to monitoring of willingness of local public institutions to publish information that is important for the local citizens. We have used all legal mechanisms provided by the Freedom of Information Act to collect data on authorities of local governments, procedures for obtaining different permits, information on capital investments, local privatization processes and other issues that are of high interest to local communities. All obtained information we have posted at our web site and promoted it through media campaign.



Throughout 2009 we mobilized citizens to submit requests for information on their own. We conducted public campaigns in five municipalities<sup>8</sup> through public performances, where we invited citizens to submit requests for information on their own and/or obtain free legal assistance in that process<sup>9</sup>. This campaign was conducted together with the celebration of the International Right to Know Day.

<sup>8</sup> Podgorica, Bijelo Polje, Herceg Novi, Kotor, Budva

<sup>9</sup> This was done in cooperation with the Civic Initiatives Program, with involvement of MANS' regional centers.

### 3.5. Monitoring Anti-corruption Policies

MANS is monitoring implementation of national policy for fighting corruption and organized crime by collecting, analyzing and publishing available information necessary for objective assessment of reforms and performances of institutions.

We have developed four shadow reports on implementation of the Action plan for Fight against Corruption and Organized Crime containing all relevant information on anti-corruption reforms conducted in 2009.

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 2009 we submitted over 3100 requests to 54 competent institutions.

In order to increase transparency of judiciary performances in fighting corruption and organized crime, we have filed 650 requests for information to all courts asking for final verdicts. However, we have faced with numerous obstacles in obtaining those documents, and filed 290 appeals to the Ministry of Justice and submitted over 160 cases to the Administrative Court.

As a member of the National Commission appointed by the government to monitor the Action Plan, we submitted 170 amendments to two official reports and 13% of them were accepted by the Commission and the Government in the form of recommendations for 20 competent institutions.

We have participated at all four sessions of the National Commission and proposed recommendations for responsible institutions, on the basis of the European Commission's Progress Report on Montenegro for 2009. All 66 recommendations were adopted by consensus and provided as baseline material for Task Force developing new Strategy and the Action Plan, since the existing one expires at the end of 2009.

MANS was appointed as member of the Task Force, and we have provided inputs for the new Strategy in several areas related to our field of work. The Task force held 16 meetings in 2009, but development of new Strategy is still ongoing.

In special publication, we have presented comparative analysis on institutions and mechanisms for fighting corruption and organized crime in the region, analysis of adoption of recommendations by all 54 competent state institutions created by the National Commission and comparative analysis of reports of international organizations on progress in fighting corruption in the Balkans. The publication was used as baseline material for the National Conference.

MANS has organized Third Annual National Conference on Implementation of the Action Plan.



The Conference was launched by the Deputy Prime Minister and the President of the National Commission. Ambassadors of the European Union, United States of America and United Kingdom opened the event, providing their opinion on anti-corruption reforms in Montenegro. The Conference was attended by over 80 participants, including representatives of all branches of power, international community, local NGOs and media.

At the end of 2009, we have celebrated International Anti-Corruption Day by organizing performances and distributing awareness raising materials.



### 3.6. Monitoring National Parliament

In 2009 MANS has continued to monitor National Parliament's operations, activities of individual Members of the Parliament (MPs) and political parties and the plenary and committee sessions. We have published two watchdog reports on activities of the Parliament, including work of the entire Parliament's 23<sup>rd</sup> Assembly, prior to the Parliamentary elections.

We have improved Parliament's transparency through more advanced monitoring of its finances. We have submitted over 700 Requests for information asking financial data from the Parliament, which enabled us to develop first ever Report on Parliament's Budget Realization. We have received requested information in over 90% of cases, which was drastically improvement of Parliament's behavior compared from the previous years,

MANS has become member of the expert group composed of all international and national organizations dealing with Parliament's monitoring and capacity building<sup>10</sup>, which main goal is to coordinate activities among those organizations in order to obtain its maximal impact.

We have organized pre-electoral pledge signing by political parties aiming to devote future MPs to more accountable work, including better control of the executive and their personal more transparent work. The pre-electoral pledge was signed by 14 out of 16 political parties and coalitions that have participated in the electoral process.

MANS was supporting other NGOs in providing inputs into Parliamentary debates, and assisting them in lobbying among MPs to support amendments to proposed legislative. We were developing practices of Parliament's committees to act upon civic initiatives. We have submitted eight initiatives to three committees related to lack of transparency of privatization processes<sup>11</sup>, human rights violations by the Police using secret surveillance measures in combating organized crime<sup>12</sup> and corruption in construction of large objects<sup>13</sup>. No initiatives were reviewed, but Commission for Control and Transparency of the Privatization Process incorporated four initiatives to their plan for 2010<sup>14</sup>.

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<sup>10</sup> Beside MANS, the group is composed of representatives of National Democratic Institute for Foreign Affairs (NDI), Council of Europe (CoE), Organization for Security and Co-operation in Europe (OSCE), Konrad Adenauer Stiftung (KAS) and Center for Democratic Transition (CDT).

<sup>11</sup> MANS requested Parliament's Commission for Control and Transparency of the Privatization Process to ensure access to all privatization documents for the companies: Petrol company Jugopetrol, National Telecom, Steel factory in Nikšić, Marinas in Tivat, Hotel AS and Water factory in Bijelo Polje.

<sup>12</sup> We have asked for Parliament's Committee for Security and Defence to use control mechanisms.

<sup>13</sup> MANS presented evidences of systematic Law violations in construction industry in Capital Podgorica.

<sup>14</sup> Working plan for 2010 was adopted in February 2010.

### 3.7. Monitoring Conflict of Interest of Public Officials

MANS monitored implementation of the new Law on conflict of interest and submitted 150 initiatives to the Commission prevention of Conflict of Interest against public officers violating the Law. We were monitoring whether public officers are occupying multiply positions, and if they are reporting all the real estate that is registered to his/her name in the official Real Estate registry.

MANS has published one watchdog report on Law on Conflict of interest implementation, and bi-lingual publication on new Law adoption process and its mayor problems an loopholes.

We have developed personal financial reports for all Parliament and Government members containing information on their incomes and assets, but also comparison of their wealth increase through years, for the period 2005 - 2009. Personal financial reports were also developed for highest representatives of judiciary and public officers of six biggest municipalities.



Following that, we have organized six street performances in order to promote the Law at the local level, distributing to citizens personal financial reports of their' highest level local public officers. We have invited citizens to inform us on any differences in the financial reports and real wealth of local public officials.

All wealth that public officers gained through time, and that cannot be obtained with their level of income, we have identified and reported to state prosecutor. We have submitted cases against 47 members of the Government and Parliament, but the prosecution decided not to act upon those cases.

Due to strong media campaign, that was based not only on cases from MANS initiatives but also comparisons from financial reports, less the one percent of public officers did not submit its incomes and properties report to the Commission.

MANS was the only Montenegrin NGO that participated at the Parliament's hearing regarding appointment of the new Commission for prevention of Conflict of Interest, which was envisaged by the new Law. We have presented our experiences in monitoring implementation of the law and identified shortcomings in work of the previous Commission.

## 4. PUBLICATIONS

### SERVING PRIVATE INTEREST

Conflict of Interest Law enforcement in 2008 and adoption of the new law



This publication highlights lack of political will for quality regulation and application of regulations in the area of conflict of interests among which the key role has the law on combat against corruption at highest levels. It consists of 4 chapters which document the process of drafting, deliberation and adoption of the set of Bills, major objections to the text of the present Law, examples in practice and statistical data on application of the Law.

### TACKLING CORRUPTION FOR EU INTEGRATION (II)

Implementation of the Action Plan for the Fight Against Corruption and Organized Crime in Montenegro in 2008



Purpose of this publication is to point out shortcomings in work of the National Commission and present regional experiences, document shortcomings of the official system for Action Plan monitoring and provide a clearer picture on reforms implementation in 2008, problems in accessing information and attitude towards civil society.

### SKADAR LAKE - National park or oasis of illegal construction?

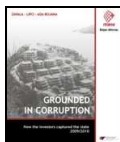
Monitoring illegal development in National Park Skadar Lake



The publication is summarizing a 6-month experience of monitoring illegal construction in protected zone of Skadar Lake. Publication is bringing description of responsible inspection behavior toward illegal development, case studies of most severe law violations in this area and statistics related to processing cases of illegal construction in National park.

### GROUNDING IN CORRUPTION

How the investors captured the state



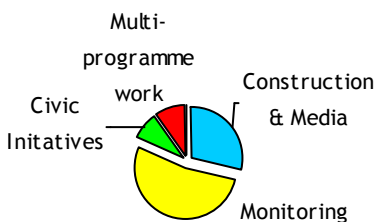
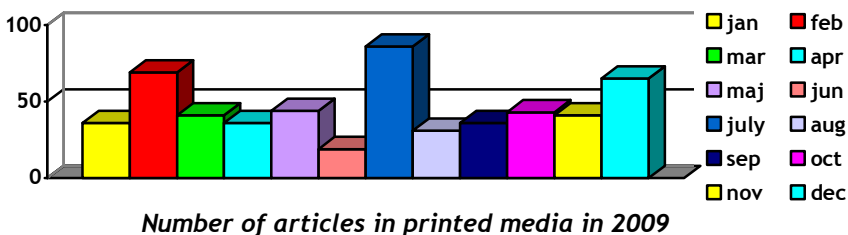
This publication shows how the investors together with the decision makers trapped state institutions which eventually led to the destruction of the most precious locations on Montenegrin coast. A series of case studies documents how strong public pressure stopped some illegal activities while the consequences of illegal construction have not been remedied nor have their key actors been held responsible yet.



## 5. PUBLIC RELATIONS

### 5.1. Printed Media

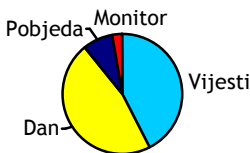
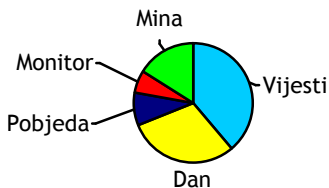
We have excellent cooperation with most printed media and MANS is very frequently present in public, advocating for changes on the basis of concrete examples. During 2009, about 550 articles on our work were published in three daily, one weekly newspaper and at one news agency, where over 13% of them were published at cover pages.



This graph shows participation of each program in the total number of articles published during 2009. Most articles were related to activities of the Monitoring program, combining activities of free access to information, monitoring anti-corruption policies and parliament monitoring.

*Number of articles by programs in 2009*

Daily „Vijesti” and „Dan” were equally following MANS work during 2009, unlike daily “Pobjeda”, while “Mina News Agency” was moderately writing about our activities. Number of articles in printed media decreased in 10% compared to 2008, but number of articles at cover pages increased almost three times - from 28 to 73.

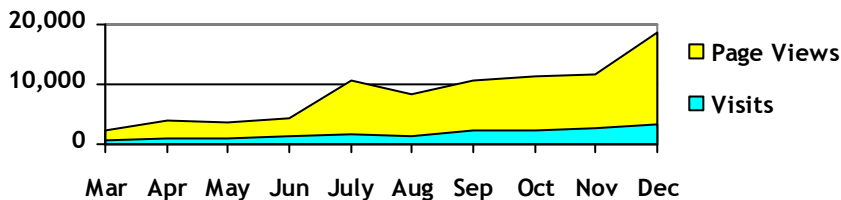


*Number of articles by media in 2009*

*Number of cover pages by media in 2009*

## 5.2. Web site

At the beginning of 2009, MANS redesigned its web site and attracted number of visitors to use it as unique source of data. From March 2009 through the year, over 17,5 thousand people have visited [www.mans.co.me](http://www.mans.co.me), and loaded over 85 thousand pages. Statistics is showing that one third of visitors are returning, while two thirds are new visitors.



*Number of page views during 2009 - [www.mans.co.me](http://www.mans.co.me)*

## 5.3. Awareness raising materials and Performances

MANS was publishing range of awareness raising materials on issues that were in focus of our advocacy campaigns. We have published number of billboards and brochures for citizens', promoting their rights and our services, especially free legal aid. Materials were distributed at info corners at local level, and through performances that became part of MANS public image.



The performances were presenting problems in unusual, frequently ironic way. They were very effective tool to raise awareness of public and media. An example is court case that local official submitted against MANS. He accused MANS for slander and asked 40.000 euros as compensation. After the first performance, he decreased the requested amount to 3,05 euros.



## 6. ORGANIZATIONAL CAPACITIES AND DEVELOPMENT

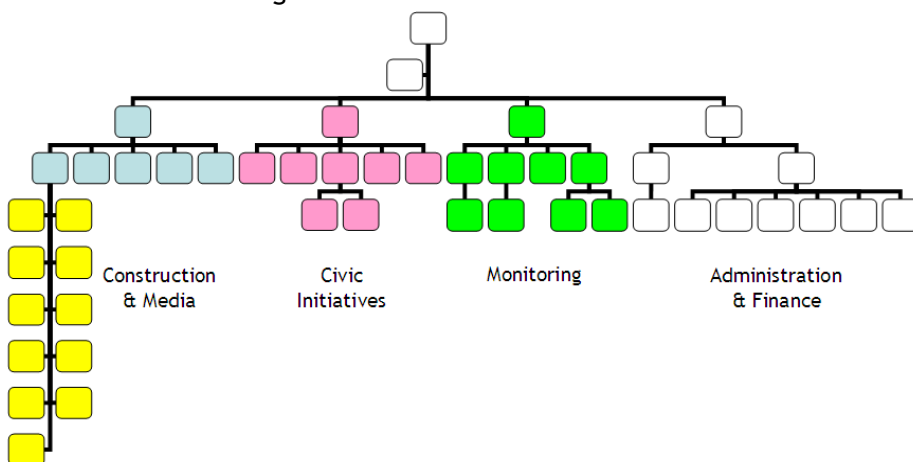
**MANS is composed of four teams:**

**Sustainable development & Advocacy** team monitors illegal construction of profit-oriented objects, supports public participation, increases transparency, researches and reports corruption in spatial planning and construction industry. This team is leading project with investigative journalists in Montenegro and from the region. They are also responsible for advocacy and media strategies and for providing assistance and supervision of all media-related events.

**Civic Initiatives** 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** team is dealing with the Parliament's financial operations, they watchdog activities of MPs and their benefits, provide support to civil society and citizens' dialogue with the Parliament committees. The team is monitoring implementation of national anticorruption policies, but also conflict of interest, benefits and unexplained wealth of national public officials. The team is maintaining all legal procedures necessary to obtain information for the whole organization as well as for citizens requesting documents from the government.

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

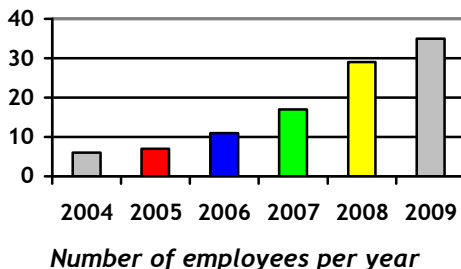


*MANS Organizational Scheme at the end of 2009*

At the end of 2009 we had 35 full time employees, but also external team composed of six Montenegrin and five journalists from the region engaged on part time basis. About 51% of total number of employees is women with 33% participation in the management structures.

MANS continuously experiences growth in employment, as shown on the graph, while in 2009 the number of employees increased in 20% compared to 2008.

We have two regional offices in the coastal zone, in municipalities Herceg Novi and Bar.



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



At the beginning of 2009, we have organized retreat for all members of the organization, developed new organizational structure, annual activity plan, developed new and updated existing terms of reference. We have also revised all the administrative and legal procedures performed by the office. Special session was dedicated to improving office climate.

Second retreat was organized for team leaders to develop their skills in project proposal writing. After one week of extensive training, each team leader has participated in development of three project proposals and submitted three projects to the European Commission. Success of the training was proven, since two projects were accepted for funding.

At third retreat, plan for capacity building middle management was developed, with identified responsibilities and tasks to be delegated in specified timeframe. We also developed procedures, standards and templates for performance evaluation of each member of MANS. Pilot evaluation was conducted soon after the retreat, followed with series of workshops to develop final version.



At the end of the year, we have organized workshop to prepare for implementation of the regional project and transfer of MANS know-how to Bosnia and Croatia.

## 7. INCOME AND EXPENDITURES

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

- Balkan Trust for Democracy,
- British Embassy,
- Catholic Relief Services,
- Center on Budget and Policy Priorities
- Charles Steward Mott Foundation,
- Council of Europe,
- European Union Delegation in Montenegro and in Brussels
- German Government, Stability Pact for South East Europe,
- German Embassy,
- HIVOS - Netherlands,
- International Rescue Committee,
- Microsoft, Washington
- 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

Total MANS expenditures in 2009 were 429.484 euros, 30% higher than in the previous year.

Budget Line	Amount
Salaries and fees	€ 167,162.93
Taxes and benefits	€ 76,013.57
Communication Costs	€ 12,023.72
Office supplies, utilities, rent and maintenance	€ 50,693.48
Travel Expenses	€ 9,442.80
Fees for consultants	€ 18,734.02
Costs for campaigns and printed materials	€ 60,098.17
Rent space, accommodation and food for events	€ 8,545.55
Equipment	€ 14,906.71
Other costs	€ 11,863.05
<b>TOTAL</b>	<b>€ 429,484.00</b>

### *MANS expenditures in 2009*

During 2009, we signed contracts with the total budget of 1.011.003 euros for implementation of projects in 2009 - 2013. That is 50% more than total amount of contracts signed in 2008. In this year Microsoft provided us with donation in software valued at 10.560 euros.

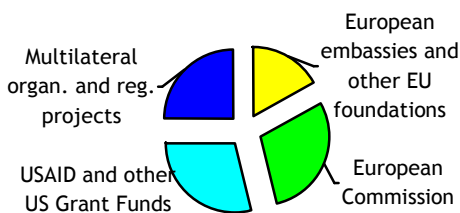
Table below is providing information on contracts signed in 2009 for projects to be implemented in 2009-2013, and names of donors<sup>15</sup>.

Donor	Amount
British Embassy	€ 62,010.00
Balkan Trust for Democracy	€ 16,527.00
Center on Budget and Policy Priorities	€ 1,420.00
German Embassy	€ 69,300.00
Gong Croatia (European Union Delegation in Brussels)	€ 9,600.00
Microsoft, Washington (donation in software)	€ 10,560.00
National Endowment for Democracy	€ 34,558.00
Netherlands Embassy	€ 14,970.00
European Union Delegation in Brussels	€ 198,735.00
European Union Delegation in Montenegro	€ 89,390.00
Open Society Institute, Budapest	€ 41.800.00
Open Society Institute, Montenegro	€ 13,840.00
Swedish Helsinki Committee	€ 20,000.00
Transparency International	€ 223,094.00
United Nations Development Program	€ 16,975.00
USAID ORT	€ 188.214 .00
<b>TOTAL</b>	<b>€1.011.003.00</b>

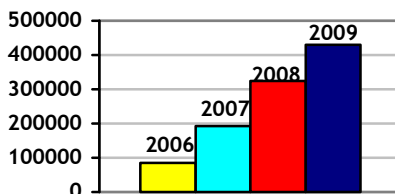
***List of signed contracts in 2009 (1\$=0.73822 euro)***

We are implementing one project in partnership with Transparency International's chapters in Croatia and BiH, and Access Info Europe from Spain, but MANS is responsible for overall implementation, as leading partner. We are partners to Croatian NGO GONG in another regional project and in two other regional projects of the Transparency International.

Our funding was well balanced between four groups of donors: European embassies and other EU foundations; European Commission; USAID and other US Grant Funds; multilateral organizations and funds from regional projects.



***Structure of donors in 2009***



***Budget expenditures for 2006, 2007, 2008 & 2009***

<sup>15</sup> This list does not include contracts signed in 2008 for projects that are implemented throughout 2009, such as Charles Stewart Mott Foundation, Rockefeller Brothers Fund etc

## Annex 1: Key Achievements from previous period

### Anticorruption Policies and Conflict of Interest

#### Legislative Changes

- MANS advocacy campaign resulted in adoption of the new and somewhat improved legislation on the conflict of interest (2008).
- MANS established working group for development of the new legislation on conflict of interest holding over 2/3 majority in the National Parliament. (2006-2007)
- Following our initiative, the Constitutional Court decided that 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)
- 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)

#### Policy Changes

- 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 and adopted recommendations for institutions, upon MANS initiative (2008).
- 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 advocacy raised awareness on shortcomings of the official system of reporting, while our timely reports provided realistic picture on implementation of reforms (2008).
- 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)
- 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)

#### Changes in Practices

- 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 (2008).
- Upon reviewing over 150 our initiatives, 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 (2006-2007).

## Corruption in Spatial Planning and Construction Industry

### Legislative Changes

- Successful advocacy campaign on a high-scale illegal construction case led to changes of legislation resulting in defining illegal construction as a criminal act (2008).

### Policy Changes

- 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 decreased number of envisaged large hydro power plants that might affect environment and the Government committed themselves to perform environmental impact assessment. (2007)
- MANS watchdog role led to cessation of human rights violations in resolving problem of illegal developments. (2006)

### Changes in Practices

- 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 (2008).
- 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 (2008).
- Public disclosure of illegal construction in protected areas resulted in the first joint and successful action of the police and construction inspection (2008).
- 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)
- 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)



## Transparency and Public Participation

### Freedom of information

- 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 (2008).
- 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 (2008).
- 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)

### Free Legal Aid

- Developed capacities of three local offices and provided legal assistance to over 270 citizens and their groups, and initiated legal procedures in nearly 60% of reported cases of corruption (2008).
- Twenty initiatives on corruption cases reported in media submitted to the prosecutor's office resulted in investigations in 20% of cases (2008).
- Provided free legal assistance to over 60 citizens to obtain information held by public institutions (2008).
- Provided assistance to over 200 citizens when obtaining information held by public institutions (2006-2007)

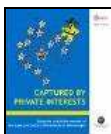
### Parliament Operations

- 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 (2008).
- 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)

## Annex 2: Publications from previous period

### CAPTURED BY PRIVATE INTERESTS

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



This publication is documenting our experiences in exposing and preventing conflict of interest from 2004 to 2007 and contains chronology of events related to adoption of the legislation, competences and performance of institutions implementing the legislation and case studies with most frequent law violations.

### 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. 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 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.

### 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.

## **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.

## **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.