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Network for Affirmation of NGO Sector - MANS

Institutional Framework of the Anti-Corruption Committee of the Parliament of Montenegro

David or Goliath?

I INTRODUCTION

Due to poor results in fighting corruption, especially at the highest levels, this field has become the priority in Montenegro's process of EU integration. The Parliament plays a significant role in this process – it adopts laws, appoints heads of relevant institutions, monitors their work and allocates budgets necessary for their efficient operation.



In December 2012, the Parliament established the Anti-Corruption Committee. However, the analysis shows that this body has not produced adequate results yet, which was stated in reports on Montenegro's progress in the EU integration.

The Committee is chaired by a member from the ranks of the opposition, but majority of its members are from the ruling coalition, even in bigger proportion than in the Parliament. That is why there is a strong possibility that the Board's activities may be impeded, as long as the ruling parties are not willing to deal with certain issues. Past experiences have shown that whenever the chairman does not convene meetings for a longer period, the ruling majority, which holds the position of the chair deputy, does not have the political will to provide efficient work of the body.

This body lacks some of the vital powers, given the fact that it is not a lead committee for the laws that regulate corruption and its opinion is never sought when appointing heads of anti-corruption institutions. Moreover, there is no separate law on parliamentary oversight in the area of anti-corruption to govern in more details the powers, the rights and the tools available to this Committee.

Since established, the Committee have used certain oversight tools, but with limited impact, especially in terms of addressing civic petitions. The Committee rarely adopted any conclusions and even when it did, it failed to carry them out, or to set up any monitoring mechanisms.

It is necessary to improve the legal framework governing the work of the Anti-Corruption Committee, to extend its powers and change its structure, to define the rules of procedure, including the addressing civic petitions, to establish tools for monitoring the execution of the conclusions, to intensify the control over anti-corruption policies and provide active participation of the Board in defining projected reforms.



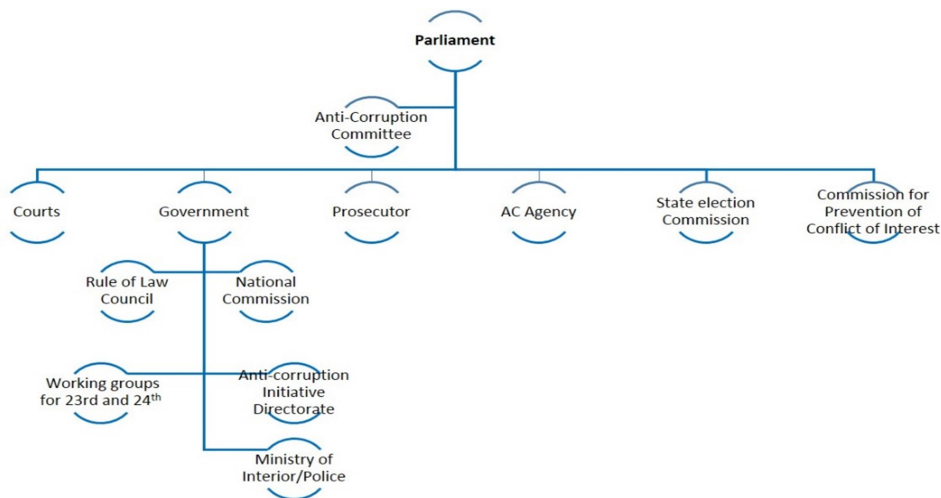
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II INSTITUTIONAL CONTEXT

There is a large number of institutions in charge of fighting corruption in Montenegro. Primarily, there are police, prosecutors and courts, whose main task is to take repressive measures against corruption or to sanction it. The Commission for Prevention of Conflict of Interests, the State Election Commission and the Directorate for Anti-Corruption are dominantly dealing with corruption prevention. The new law envisages the merger of the two institutions into the Agency for Prevention of Corruption, which will commence its activities on 1 January 2016. There are many other directorates in charge of public procurement, prevention of money laundry, inspection control and similar duties of direct importance for fighting corruption.

Back in 2010, the Government of Montenegro established the National Commission to monitor the implementation of the Strategy for Fighting Corruption¹, whose members are representatives of all three branches of the government and civil society. The National Commission was the only Montenegrin body to deal with managing, organization, synchronization and monitoring activities of the government bodies, administrative bodies and other relevant institutions in charge of implementation of the Strategy for Fighting Corruption and Organized Crime, which contains all the relevant reforms to be undertaken in this area.

Afterwards, the government established several other working bodies dealing indirectly with monitoring of anti-corruption reforms. Such bodies are the Rule of Law Council² and working groups for the chapters 23 and 24 in the EU negotiations. Early in 2015, without a detailed explanation, the government announced termination of the National Commission³, the only anti-corruption body gathering all the relevant entities and holding meetings open to media.



*Agency for Prevention of Corruption began its work on 1 January 2016

**Authorities of these institutions will become part of authorities of the Agency for Prevention of Corruption as of 1 January 2016

Scheme no. 1: Institutional framework for fighting corruption in Montenegro

¹ Government of Montenegro, *Decision on Establishment of the National Commission for Implementation of the Strategy for Fighting Corruption and Organized Crime*, 30 September 2010.

² Government of Montenegro, *Decision on the Rule of Law Council*, 27 March 2014.

³ MINA, *Marković demanded abolishment of the National Commission for Fighting Corruption*, 16 January 2015

However, each working body established by the government faces the lack of power to impose duties on other branches of the authorities. First of all, there is the constitutional separation of powers, and secondly, the government, unlike the parliament, does not choose key institutions to fight corruption, nor do these institutions submit any report on their work to the government. The power and legitimacy of the institutions lays in laws which approve of their authorities, as well as their expenses through adopting the budget, which is in the power of the parliament⁴.

On the other hand, the institutional framework for coordination and oversight of implementation of anti-corruption reforms, as defined by the government, reveals that this institution does not have a vision of how to provide an efficient fight against corruption. Thus, it remains vague who is directly engaged into it, who is coordinating and, finally, who is in monitoring the activities and giving directions for improvement.

That is why it was necessary to establish the regular Anti-Corruption Committee in the Parliament of Montenegro⁵. However, membership structure, powers and activities that have been carried out, do not guarantee that the body will be able to conduct the efficient monitoring of the implementation of the anti-corruption reforms. More information in the following chapters.

III PREREQUISITES FOR THE COMMITTEE'S WORK

A parliament is a country's central institution, in its capacity as the primary expression of the people's will, and therefore has a paramount responsibility for combating corruption."

*Parliamentary Assembly of the Council of Europe
Role of parliaments in fighting corruption, Report of the Committee on Economic Affairs and Development,
Strasbourg, 2000*

The Parliament of Montenegro exercises three constitutional functions – legislative, controlling and representative. Most of the Parliament's constitutional authorities are exercised through its working bodies.

As a general rule, each law goes through a debate in parliamentary committees (the first reading) before being considered and passed on a plenary session. Parliamentary committees make reports on law consideration⁶. Those working bodies also debate on all the amendments to the draft.

Most oversight tools are used directly through the working bodies⁷ which conduct consultative and control hearings, as well as parliamentary inquiry. They also consider submitted interpellations on the work of the Government in certain areas. After the implementation of such tools, the working bodies propose their conclusions to the Parliament for adoption.

⁴ Venice Commission, *Report on the Democratic Oversight of the Security Services*, Venice, 1 and 2 June 2007

⁵ Rules of Procedure of the Parliament of Montenegro, article 48a

⁶ The only exception is the adoption of laws in urgent procedure, when the report of the lead committee is not needed for the adoption of the draft legislation (Art. 153 of the Rules of Procedure).

⁷ The only exceptions are the Prime Minister Hour and the MP questions, as well as the vote of non-confidence – the tools used directly in the plenary sessions.

The parliament's representative function is also exercised through the working bodies, by enabling citizens and other stakeholders to participate in their sessions without the voting powers, or to submit civic petitions and request specific actions in certain areas. Nevertheless, the Parliament's Rules of Procedure envisage mandatory consideration of petitions by two working bodies only – the Anti-corruption Committee and the Committee on Human Rights and Freedom, while it is at the discretion of other bodies to decide whether to consider civic petitions or not.

Effective oversight depends on whether the Parliament has a real power to amend laws⁸, and whether the parliament and the MPs were provided with an adequate quantity of information to exercise effective oversight, on the role of individual MPs and committee chairs, as well as how aggressive the opposition is in performing its function⁹.

Authorities of the Anti-Corruption Committee

The Parliament of Montenegro failed to have consultations with the competent public or to use the best practices of other countries when amending the Rules of Procedure, which established the Anti-Corruption Committee. As a result, some powers of the Committee are set too widely and imprecisely¹⁰, and some essential powers, normally enjoyed by other parliamentary committees, are missing in the case of the Anticorruption Committee.

The Rules of Procedure do not envisage that the Committee consider draft laws from within its remit, which means that it does not act as a lead committee, while other parliamentary bodies play this role¹¹.

In addition, unlike similar bodies, this Committee is not required to give its opinion when appointing the heads of anti-corruption institutions, such as the Supreme State Prosecutor, members of the Judicial and Prosecutorial Councils, the Police Director and the National Security Agency Director. The overview of the Anti-Corruption Committee authorities in comparison with similar committees is given in the Annex.

Reading the Constitution, the parliamentary Rules of Procedure and other documents governing the operation of the Parliament, the following are identified as the powers of a committee to ensure its effective performance:

- 1. Having a separate law governing its operation;*
- 2. Functioning as a lead committee in considering the relevant draft legislation;*
- 3. Mandatory opinion on appointment of heads of institutions implementing the legislation within its remit;*
- 4. Monitoring and assessing harmonisation with the EU Acquis in the fields within its remit;*
- 5. Monitoring the implementation of laws imposing duties compliant with the EU acquis in the relevant areas;*
- 6. Access to classified data;*
- 7. Ability to use oversight tools;*
- 8. Considering civic petitions.*

⁸ G. Loewenberg, S. C. Patterson, *Comparing Legislatures*, Little, Brown 1979.

⁹ J. R. Bond, R. Fleisher, *The President in the Legislative Arena*, Chicago, 1990.

¹⁰ The Rules of Procedure, Art 48a. According to the Rules of Procedure, the Committee shall: monitor and analyze the work of state authorities, institutions, organizations and bodies in fighting against organized crime and corruption; consider issues and problems in the implementation of laws related to the fight against organized crime and corruption and propose amendments thereof; propose additional measures for development of strategies, action plans and other documents related to the fight against organized crime and corruption; consider petitions and complaints, and address them to the competent authorities in accordance with the first indent of this Article.

¹¹ Most often the committees for political system, judiciary and administration, and security and defence

The review of the functions a parliamentary body should have in order to operate efficiently, leads to the conclusion that the Anti-Corruption Committee enjoys only a half of such powers.

The Committee has access to classified data, the ability to use control mechanisms, to monitor law implementation and consider civic petitions.

Similar working bodies enjoy more powers: the Security and Defence Committee and the Committee for Political System, Judiciary and Administration have six out of the eight possible functions each, and the Committee for Economy, Finance and Budget five¹².

Nevertheless, even if the powers of the Anti-Corruption Committee would be well set, its performance would mostly depend on its members.

The Structure of the Anti-Corruption Committee

The presence of control mechanisms is necessary, but not sufficient for effective oversight¹³. Apart from its properly defined authorities and tools available for performing the necessary tasks, the Committee's structure is equally important.

Given that political will is crucial for effective work of such working body, and that some MPs may believe anti-corruption efforts do not work in their best interest¹⁶, an opposition MP is entrusted with chairing the Anti-Corruption Committee, since opposition MPs are expected to have more initiative for control, than it is the case with ones from the governing coalition.

This is the starting point for effective work of the Committee, since its chair has the competence to independently call sessions, propose agenda, cooperate with the representatives of all branches of power from within the committee remit, monitor the implementation of the Committee conclusions, and invite interested third parties to the Committee sessions to contribute to the discussion¹⁷.

The Slovenian parliament shows that it is possible to ensure that governing MPs may not block the work of particularly important parliamentary bodies, as long as there is political will.

For instance, most of the members of the Slovenian Commission for the Supervision of Intelligence and Security Services, chaired by an opposition MP, come from the ranks of the opposition. This enables efficient work and successful consideration of major issues without the possibility of obstruction¹⁴.

On the other hand, the Croatian Parliament has a different solution for the parliamentary body in charge of monitoring the implementation of national anticorruption policies. This body is chaired by an opposition MP, it is composed of four members who are MPs and additional six members representing unions, non-governmental organisations, the academic community, professions and media¹⁵.

¹² Annex 2 features a table with a comparative overview of the functions of each of these committees.

¹³ R. Pelizzo, R. Stapenhurst, D. Olson, *Parliamentary Oversight for Government Accountability*, The International Bank for Reconstruction and Development / The World Bank, Washington DC, 2006.

¹⁴ V. Maraš, A. Mašković, *Parlamentarni nadzor nad sektorom bezbednosti i odbrane (Parliamentary Oversight of Security and Defence Sectors)*, Podgorica, 2011.

¹⁵ V. Čalović, V. Maraš, J. Mandić, P. Čupić, A. Mašković, R. Terzić, *Korupcija ili EU Integracije III (Corruption or EU Integration III)*, Podgorica, 2010.

¹⁶ S. Kpundeh, P. Dininio, *Political Will* (a paper published in the "Role of the Parliament in Curbing Corruption"), World Bank Institute, Washington DC, 2006.

¹⁷ Rules of Procedure of the Parliament of Montenegro, Art. 62, 63, 64 and 67.

However, the Parliament was not persistent in securing the conditions for the efficient operation of the Committee; hence, eight governing coalition MPs and five opposition MPs, have been chosen into this 13-member body.

This prevents the adoption of any decision that the governing coalition MPs do not consent to, since the majority vote of the present members is required for passing decisions.

Moreover, governing coalition MPs may fully prevent the work of the Committee, given the quorum of at least half of its members. This actually means the opposition MPs are unable even to hold a session without the presence of at least some members from the governing coalition.

Such a structure of the Anti-Corruption Committee differs significantly from the experiences of the countries in the region, which have given greater powers to similar parliamentary bodies and oversight functions, minimising the possibilities of obstructions by the MPs from the governing parties.

The Anti-Corruption Committee compositions goes against the suggestions of the Inter-Parliamentary Union, according to which the opposition is to be properly represented in the monitoring bodies and to have adequate tools to launch discussions on matters of general interest, and to inquire into the alleged corruption cases¹⁸.

IV RESULTS OF THE COMMITTEE

The Global Organisation of Parliamentarians against Corruption (GOPAC), the key international organisation dealing with the role of parliaments and MPs in fighting corruption recommends that each parliament and each MP individually enable a more active role of legislative authorities in drafting and implementing national anti-corruption strategies, in establishment and empowerment of anti-corruption bodies and in shaping anti-corruption legislation.¹⁹

During the first three years of work, the Anti-Corruption Committee has largely failed to meet such expectations.

Activity Planning

The Anti-Corruption Committee adopted 2013 and 2014 Work Plans, which is seen as a good practice. Nevertheless, no consultations with the competent public were held before the adoption of such plans.

Most of the planned activities referred to hearings, considering reports by reporting institutions and defining the procedures needed for the work of the Committee, such as the procedure for handling civic petitions, cooperation with the National Commission for Monitoring the Implementation of the Strategy for Fighting Corruption and Organised Crime Strategy, as well as the cooperation with the

¹⁸ Inter-parliamentary Union, *Background paper for the Second Global Forum on Fighting Corruption and Safeguarding Integrity*, The Hague, Netherlands, 2011.

¹⁹ Global Organization of Parliamentarians against Corruption, *Anti-Corruption Assessment Tool for Parliamentarians*, Manila, 2013.

civil society. Some activities involved consideration of the anti-corruption legislation and budgets of anti-corruption institutions, as well as holding thematic sessions on that occasion. A minor number of activities referred to visits abroad with the aim of building the Committee capacities.

The Committee failed to carry out the most of the activities for 2013 and 2014, as well as those in the current 2015 plan. In 2013, a little more than one third of the planned activities were carried out, while in 2014 this ratio is even lower – only a fourth of the envisaged measures was addressed. In the first quarter of 2015, the Committee addressed only ten percent of the measures planned in 2015.²⁰ In the second quarter and the first part of the third quarter, the Committee was due to address 14 measures, out of which only one third was addressed entirely, while only one was partially addressed²¹. Since July 2015, the Committee has not met once, so the rest of the activities envisaged in 2015 work plan were never carried out.

This is an indicator that the Committee either fails to adopt achievable annual work plans, or does not make enough effort to implement them.

However, the lack of results during 2015 must also be seen through the prism of boycott of the work of the Parliament and its working bodies by a political group to which the Committee's president belongs. Since July 2015²², the Anti-Corruption Committee has not had any sessions as its president has been out of the Parliament. Despite the Parliament boycott until the parliamentary elections, which was announced by the aforementioned political group, the Committee's chair has not resigned from the function. On the other hand, the Committee's deputy, coming from the largest governing party, has not convened a single meeting of the Committee, which would have enabled fulfilment of the duties from the work plan for the current year. No meeting has been convened by the president of the Parliament of Montenegro neither, although he has the right to do so in accordance with the Rules of Procedure²³. Such behaviour leads to suspicion of the lack of political will to provide the efficient work of the Committee, fulfilment of the duties from the work plan, as well as priorities that are part of Montenegro's EU integration process.

Hearings

Since the establishment of the Anti-Corruption Committee, MANS has directly monitored the Committee's sessions in order to assess its efficiency and to what extent it contributed to anti-corruption efforts in the country.

²⁰ MANS, *Activity Report of the Anti-corruption Committee of the Montenegrin Parliament from 1 December 2012 to 31 March 2015*, Podgorica, 2015

²¹ MANS, *Activity Report of the Anti-corruption Committee of the Montenegrin Parliament from 1 April 2015 to 31 July 2015*, Podgorica, 2015

²² Until 23 December 2015. For more information, please refer to the Parliament's portal, Anti-Corruption Committee section: <http://www.skupstina.me/index.php/me/odbor-za-antikorupciju/sjednice>

²³ Rules of Procedure of the Parliament of Montenegro, article 63, paragraph 2

Over the course of three years, since December 2012 to December 2015, the Committee did not give any serious contribution to fighting corruption, which is indicative of the lack of political will of its members²⁵.

Three²⁶ out of seven²⁷ control hearings, held by the Committee, were organized through the use of preferential mechanisms for opposition MPs.

This mechanism is defined in the Rules of Procedure of the Parliament and it gives power to opposition MPs to initiate one control hearing once during the regular session, or twice a year, for which they do not need the support of the majority, but only a third of the members of the working body²⁸.

At one point, the trend of control hearings organized with the support of the majority of the Committee members began to grow²⁹, which showed signs of improvement of the Committee efficiency, and that the government members would also play a more active role in control activities rather than obstruct it. Yet, it was otherwise. Due to the boycott of Parliament by the Committee Chair and the inactivity of his deputy coming from the parliamentary majority, the Committee did not convene any meetings, nor hearings in the second half of 2015.

Since its establishment until the end of 2015, the Committee held four consultative hearings³⁰, with the support of members from the ruling parties.

One of the best examples of effective anti-corruption committee known in the international theory comes from Kenya, a country that is formally at a much lower level of development of Montenegro. However, in this country, the efficiency of Anti-Corruption Committee is incomparably higher.

Back in 1998, Kenya established the Anti-Corruption Committee, which invited the public and all interested parties to submit their information on specific cases of corruption. The Committee received more than 1,000 letters, after which it conducted the hearing of their applicants and went out into the field to determine the circumstances of specific cases.

Based on the information gathered, after two years of work, the Committee filed a report to the Parliament, stating that over 56 % of public revenues were spent under corruptive circumstances.

The Committee also compiled a list of the most corrupt person in the country, which raised public awareness of corruption issues to the extent that the changes of main laws immediately followed. Also, the executive and the judicial authorities took concrete actions in the prosecution of perpetrators of corruption offenses²⁴.

²⁴ F. Matingi, *Case Study on the Role of the Parliament in Fight against Corruption: The Case of Kenyan Parliament* (within the publication *Role of the Parliament in Curbing Corruption*), World Bank Institute, Washington DC, 2006.

²⁵ S. Kpundeh, P. Dininio, *Political Will* (published in *Role of the Parliament in Curbing Corruption*), World Bank Institute, Washington DC, 2006.

²⁶ The control hearings concerned the privatization of Montenegrin “Telekom”, “Snimak” (“The Recording”) affair and the purchase of “Zlatica” motel with the adjoining land, for the purpose of resolving the issue of accommodation of special police units of Police Directorate

²⁷ The control hearings concerned civic petition filed by the Association of Composers of Montenegro, multimillion contracts for legal and consultative services paid Elektroprivreda Crne Gore, construction of Security Center facility in Podgorica, Police Directorate, as well as illegal collection of fees for using of illegally constructed villas in Ada Bojana.

²⁸ Rules of Procedure of the Parliament of Montenegro, article 73, paragraph 3

²⁹ MANS, *Activity Report of the Anti-corruption Committee of the Montenegrin Parliament from 1 December 2012 to 15 July 2014; Activity Report of the Anti-corruption Committee of the Montenegrin Parliament from 1 April 2015 to 31 July 2015, Podgorica, 2015*

³⁰ Consultative hearings concerned the issue of independence of misdemeanor magistrates and misdemeanor system in Montenegro, reducing transparency of the public registers of companies and real estate, the risk of corruption in public

Of all the hearings conducted by the Committee, only two led to the adoption of concrete conclusions, while one of the sessions resulted in establishing a subcommittee to deal with improving the legal framework in the field of misdemeanour proceedings. However, the establishment of the subcommittee itself did not yield a significant contribution to the improvement of the misdemeanour system in Montenegro, although the legal framework in this field did improve³¹.

Even in cases where the Committee adopted the conclusions, there were no plausible assumptions that they change the bad practices of institutions. The Committee held only one, thirty-seventh meeting, where it examined the report on the implementation of the conclusions of the working body. Nevertheless, after the session, the Committee no longer engaged in the implementation of its own conclusions and recommendations, nor established a system of monitoring implementation of the conclusions and recommendations on a regular basis³².

Therefore, the question of the expediency of the use of control mechanisms is justified, as long as the Board does not exercise the option to ensure the implementation of conclusions and recommendations, in a manner that it truly changes the practice of executive or judicial power and improves the performance in a particular area of importance for the fight against corruption.

Consideration of civic and other petitions

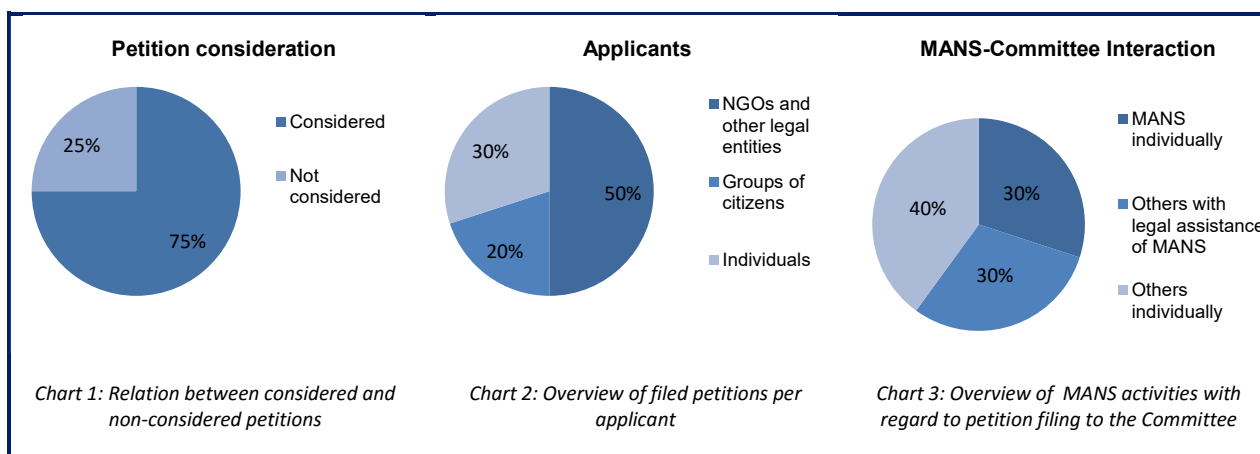
The Committee mostly operated on the basis of petitions filed by non-governmental organizations, other legal entities and groups of citizens, who suggested the body to deal with areas that are crucial for a successful fight against corruption.

The total of 20 petitions was filed to the Committee, 14 of which were filed by non-governmental organizations, other legal entities and groups of citizens, while the rest was filed by individuals. Most of them were not even considered by the Committee, five never got to the agenda of one of the sessions, two of which were filed in 2014. This means that a filed petition can wait more than a year before being considered by the Committee, if that would happen at all.

procurement, as well as the possibility of introducing a new criminal offense - "unjust enrichment of public officials " in accordance with Article 20 of the UN Convention against Corruption.

³¹ On 25 December 2014, the government proposed the Parliament a Law on Courts, which stipulates that the Judicial Council elected misdemeanour magistrates. The earlier decision stipulated that a misdemeanour magistrate was to be appointed by the government, which was contrary to the constitutional obligation to ensure the independence of the judiciary. However, the Anti-Corruption Committee did not consider this proposal, nor did the amendments to its text, which shows that it was quite passive in observing the change of regulations for improving the independence of misdemeanour courts, even though there was a subcommittee to deal with this issue. The Parliament adopted this law on 26 February 2015. More information on the website of the Parliament of Montenegro www.skupstina.co.me

³² MANS, *Activity Report of the Anti-corruption Committee of the Montenegrin Parliament from 1 April 2015 to 31 July 2015*, Podgorica, 2015;



Since the beginning of the Committee's work, MANS has been involved in its work most intensely, so we filed the most petitions to this working body, and we provided legal aid to other interested parties who wanted to file a written petition to the Committee. This shows that the Committee itself has not done enough to bring its work closer to the citizens, NGOs and other entities, nor has it developed clear procedures and instructions to facilitate direct interaction with these structures.

For the majority of considered petitions, the relevant authorities requested additional documentation. Afterwards, it was planned that the Committee would formally put them on the agenda and discuss them, but up to now it has not happened. A small number of petitions was discussed by the Committee and in most cases appropriate conclusions were made. However, due to the lack of mechanisms for monitoring, the Committee failed to yield concrete results even on these petitions.

In the case of one of petitions, the representatives of the ruling parties did not appear at the session of the Committee, in order to prevent the discussion on political corruption and electoral irregularities ahead of the local elections held in May 2014, due to the lack of quorum. Given the fact that MPs from the ranks of the government have a much larger number of members in this committee in comparison to members of the opposition, their absence prevents any meeting from being held. Therefore, this is an effective way for the members from the government to block the work of the Committee.

Also, due to the lack of adequate procedures that would standardize handling of petitions received by the Committee, it is not defined how applicants could participate in the work of the Committee. Therefore, the Committee chair was guided by the provisions of the Rules of Procedure of the Parliament of Montenegro, according to which the chairman has the right to call a third party to participate in a sessions of the Committee. So far, the chairman has had no clear criteria, nor consistent practice, when it comes to inviting petition applicants to the meetings to let them further explain to the Committee members the issue that they had pointed out in writing.

V RECOMMENDATIONS FOR IMPROVEMENT

Taking into account the current institutional position of the Committee, as well as its practical achievements, we believe that it is necessary to improve both the legislative basis for the work of this body and the current practice.

Recommendations for the Parliament of Montenegro:

1. Adopt the Law on Parliamentary Oversight in the field of anti-corruption, which will prescribe the Committee's powers and mechanisms to control all aspects of the fight against corruption, from the improvement of the legal, institutional and human resources framework to the monitoring the work of all relevant institutions
2. Amend the Rules of Procedure of the Parliament and lay down an obligation for the Anti-Corruption Committee to provide opinions in the proposals for the election and appointment of persons at the head of all institutions involved in the fight against corruption
3. Amend the Rules of Procedure of the Parliament in such a way that the Anti-Corruption Committee, as a parent working body, prescribes the jurisdiction of consideration of proposed laws on the fight against corruption and organized crime , as well as the authority to:
 - a. Adopt anti-corruption strategies and action plans upon the government's proposal;
 - b. Monitor and assess the implementation of the anti-corruption strategy and action plans;
 - c. Consider reports and adopt recommendations for work of bodies and independent entities;
 - d. Conduct risk analysis and integrity plan assessment in those fields which are particularly suitable for corruption, such as spatial planning, sale of state land, public procurement, tax policy, sports and other;
4. Amend the Rules of Procedure of the Parliament in such a way that the Anti-Corruption Committee assume part of the authorities of other bodies relating to anti-corruption issues;
5. Amend the Rules of Procedure and revise the membership structure of the Committee, so that:
 - a. Members from the ranks of the opposition have majority or
 - b. Appoint representatives from the civic sector, trade unions and professional associations as members of the Committee in addition to MPs, in accordance with best practices of other states, or
 - c. Establish special mechanisms for unblocking the Committee's work, such as the possibility of more intensive use of preferential opposition mechanisms than in other working bodies.

Recommendations for the Anti-Corruption Committee:

6. To expand the scope of action of the Committee and provide its more active role in discussing key issues of corruption, in accordance with the country's priorities in the European integration process, such as political corruption and electoral abuses;

7. Adopt rules on the consideration of civic petitions with clearly defined responsibilities and deadlines for the action of all participants in the process of consideration;
8. Establish a system for monitoring the implementation of the conclusions of the Committee and the penalty system of responsible persons who fail to comply with the conclusions of the Committee;
9. Strengthen the control role in the implementation of anti-corruption policy of the executive power in the fight against corruption, including action plans for chapters 23 and 24, as well as ensure active participation in the definition of future reforms;
10. Standardize the obligation of holding sessions of the Committee at least once a month by a plan of work, in order to ensure continuous sitting and the work of the Committee.

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- Law on Classified Data (Official Gazette of Montenegro 14/08, 76/09, 41/10, 40/11, 38/12, 44/12 and 14/13).
- Rules of Procedure of Croatian Parliament (NN 81/13).
- Decision on the National Council to Monitor the Implementation of the National Anticorruption Programme (Croatian Parliament, 2006).
- Decision to amend the Decision on the National Council to Monitor the Implementation of the National Anticorruption Programme (Croatian Parliament, 2009).
- 2010-2014 Anti-corruption and Organised Crime Strategy (Podgorica, 2010).
- Action Plan for implementing the 2010-2014 Anti-corruption and Organised Crime Strategy (Podgorica, 2013).
- Action Plan for Chapter 23 – Judiciary and Fundamental Rights (Podgorica, 2013).
- Action Plan for Chapter 24 – Justice, Liberty and Security (Podgorica, 2013).

Observed Anticorruption Committee sessions

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| - 40 th session, 29 July 2015 | - 19 th session, 24 July 2014 |
| - 3 rd Joint session of the Anti-Corruption Committee and the Committee on Political System, Judiciary and Administration, 23 July 2015 | - 18 th session, 18 July 2014 |
| - 39 th session, 17 July 2015 | - 17 th session, 30 June 2014 |
| - 38 th session, 23 June 2015 | - 16 th session, 9 July 2014 |
| - 2 nd Joint session of the Anti-Corruption Committee and the Committee on Political System, Judiciary and Administration, 15 May 2015 | - 15 th session, 20 May 2014 |
| - 37 th session, 13 May 2015 | - 14 th session, 10 April 2014 |
| - 36 th session, 18 April 2015 | - 13 th session, 30 December 2013 |
| - 35 th session, 20 April 2015 | - 12 th session, 20 December 2013 |
| - 34 th session, 27 March 2015 | - 11 th session continued, 29 January 2014 |
| - 33 rd session, 18 March 2015 | - 11 th session, 27 December 2013 |
| - 32 nd session, 23 February 2015 | - Joint session of the Anti-Corruption Committee and the Security and Defence Committee, 16 December 2013 |
| - 31 st session, 11 February 2015 | - 10 th session, 23 December 2013 |
| - 30 th session, 20 January 2015 | - Joint session of the Anti-Corruption Committee and the Committee for Political System, Judiciary and Administration, 20 December 2013 |
| - 29 th session, 23 December 2014 | - 9 th session continued, 27 November 2013 |
| - 28 th session, 18 December 2014 | - 9 th session, 25 November 2013 |
| - 27 th session, 22 December 2014 | - 8 th session, 11 November 2013 |
| - 26 th session, 12 December 2014 | - 7 th session, 11 October 2013 |
| - 25 th session, 8 December 2014 | - 6 th session, 24 July 2013 |
| - 24 th session, 19 November 2014 | - 5 th session, 27 March 2013 |
| - 23 rd session, 10 November 2014 | - 4 th session, 22 March 2013 |
| - 22 nd session, 30 October 2014 | - 3 rd session, 25 February 2013 |
| - 21 st session, 6 October 2014 | - 2 nd session, 06 February 2013 |
| - 20 th session, 25 July 2014 | - 1 st session, 26 December 2012 |

Annex 1: An overview of powers of the Anti-Corruption Committee and other similar parliamentary committees in the Parliament of Montenegro

Anti-corruption	Political system, judiciary and administration	Security and defence	Economy, finance and budget
<p>1. Monitors and analyses the work of state authorities, institutions, organisations and bodies in fighting corruption and organised crime;</p> <p>2. Considers matters and issues in law enforcement referring to fighting corruption and organised crime and proposes their amendments;</p> <p>3. Proposes additional measures for improving strategies, action plans and other documents referring to fight against corruption and organised crime;</p> <p>4. Considers petitions and forwards them to relevant authorities.</p>	<p>1. Considers draft laws, other regulations and general acts and other issues related to:</p> <ul style="list-style-type: none"> - establishment, organisation and competences of authorities and procedures before such authorities; - local self-government system; - state symbols; - use of national symbols; - state holidays; - Montenegrin citizenship; - electoral system; - referendum; - territorial organisation of Montenegro; - organisation and position of the Capital and Historic Capital; - media and radio-broadcasting system; - criminal and other acts, liability and penalties; <p>2. Proposes to the Parliament four nominees for the Judicial Council from the rank of distinguished lawyers;</p> <p>3. Considers the nominee for Supreme State Prosecutor;</p> <p>4. Within its powers, monitors and assesses harmonization of Montenegrin laws with the EU Acquis, and, based on government reports, monitors and assesses the implementation of laws, especially those establishing EU Acquis compliant obligations</p>	<p>1. Considers draft laws, other regulations and general acts, strategies and other issues in the area of security and defence of Montenegro and its citizens;</p> <p>2. Conducts parliamentary oversight of the work of the police and the National Security Agency and other security bodies and services;</p> <p>3. Considers the exercise of constitutionally guaranteed personal and civil freedoms and rights in the exercise of authorities of the police and the National Security Agency and other security bodies and services;</p> <p>3. Considers nominations for the head of the police and director of the National Security Agency;</p> <p>4. Gives opinion on the nominees for appointment of heads of military intelligence, counterintelligence and security operations in the Ministry of Defence.</p>	<p>1. Considers draft laws, other regulations and general acts and other issues related to:</p> <ul style="list-style-type: none"> - development and economic development strategy of Montenegro; - assumptions for functioning of the free market and market competition; - business operation, entrepreneurship and capital investments; - natural resources, energy, mining, industry, maritime, transport and trade activities; - budget of Montenegro and final accounts of the budget; - financial rights and obligations of Montenegro; - taxes and other duties; custom authority; -banks; - securities, loans, public loans and borrowings of Montenegro; -insurance of properties and persons; games of chance; - property law, ownership and contract relations. <p>2. Within its remit, monitors and assesses harmonization of the laws with the EU Acquis, and, based on Government reports, monitors and assesses the implementation of laws, especially those establishing EU Acquis compliant obligations.</p>

Source: Rules of Procedure of the Parliament of Montenegro

The responsibilities of the parliamentary committees relevant for anti-corruption are highlighted in grey.

Annex 2: Overview of functions of parliamentary committees

Functions / working body	Anti-Corruption Committee	Committee on political system, judiciary and administration	Security and defence committee	Committee on economy, finance and budget
1. The work is Regulated by a separate law	No	No	Yes	No
2. Functions as a lead committee	No	Yes	Yes	Yes
3. Gives opinions on appointments of heads	No	Yes	Yes	No
4. Monitors and assesses harmonisation of laws with the EU acquis	No	Yes	No	Yes
5. Monitors law implementation	Yes	Yes	Yes	Yes
6. Access to classified data	Yes	No	Yes	No
7. Control mechanisms	Yes	Yes	Yes	Yes
8. Civic petitions	Yes	Yes	No	Yes

Source: Rules of Procedure of the Parliament of Montenegro, Law on Parliamentary Oversight in Security and Defence Sectors, and the Law on Classified Data