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SUMMARY OF REPORT ON COOPERATION OF LOCAL SELF-GOVERNMENTS AND NGOs IN MONTENEGRO 2020

SUMMARY OF THE REPORT ON COOPERATION BETWEEN LOCAL SELF-GOVERNMENTS AND NON-GOVERNMENTAL ORGANISATIONS IN 2020

Report before you contains results of research that **Centre for development of non-governmental organisations (CRNVO)** conducted in previous five months in order to follow different forms of cooperation between local self-government units and non-governmental organisations during 2020. Research covered all units of self-government, 25 in total (all municipalities, city municipality-Golubovci, Capital City Podgorica and Old Royal Capital Cetinje). **Goal of this research is to follow realisation of different forms of cooperation between local self-governments and non-governmental organisations that are prescribed in article 174 of the Law on local self-governments:**

- **informing about all issues relevant to non-governmental organisations;**
- **consulting NGOs on development programmes of local self-governments and drafts of general acts adopted by local assemblies;**
- **enabling participation of NGO representatives in work of working groups for preparation of normative acts or projects and programmes;**
- **organising joint public debates, round tables, seminars etc.;**
- **securing conditions for work of NGOs, in accordance with possibilities of local self-government and**
- **participation of NGO representatives in assembly sessions through „free chair“ institute.**

Reporting period is calendar year 2020. Goal of this research is to identify problems that exist in implementation of above-mentioned forms of cooperation of local self-governments and NGOs as well as defining clear and direct recommendations for overcoming those problems. **Research methodology contained requests for free access to information, questionnaires, detailed and continuous research of internet presentations of self-government units and review of relevant legislation.** First part of the report contains general information about research, its methodology, key findings and recommendations. Second part of research contains specific research results for every municipality grouped according to different types of obligations that local self-governments have, this part of report also includes review of adopted documents that regulate this area in each municipality.

COOPERATION OF LOCAL SELF-GOVERNMENTS AND NON-GOVERNMENTAL ORGANISATIONS

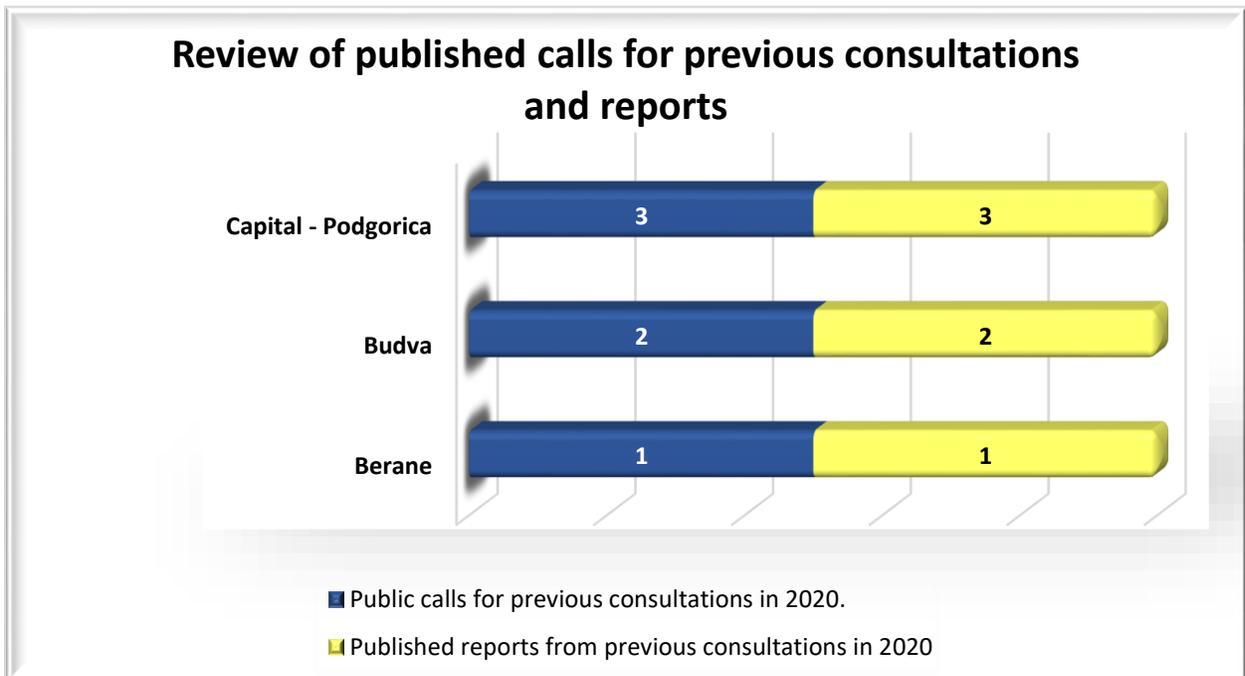
- **Informing about all issues important for non-governmental organisations**

In order to inform NGOs about all important issues and activities, local governments use various mechanisms. The key information mechanism is the internet presentations of municipalities. Municipal websites should be a fast and efficient information mechanism, which will enable the availability of information and through which citizens must easily find, view and use information. In this context, it is necessary to emphasize that internet presentations are visually satisfactory, but in most cases they are not clear and easy to search, especially having in mind information and documents of importance for non-governmental organizations, which are not systematized and published in different sections, which makes their search more difficult. 11 municipalities have special sections "NGOs" on their internet presentations, where information related to the financing of NGOs from the municipal budget, lists of local NGOs and documents of importance for cooperation between municipalities and NGOs are most often published. These are the municipalities of Andrijevića, Budva, Berane, Bijelo Polje, Old Royal Capital Cetinje, Kolasin, Kotor, Mojkovac, Nikšić, Petnjica and Tivat. These sections need to be regularly updated with all information relevant to the work of the NGO sector (news, invitations to meetings, public invitations of NGOs to participate in working groups and public hearings, announcements of joint activities of municipalities and NGOs, etc.). In addition to internet presentations, important information mechanisms used by municipalities are social networks (Facebook, Instagram, Twitter), local media, brochures, public gatherings and meetings. 22 municipalities have formed accounts on various social networks (Facebook, Instagram and / or Twitter) and thus inform citizens about their work. Municipalities that do not use social networks are Plužine, Šavnik and Žabljak. In accordance with municipal regulations, information regarding public hearings is published both through a daily newspaper and through bulletin boards in municipal premises. The results of the research show that the main shortcomings in informing NGOs, lack of joint mailing lists of municipalities with local NGOs, lack of transparency and irregular updating of municipal websites, irregular meetings of municipal representatives with local NGOs and insufficient visibility and proactivity of contact persons for cooperation with NGOs.

- **Consulting non-governmental organizations on local self-government development programs and draft general acts adopted by the Assembly**

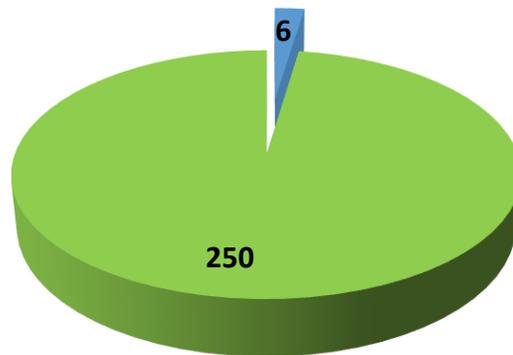
The main form of consulting NGOs in the decision-making processes used by municipalities in the reporting period was public debates. The procedure of prior consultation of the interested public, which is an important form of consultation before drafting a document and aims to examine the attitudes of citizens on issues that will be regulated by this document, was applied when drafting a small number of local acts and

programs in only three municipalities. The municipalities that have applied this procedure and shown a proactive approach in the process of consulting NGOs and other interested public are Budva, Berane and the Capital City Podgorica. These municipalities have published on their websites a total of 6 calls for prior consultations of NGOs and other interested public during the drafting of local acts, as well as all reports on the conducted procedures of prior consultation.



In order to draft the highest quality local acts, it is necessary to conduct both forms of consultation. The small number of conducted prior consultation procedures during the drafting of local acts represents a negative trend, especially having in mind that the municipalities organized a total of 250 public hearings in the reporting period. The reasons for this situation are insufficient understanding of this procedure and its differentiation from public hearings by local officials, as well as the fact that in certain municipalities the Decisions on local participation do not regulate in detail the procedures for conducting this form of consultation. Also, the representatives of the local government point out that the cause of this situation is the insufficient interest and participation of non-governmental organizations in the previous consultation procedures that they organized in previous years.

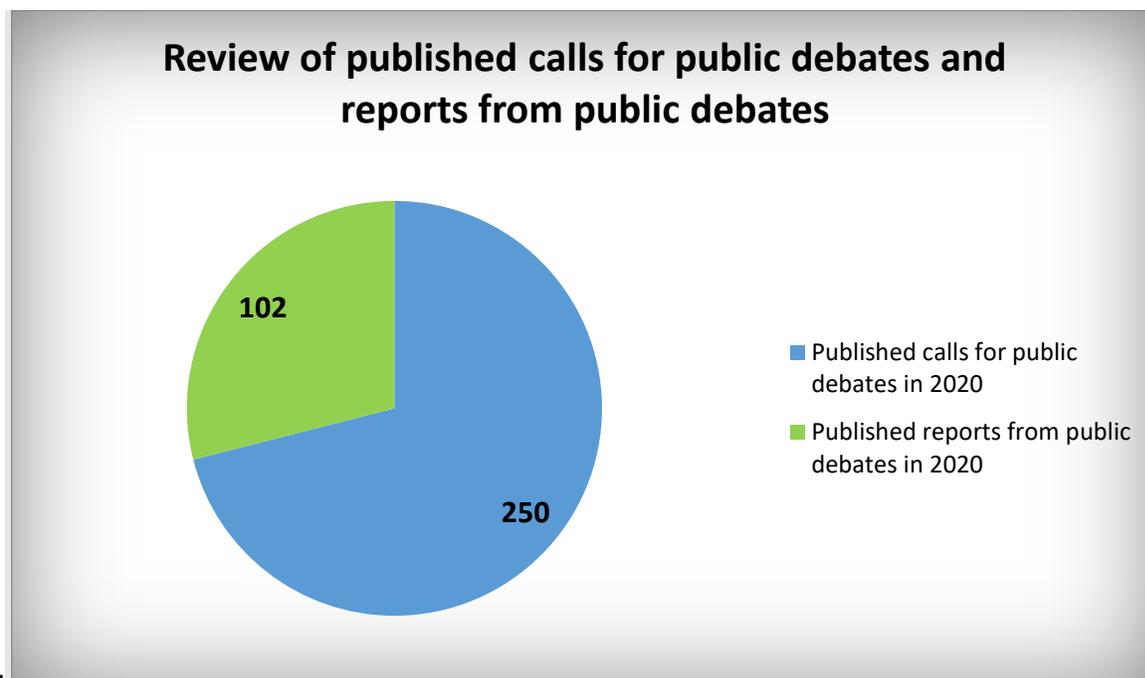
Ratio of previous public consultations and public debates



■ Number of previous public consultations in 2020 ■ Number of public debates in 2020

When it comes to public hearings, in the reporting period, a total of 250 public calls to participate in public hearings on 274 draft local acts, plans and programs were published on the websites of municipalities. However, the selective application of the obligation to prepare reports from public hearings and their publication on municipal websites is still evident, bearing in mind that a total of 102 reports on conducted public hearings were published on municipal websites. A positive example of local governments that have published reports from all conducted public hearings on their websites are the Capital City Podgorica, Plužine, Herceg Novi and Budva. On the other hand, the municipalities of Andrijevica, Berane, Gusinje, Nikšić, Plav, Petnjica, Rožaje and Žabljak did not publish any reports from the conducted public hearings on the websites, noting that they submitted them by responding to free access to information. Most municipalities have a special section "Public hearings" on their websites, where they should regularly and in a systematic way update all documents on public hearings (public invitations, public hearing programs, draft documents, conclusions on drafting and reports from public hearings). However, this is not the case and most often these documents are published in various sections such as current affairs, notices, advertising page, materials for assembly sessions, etc. which makes their search difficult. A positive example in this context is the site of the municipality of Plužine, where all information on public hearings is grouped and systematized by year on a special link of the public hearing. In addition to the above, there are noticeable shortcomings in terms of the content of reports from public hearings, bearing in mind that some reports do not contain a detailed overview of all received comments, proposals or suggestions of participants in public hearings, summary of comments and views on acceptance. In the municipality of Gusinje, most reports are handwritten. Positive examples, in terms of the quality of reports on conducted public hearings, are the reports of local government bodies in the municipality of Budva and the Old Royal Capital Cetinje. The results of the research indicate that one of the key problems is the low

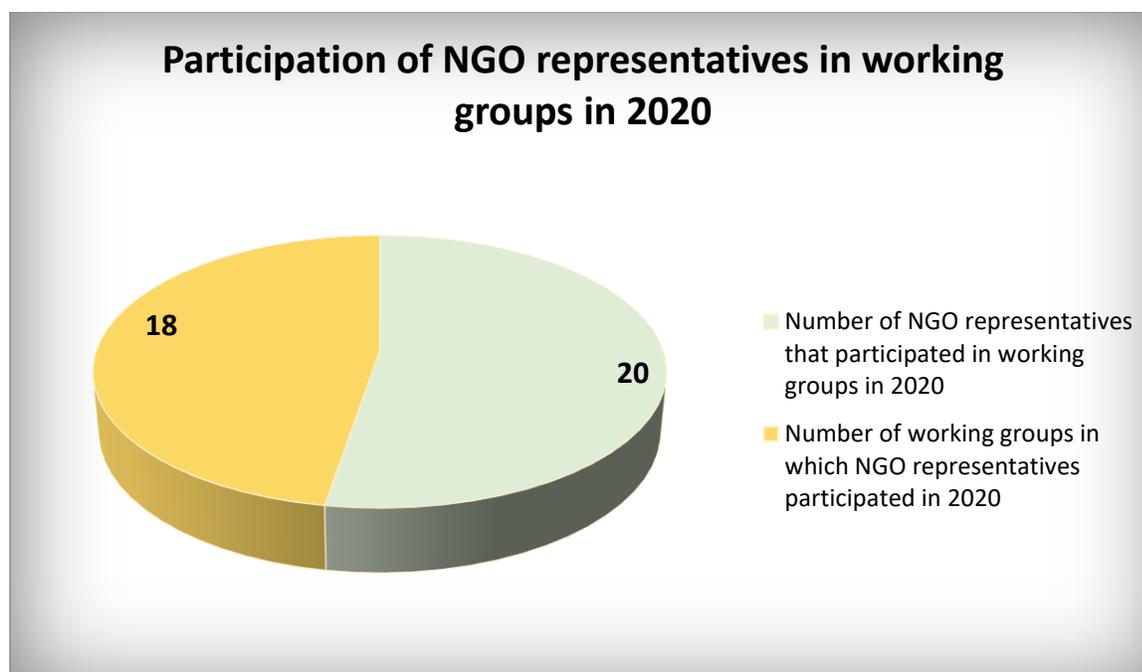
attendance of public hearings. This problem is a consequence of insufficient interest and motivation of the non-governmental sector to take part in public debates (except in decision-making processes that directly affect the interests of the civil sector), as well as their insufficient education about participation mechanisms and possibilities of their influence on decision-making processes. Also, the low attendance of public hearings in the reporting period was caused by the COVID-19 virus epidemic, but also due to insufficient efforts of local authorities and the lack of a proactive approach in informing the civil sector about public debates



- **Enabling participation in the work of working groups for the preparation of normative acts or the development of projects and programs**

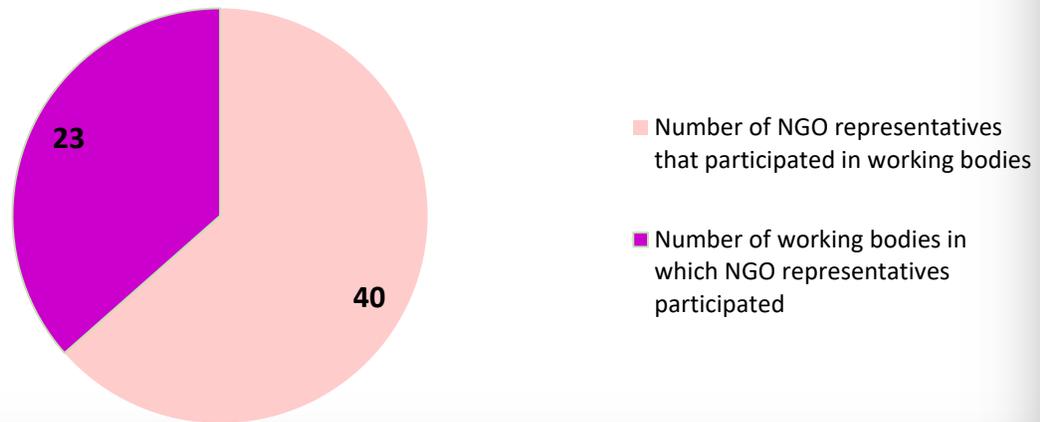
Local self-governments enable the participation of NGO representatives in the work of working groups for the preparation of normative acts or drafting projects and programs, in accordance with Article 174, paragraph 2, item 3 of the Law on Local Self-Government. Therefore, the research aimed to determine the extent to which NGO representatives participated in the work of working groups and thus cooperated with local governments during 2020. In addition to the participation of NGO representatives in working groups, the research aimed to determine the extent to which NGO representatives participated in the work of other bodies formed by local self-government bodies, such as the Council for Cooperation of Local Self-Government with NGOs and the Commission for Allocation of Funds to NGOs. etc.

Based on the obtained data, it was concluded that during 2020, 20 representatives of NGOs were elected to 18 working groups for the preparation of normative acts or drafting projects and programs. The key problem in the implementation of this form of cooperation is non-transparency in the process of electing NGO representatives in working groups. Representatives of municipalities in most cases include representatives of NGOs in working groups, contacting them directly on the basis of their previous cooperation and experience, and not on the basis of public calls to elect representatives of NGOs to the working group. This is a consequence of the lack of a systemic solution in most municipalities, ie decisions at the local level which regulates the process of electing NGO representatives and the criteria for their election in working groups. 7 local governments have made decisions regulating the criteria and procedure for electing NGO representatives in working groups: Capital City Podgorica, Bijelo Polje, Old Royal Capital Cetinje, Municipality within the Capital-Golubovci, Gusinje, Herceg Novi, Tuzi.



When it comes to the participation of NGO representatives in the work of other bodies formed by local governments, the data show that a total of 40 NGO representatives in 2020 participated in the work of 23 different working bodies formed by local governments. Of these 40 NGO representatives, 12 participated in the work of 5 Councils for Cooperation of Local Self-Government with NGOs, 5 NGO representatives participated in the work of 2 Youth Councils, 21 NGO representatives participated in the work of 14 Allocation Committees, 1 NGO representative in work of the Green Team and 1 representative of NGOs in the work of the Committee for the Protection of the City Park.

Participation of NGO representatives in work of working bodies in 2020



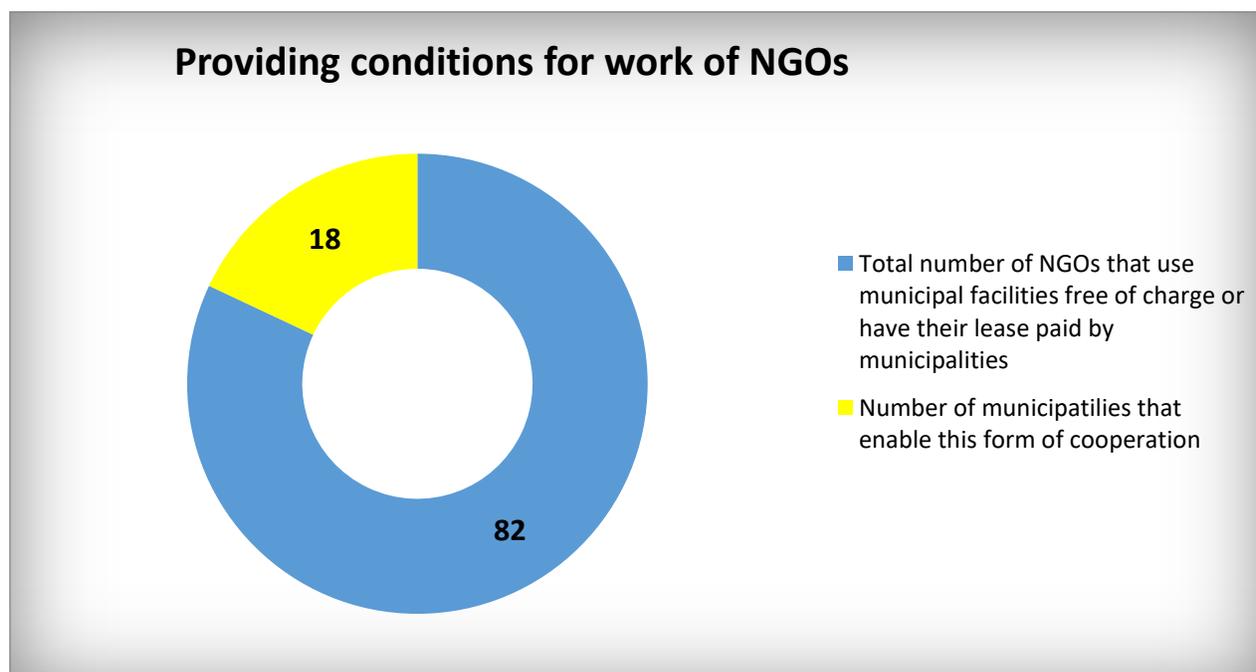
- **Organising joint public hearings, round tables, seminars, etc .;**

In most Montenegrin municipalities, there were examples of organizing joint events by local government / local government bodies and NGOs. Seminars, round tables, meetings of mayors or assemblies with NGO representatives, various lectures, events of humanitarian character and assistance to various marginalized groups, environmental actions, cultural activities, music festivals, theatre festivals for children, etc. were organized. Most joint events were organised in the municipality of Kotor and the Capital City Podgorica. In the municipalities of Gusinje, Mojkovac, Plav, Plužine, Šavnik and Žabljak, no joint events and activities were organised with NGOs. Representatives of these municipalities pointed out that the reason for that was the epidemiological situation caused by the Covid-19 virus.

- **Providing conditions for the work of non-governmental organisations, in accordance with the possibilities of local self-government**

Based on the data received from the municipalities, it was determined that a total of 82 non-governmental organisations use free of charge premises owned by municipalities as offices for work or municipalities pay them rents for business premises in which their offices are located. These organizations use the premises of municipalities free of charge or municipalities pay them rental costs for the premises used by organizations for work, based on various individual acts

such as decisions on the lease of real estate free of charge, decisions on lease of business premises free of charge, decisions on issuing long-term leases of business premises, as well as contracts on the transfer of the use of business premises. However, as indicated in previous reports, this way of allocating premises to NGOs for free use is non-transparent and subject to possible abuses because in most municipalities general local acts regulating transparent procedures and criteria for allocating municipal-owned premises for use by NGOs have not been adopted. Ultimately, the absence of such regulations brings other NGOs into a discriminatory relationship because they are unable to apply through a public competition for the use of premises owned by municipalities free of charge. The Capital City Podgorica and the municipality of Budva are the only two local governments that have adopted such general acts: the Decision on granting the use of property owned by the Capital free of charge and the Decision on leasing real estate owned by the municipality of Budva. Municipalities that do not or do not have premises that would provide free use of NGOs are the municipalities of Gusinje, Kolasin, Petnjica, Plav, Rozaje, Savnik and Tuzi, but representatives of these municipalities state that NGOs can use municipal premises for meetings and similar events.



- **Use of the "free chair" institute**

The "free chair" institute is a mechanism for the participation of representatives of local non-governmental organizations in the work of sessions of local parliaments. The conditions and procedures for the use of this mechanism are regulated in detail by the Rules of Procedure of the Municipal Assembly. The research findings show a very low degree of use of this mechanism,

which is a trend that has lasted for many years and calls into question the efficiency and expediency of this mechanism. According to the obtained data, it was concluded that the representatives of local NGOs used the right to participate in the work of local parliaments in six Montenegrin municipalities: Bar, Danilovgrad, Gusinje, Mojkovac, Tivat and Ulcinj. Only 6 representatives of local NGOs participated in the sessions of the municipal assemblies. It is necessary to note that it was not possible to determine how many NGO representatives participated in the work of the 4th session of the Municipal Assembly of Danilovgrad, because the Assembly Service only stated in its answer that the work of the Assembly sessions is monitored by NGO representatives through its representative in the Municipal Assembly sessions of the Assembly”, and it is also not stated in the minutes of the sessions who the representatives of the NGO are. Apart from the insufficient use of this mechanism by NGOs, it was concluded that some parliamentary services do not publish public invitations to register the participation of NGO representatives in assembly sessions, as well as materials for assembly sessions, which practically prevents the use of this mechanism. Representatives of NGOs cited as reasons for insufficient use of this mechanism: lack of information on the ways and possibilities of the impact of this mechanism, complex procedures for reporting and approving participation, short period of time for expressing opinions and addressing councilors; impossibility of reply, lack of feedback on their views, etc.

RECOMMENDATIONS

In relation to the above key findings, it is possible to report a general set of recommendations for improving the situation in the field of cooperation, the application and method of application of which depend on the specifics of local self- governments.

Informing about all issues important for non-governmental organizations

- Improve the information of NGOs on the websites of 11 municipalities by regularly updating the sections "NGO sector" with all information relevant to the work of the NGO sector (news, invitations to meetings, public invitations of NGOs to participate in working groups and public hearings, announcements of joint activities of municipalities and NGOs, approved projects, reports, documents regulating the cooperation between local governments and NGOs, necessary forms, etc.).
- Establish sections "NGO sector" on the websites of the remaining 14 municipalities that do not have such sections and regularly update them with all the above information relevant to the work of the NGO sector;

- In order to regularly and timely inform on all important issues, public calls, competitions, it is necessary to form joint mailing lists in all municipalities with local NGOs;
- Improve the capacity, proactivity and visibility of contact persons for cooperation with NGOs in individual municipalities. In those municipalities where no contact persons for cooperation with NGOs have been appointed, do so as soon as possible;
- Improve the communication of municipalities with the civil sector through social networks, which should be used as much as possible to inform about all important activities, as well as to promote the work of local government.
- Improve the visibility of internet presentations of all local self-governments and regularly update them with all information and documents of public importance for non-governmental organizations, as well as for the entire public.

Consulting non-governmental organizations on local self-government development programs and draft general acts adopted by the Assembly

- When drafting all programs / plans for the development of local self-government and general acts adopted by the Assembly, it is necessary to apply both consultation procedures: the prior consultation procedure and the public debate. In order to regulate the procedure of prior consultation in more detail, it is necessary to amend the existing decisions on the participation of the local population in the performance of public affairs in certain municipalities or to make new decisions. It is necessary to mention that the Ministry of Public Administration, the Union of Municipalities and CRNVO have prepared a Model Decision on the manner and procedure of participation of the local population in the performance of public affairs that can serve local governments in this regard;
- Improve the knowledge of local officials on the civil sector, all forms and mechanisms of cooperation (with an emphasis on the process of consultation and distinguishing the procedure of prior consultation from public hearings);
- Improve the knowledge of NGO representatives and citizens about the mechanisms of participation and the possibilities of their influence on decision-making processes;
- Improve the transparency of the public consultation process by publishing and proactively promoting public calls for prior consultations and public calls for organizing public hearings;
- Within the special sections "Public hearings" on the websites of municipalities, it is necessary to regularly and in a systematic way publish all documents on public hearings

(public invitations, public hearing programs, draft documents, conclusions on drafting and reports from public hearings);

- In addition to the regular publication of all reports from public hearings on the site, they should be submitted to participants in public hearings, in order to increase the interest of citizens and NGOs in the use of this mechanism. The reports should contain a detailed overview of all received comments, proposals or suggestions of the participants in the public debate, a summary of comments and views on acceptance, or the reasons for non-acceptance.
- Organize public hearings in rooms that are adapted for people with disabilities. Also, it is necessary to adapt the internet presentation of municipalities to visually impaired people.

Enabling participation in the work of working groups for the preparation of normative acts or the development of projects and programs

- Improve the normative framework for the participation of NGO representatives in working groups or other working bodies formed by the mayor or the head of local government bodies for the preparation of regulations and general acts, development of projects, development plans and programs, etc. In this context, it is necessary for 18 municipalities to make decisions that regulate in detail the process of electing NGO representatives and the criteria for their election in working groups and other working bodies. For the purpose of their adoption, the Model Decision on the participation of NGO representatives in working groups prepared by the Ministry of Public Administration, the Union of Municipalities and NGOs can be used.

Organizing joint public hearings, round tables, seminars, etc .;

- Organize more regular meetings of the President of the Municipality and the President of the Municipal Assembly with representatives of local NGOs, which is a legal obligation in accordance with the Statutes and Rules of Procedure of the Municipal Assembly;
- Organize joint public hearings more often, especially in context making decisions concerning the cooperation of NGOs and municipalities, because through the joint engagement of representatives of both sectors, the attendance of these events and the quality of discussion can be improved.

Providing conditions for the work of non-governmental organizations, in accordance with the possibilities of local self-government

- In order to transparency of this form of cooperation and equal treatment of local government towards all local NGOs, it is necessary for 22 municipalities and the city municipality of Golubovci to adopt general local acts that will regulate the process of allocating NGO premises for free use, ie. decisions on granting the use of premises owned by the municipality to non-governmental organizations free of charge. In this regard, the Model Decision on the procedure for allocating the use of premises owned by the municipality to non-governmental organizations prepared by the MPA, the Union of Municipalities and the CRNVO can be used.
- Consider providing or adapting facilities for shared use by multiple NGOs, in order to reduce maintenance costs and connect organizations.

Using the "free chair" institute

- It is necessary to simplify the procedure for the participation of NGO representatives in the sessions of municipal assemblies, ie the use of the institute "free chair", but also to harmonize the part of the Rules of Procedure of the Assembly, in the part related to the participation of NGOs in the work of assemblies. Annex to the Model "Rules of Procedure of the Municipal Assembly";
- Publish public invitations of NGOs to register for participation in the sessions of the Assembly, as well as materials for the sessions of the Assembly to enable their takeover, in order to create conditions for greater information of NGO representatives on topics discussed by the local parliament, in the work of the local parliament.

