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Analysis of the participation of civil society organizations in the process of European integration in 2022

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The content of this analysis is the sole responsibility of the Center for the Development of Non-Governmental Organizations and in no way reflects the views of the European Union.

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Introduction

The goal of the Analysis of the Participation of Civil Society Organizations in the European Integration Process in 2022 is to strengthen cooperation and dialogue between the civil society sector and state institutions and bodies in the field of the European integration process of Montenegro. The focus of the research is on the legal and institutional framework that enables the participation of representatives of non-governmental organizations in the negotiation process, information on how state authorities respect and implement the provisions of the Decree on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and conducting public consultations in the preparation of laws and strategies in this context, as well as the experiences of representatives of non-governmental organizations who participated in the working groups. The research methodology consisted of a review of publicly available information, requests for free access to information, as well as structured questionnaires for representatives of non-governmental organizations in working groups for conducting negotiations.

Although Montenegro does not have an official foreign policy strategy, accession to the European Union is defined as one of the priorities of foreign policy, through the Constitution of Montenegro, as well as numerous international obligations undertaken through a series of confirmed international acts. Montenegro's membership in the European Union, in addition to membership in the NATO alliance and good regional cooperation, represents one of the three foreign policy priorities of Montenegro.

Since the restoration of independence in 2006, there has been an almost tacit agreement among political actors in Montenegro about adherence to the values of the European Union and commitment to the EU accession process, which is largely conditioned by the high level of support for EU accession among citizens. The process of EU integration began with the signing of the Stabilization and Association Agreement in 2007, while accession negotiations were officially opened in 2012. As of 2020, when the last chapter 8 – Competition policy was opened, all 33 negotiation chapters were opened, and temporarily closed 3 - chapter 25 - Science and Research, 26 - Education and Culture, and 30 - External Relations.

With the introduction of a new methodology for the accession process to the European Union in 2020, which Montenegro accepted in the same year, the focus is on political issues and key reforms, to make the accession process more effective and dynamic. The legal *acquis* remains divided into chapters in the same way as in the previous period, but they are divided into 6 thematic clusters. Through the new

methodology, the focus is on the first cluster - fundamental chapters, which include: 23 - Judiciary and fundamental rights, 24 - Justice, freedom and security, 5 - Public procurement, 18 - Statistics, 32 - Financial control, as well as the functioning of democratic institutions, economic criteria, and public administration reform.

Through the new methodology, the European Union recognizes the weak dynamics of negotiations, bearing in mind that Montenegro, as the candidate that is currently the closest to EU membership, has been negotiating for 11 years. The slow dynamic is addressed through a series of changes, which include a focus on fundamental chapters, reversibility of the process, as well as sanctions for non-fulfillment of obligations. One of the segments of conditionality represents the possibility of reducing or increasing EU pre-accession support depending on the progress or regression of the candidate state, except for funds intended for civil society.

It should be noted that Montenegro is the only country in the process of accession negotiations to the European Union, which has opted for a model of cooperation with civil society that includes representatives of non-governmental organizations in the very structure of the negotiations. Taking into account the differences in the approaches of the countries in the region, the value of perfecting this model should be emphasized not only for Montenegro, but also for countries such as North Macedonia and Albania, which officially opened negotiations in July 2022, and have yet to define how they will involve civil society in that process. In addition to the negotiation model itself, it is important to pay attention to the specifics of both the state itself and civil society, to choose a model that will ultimately bring the best results.

Legislative and strategic framework

The participation of civil society in the process of European integration is defined by several laws, by-laws, and strategies:

The Law on Non-Governmental Organizations ("Official Gazette of Montenegro", no. 39/2011 and 37/2017) defines the concept of non-governmental organizations and sets out the basic rights and obligations of non-governmental organizations that are recognized through domestic legal acts as citizen organizations that aim to achieve common goals and interests. The Law on Non-Governmental Organizations is an important instrument because it defines the prerequisites for the existence of non-governmental organizations that have a central place in representing the public interest and a control function concerning state administration bodies and are recognized as an important partner in creating policies.

The Decree on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and conducting public consultations in the preparation of laws and strategies ("Official Gazette of the Republic of Montenegro", No. 41/2018) establishes the criteria and procedure for the election of representatives of non-governmental organizations to working groups and other working bodies which are formed by state administration bodies, as well as the procedure and manner of conducting public consultations in the preparation of laws and strategies. The impact of this regulation on the participation of civil society in the EU integration process is twofold: this act prescribes the conditions for the participation of representatives of non-governmental organizations in negotiating working groups that will lead negotiations with the EU, as well as in working bodies formed by state administration bodies in the preparation of laws and by-laws, through which representatives of non-governmental organizations contribute to the harmonization of the

legislation of Montenegro with the legal acquis of the European Union. On the other hand, this regulation defines the procedure and way of conducting public consultations in the preparation of laws and strategies, thus ensuring an inclusive process of deliberation in which the public should be proactively and timely informed about the public policies that are adopted, and all citizens should be enabled to submit their comments and suggestions on draft public policies. The mechanism of public consultations and submission of comments on public policy drafts is one of the mechanisms used by civil society organizations in Montenegro to influence public policies.

The Decision on the establishment of a structure for negotiations on the accession of Montenegro to the European Union ("Official Gazette of Montenegro", number 112/2022) defines the structure consisting of a College for Negotiations, Rule of Law Council, Negotiating Team, and Negotiating Working Groups for each chapter. Representatives of civil society organizations are included in the negotiating working groups and the Rule of Law Council, based on the Regulation on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and conducting public hearings in the preparation of laws and strategies. After the establishment of the Council in 2014, it did not include representatives of non-governmental organizations until 2020, when two representatives of NGOs joined. Based on the Decision on the establishment of the Rule of Law Council, whose task is to monitor chapters 23 and 24, from the year 2021, representatives of non-governmental organizations were not in the Council, as was the case during part of the year 2022. In July 2022, the new Decision on the Rule of Law Council defined one position for a representative of non-governmental organizations, which remained in the new composition from 2023, which includes one representative of non-governmental organizations.

Decisions on the formation of negotiating working groups for the preparation and conducting of negotiations on the accession of Montenegro to the European Union for each chapter are a formal act of establishing negotiating working groups and determining their personnel composition, as well as defining the rights and obligations of members of negotiating working groups.¹

The Strategy for Cooperation between State Administration Bodies and Non-governmental Organizations for the period 2022-2026² takes a long-term and strategic approach to the development of the legal, institutional framework, and organizational capacities of non-governmental organizations so that they can fully become a partner of state administration bodies in the creation of public policies, the process of accession to the European Union, as well as the provision of services and advocacy. The strategy is oriented towards the development of the capacity of non-governmental organizations, as well as the development of the capacity of state administration bodies for cooperation and ensuring the creation of an effective partnership between the two parties in the creation and implementation of public policies.

The strategy for informing the public about Montenegro's accession to the European Union for the period of 2019-2022³ recognizes non-governmental organizations as one of the key partners and multipliers due to the high level of interest, involvement in the negotiation process, and capacities,

¹ The mentioned decisions are available at: www.eu.me and www.sluzbenilist.me.

² The Strategy for Cooperation between State Administration Bodies and Non-Governmental Organizations for the period 2022-2026 is available at: <https://wapi.gov.me/download-preview/cc6fef07-782f-4b78-8b15-fa851ccc3abf?version=1.0>

³ The Public Information Strategy on Montenegro's Accession to the European Union for the period 2019-2022 is available at: <https://wapi.gov.me/download-preview/2340a0e9-3df3-4a9b-9d8f-866f25eec3b8?version=1.0>

which can contribute to the communication of the values of the European Union and the process of accession to the general public, using their already existing communication channels, participating in information campaigns in cooperation with state administration bodies (primarily the Ministry of European Affairs), primarily through its expertise and high level of trust of citizens. The Strategy envisages the inclusion of several representatives of NGOs in two bodies that deal with the monitoring of the Strategy and the coordination of communication activities - the Operational Body and the Consultative Body.

Guidelines of the General Directorate for Neighborhood Policy and Enlargement Negotiations (DG NEAR) for EU Support to Civil Society in the Enlargement Region 2021-2027⁴ emphasize the role of civil society in promoting and improving European values and principles through advocacy, monitoring, innovation, services, and supervision. The guidelines see the participation of the civil sector in the accession process as a factor that raises a deep understanding among citizens of the reforms needed to align with EU standards. Through Specific Goal 2.2 - "State administration bodies and institutions recognize the importance of civil society in social debates on policies and the process of EU integration", the guidelines define the participation of civil society as a corrective factor in the EU accession process and define the relationship of representatives of state administration bodies to representatives of civil society as a measure of achieving the stated goal. The guidelines themselves are based on a solid set of standards, which are rooted in the legal acquis of the European Union concerning the rule of law (from Chapter 23 – Judiciary and fundamental rights, and 24 – Justice, freedom and security), and other relevant international and European standards. The guidelines are aligned with the recommendations and positions of international organizations and intergovernmental forums and are applicable at the global level.

Institutional framework

Considering the comprehensiveness of the process of accession to the European Union, almost all institutions are involved in this process, while the central place in this system is occupied by the Ministry of European Affairs (MEP). Until the formation of the 43rd Government of Montenegro in April 2022, the area of relations between Montenegro and the European Union was under the jurisdiction of the Office for European Integration, when the Ministry of European Affairs was formed. Apart from the central role of the Ministry of European Affairs, each ministry separately coordinates the accession process within its jurisdiction, most often through a special directorate, directorate, or service.

Ministry of European Affairs coordinates the work of negotiating working groups for conducting negotiations on EU accession, as well as other working bodies under the jurisdiction of the MEA, and actively participates in their work. The MEA also monitors the fulfillment of assumed obligations within the EU accession process, acceptance of EU rights and obligations, as well as harmonization with the EU legal acquis.

Public policy concerning cooperation between state administration bodies and the NGO sector, regulation of the environment in which the NGO sector operates and public participation in decision-making are within the competence **Ministry of Public Administration**. As the Ministry in charge of this

⁴ Guidelines of the Directorate-General for Neighborhood and Enlargement Negotiations (DG NEAR) for EU support to civil society in the enlargement region for the period 2021-2027 are available at: <https://euresursnicentar.me/wp-content/uploads/2023/01/EU-Guidelines-for-Support-to-Civil-Society-in-the-Enlargement-region-2021-2027-MN-final.pdf>

sector, it is responsible for proposing and monitoring public policies and regulations, such as the Law on Non-Governmental Organizations, the Strategy for the Cooperation of State Administration Bodies and Non-Governmental Organizations, the Regulation on the Election of Representatives of Non-Governmental Organizations in the Working Bodies of State Administration Bodies and conducting public consultations in the preparation of laws and strategy. The Ministry also compiles annual reports on the application of acts and the functioning of mechanisms such as public consultations.

Negotiation structure

The negotiation structure includes the College for Negotiations, the Rule of Law Council, the Negotiating Team, and the Negotiating Working Groups for conducting negotiations by chapter.

College for negotiations consists of the Prime Minister, the Deputy Prime Ministers, the Minister of European Affairs, and the Minister of Foreign Affairs. Depending on the topic, that is, the chapter discussed at the session, other ministers, as well as members of the Negotiating Working Groups, can participate in the work of the College. The collegium considers proposals for negotiating positions, and after the procedure has been carried out in the competent working body of the Parliament of Montenegro, submits them to the Government for adoption.

Bearing in mind that the reform activities in the area of the rule of law are recognized as the most significant for Montenegro and represent the central point of the accession negotiations, in 2014 the **Rule of Law Council** was created. This body is characterized by representation at the highest political level and monitoring of the implementation of obligations in the area of Chapters 23 - judiciary and fundamental rights, and 24 - justice, freedom and security. The new methodology of conducting negotiations has put additional emphasis on the previously recognized importance of the rule of law for the entire negotiation process. In the Rule of Law Council, as the body at the highest political level, the Prime Minister acts as the Council's President, while the Minister of Justice and the Minister of the Interior are the Deputy Presidents of the Council. After the establishment of the Council in 2014, there were no representatives of non-governmental organizations in its composition until 2020, when two representatives of NGOs joined the composition. Based on the Decision on the establishment of the Rule of Law Council, whose task is to monitor chapters 23 and 24, from 2021, representatives of non-governmental organizations were not in the Council, as was the case during part of 2022. In July 2022, the new Decision on the Council for the Rule of Law defined one position for a representative of non-governmental organizations, which remained in the new composition from 2023, which includes one representative of non-governmental organizations. The special value of including representatives of non-governmental organizations in the Council is the representation of non-governmental organizations at the highest political level, and that within the Council they can directly advocate public policies to the holders of the highest public positions and decision-makers.

The negotiation team consists of the Vice-President of the Government for Foreign Affairs, European Integration and Regional Cooperation and the Minister of European Affairs, members in charge of special clusters of chapters, the Director General of the Directorate for Accession and EU Acquis, the Director General of the Directorate for EU Funds in the Ministry of European Affairs, and the Secretary of the Negotiating Team, who comes from among the employees of the Ministry of European Affairs. The negotiation team deals with the technical part of the negotiations with EU institutions and member states, considers and determines public policies of importance for the negotiations, informs the public about the negotiation process, and provides support to the Minister of European Affairs in the

negotiations. Non-governmental organizations are not represented in the Negotiating Team, given its technical nature.

State delegation led direct political talks and negotiations with member states and EU institutions, and participated in intergovernmental conferences. The last intergovernmental conference was held in 2021. The new Decision on the establishment of a structure for negotiations on the accession of Montenegro to the European Union from August 2022 does not foresee the existence of a state delegation.

Negotiating working groups for the preparation and conduct of negotiations on the accession of Montenegro to the European Union are formed for each individual chapter and participate in the monitoring and evaluation of the compliance of the legislation of Montenegro with the EU acquis, in the preparation of negotiating positions, in the preparation, implementation and reporting on the implementation of action plans and other documents of importance for the accession of Montenegro to the European Union, monitor and report on the implementation of benchmarks for the opening, temporary and final benchmarks in the development and revision of the Program for the Accession of Montenegro to the European Union, monitor and report on the implementation of the Program for the Accession of Montenegro to the European Union; participate in meetings of the subcommittee for stabilization and association, participate in expert missions and perform other tasks of importance for negotiations, with the support of state administration bodies and other bodies and institutions. Negotiating working groups are formed by Government Decisions. Each working group has a head, if necessary a deputy, and a secretary from among the employees of the Ministry of European Affairs. Within the negotiating working groups, subgroups may be organized that will deal with certain sub-areas of the legal acquis, which is managed by the head of the subgroup, in agreement with the head of the negotiating working group and the member of the Negotiating Team in charge of the chapter in question. Negotiating working groups also include representatives of non-governmental organizations that are selected through the procedure defined by the Regulation on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and conducting public consultations in the preparation of laws and strategies, while certain civil society organizations, some of which were founded as non-governmental organizations can be included by invitation, that is, outside the mentioned mechanism. In 2022, there were, at one point, a total of 37 representatives of non-governmental organizations in 33 negotiating working groups. Non-governmental organizations were not represented in equal numbers in all negotiating working groups: their representation depended on the activities and orientation of non-governmental organizations in individual areas of the legal acquis and interest in individual areas. The most representatives of non-governmental organizations were in chapters 11 - Agriculture and Rural Development (5 members), 19 - Social Policy and Employment (6 members), 23 - Judiciary and Fundamental Rights (6 members until September 2022, currently 3 members), and 27 – Environment and Climate change (5 articles). There were no representatives of non-governmental organizations in the working groups for chapters 1, 2, 3, 4, 8, 9, 12, 13, 16, 17, 21, 22, 25, 29, 30, 31, and 33.

Comparing the number of representatives of non-governmental organizations in the working groups for conducting negotiations by chapter, we will see that at the beginning of the negotiations that number was significantly higher - 59 representatives of NGOs in 2014, compared to 37 representatives in 2022.

Year	Number of NGO representatives in working groups for conducting negotiations
2014.	59
2022.	37

Table 1: a comparative overview of the number of NGO representatives in working groups conducting negotiations for 2014 and 2022

In the technical sense, during 2022, "working groups" functioned, which were renamed Negotiating Working Groups by the Decision on Establishing the Structure for Negotiations on Montenegro's Accession to the European Union from 2022, which also made other changes to harmonize the negotiation structure with new methodology. After the changes in the structure of the state administration with the adoption of the Regulation on the organization and mode of operation of the state administration⁵ the Ministry of European Affairs published a public call for non-governmental organizations to propose representatives as members of working groups for the preparation and conduct of negotiations on the accession of Montenegro to the European Union for all 33 chapters on 7th July 2022.⁶ Decisions on the formation of individual negotiating working groups resulting from the aforementioned Public Call were not legally binding before the end of 2022, and are therefore not relevant for the composition of working groups in 2022, but are relevant for the process of forming negotiating working groups that will operate from the moment of entering strength during 2023.

Regulation on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and conducting public consultations in the preparation of laws and strategies, reporting and its importance

(Negotiation) working groups for the preparation and conduct of negotiations on the accession of Montenegro to the European Union are formed under the Regulation on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and the conducting public consultations in the preparation of laws and strategies, that is, they represent the working bodies as described by the Regulation, and can be seen in a broader sense - in the capacity of one of the working bodies.

The participation of representatives of non-governmental organizations in working bodies is recognized as an important mechanism of participation, which tends to create a partnership relationship between representatives of NGOs and state administration bodies. This mechanism provides the opportunity for representatives of non-governmental organizations to participate in the process of adopting strategic

⁵ The Regulation on the Organization and Operation of the State Administration (Official Gazette of Montenegro, number 56/2022) is available at: <https://wapi.gov.me/download-preview/091d5e55-3917-4d7f-b30f-6faa2ae292e4?version=1.0>

⁶ The public call for non-governmental organizations to propose representatives for members of working groups for the preparation and conduct of negotiations for the accession of Montenegro to the European Union in 33 negotiation chapters on July 7, 2022, is available at: <https://www.gov.me/clanak/javni-poziv-nvo-za-predlaganje-predstavnika-ce-za-clana-icu-radnih-grupa-za-33-pregovaracka-poglavlja>

documents, laws, decisions, and other acts, and monitoring the implementation of public policies. In this way, representatives of non-governmental organizations contribute to the quality of the decisions made, increase the transparency of the work of working bodies, strengthen the partnership with the public administration, and also get to know the system better. One of the challenges that is recognized in practice is the dissatisfaction of NGO representatives due to the perceived inadequate status in the working groups, which is reflected in the disrespect of their views, overvoting, and lack of deliberation in decision-making. The aforementioned leads to the nominal inclusion of NGO representatives in the work, while their essential contribution is not reflected in the final results. In a logical sequence, such preconditions in previous practice may be one of the causes of the low level of interest of NGO representatives to apply for participation in working bodies, which is mostly on a volunteer basis, and that their time is better used advocating better public policies through other channels of influence.

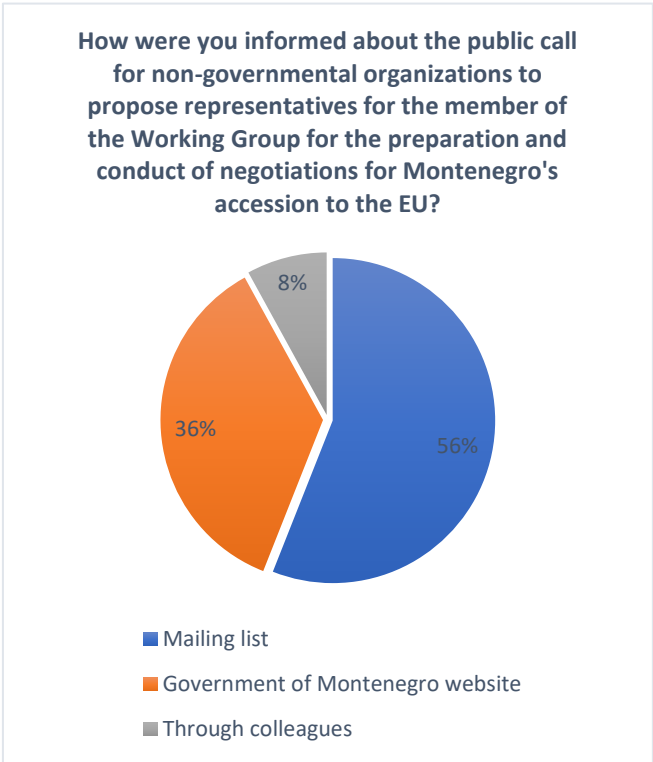
The Ministry of Public Administration annually prepares a report on the application of the aforementioned Regulation, and in this way monitors the extent to which representatives of non-governmental organizations are included in the working bodies established by the Government of Montenegro.⁷ The report itself contains basic quantitative and qualitative data, such as the number of published public invitations for the participation of NGO representatives in working bodies, the number of invitations for which a list of registered NGO representatives was published, the number of registered NGO representatives, the number of included NGO representatives. The report records percentage data with the above criteria, fluctuation trends compared to previous years, and interest or lack thereof in participation in certain working groups, but does not provide a deeper analysis of the reasons for the insufficient interest of NGO representatives in certain areas, as well as a qualitative analysis of the participation of NGO representatives in working bodies. The report records the need for a deeper analysis of the causes of such phenomena.

Experiences of members of working groups for the preparation and conduct of negotiations on the accession of Montenegro to the EU

The facts mentioned in the previous part also concern the (negotiating) working groups for the preparation and conduct of accession negotiations. Through a questionnaire filled out by 25 representatives of non-governmental organizations in working groups for the preparation and conduct of negotiations, we obtained their views and opinions, which represent an important aspect of this research. The questionnaire contained 24 questions that were aimed at assessing the functioning of the mechanism for the inclusion of representatives of non-governmental organizations in working bodies from the publication of a public call, informing the public about it, the clarity of the content of the specific call, its compliance with the Regulation, compliance with the deadlines in the procedure for the formation of working groups, general satisfaction participation in the work of the working group, exchange of information within the working group, access to the necessary documentation for work in the working group, dynamics of working group meetings, working group dynamics, the possibility of presenting one's views in front of the working group, the relationship of other members of the working group towards NGO representatives, self-assessment capacity to work in the working group, capacity

⁷ The report on the implementation of the Regulation on the selection of representatives of non-governmental organizations in the working bodies of state administration authorities for the year 2021 is available at: <https://wapi.gov.me/download-preview/6f757c50-4549-4073-91ec-6ca771ef287c?version=1.0>

of other members, assessment of progress in the given area, and recommendations of NGO representatives to improve work, relations and transparency of working groups.



Graph 1: How were you informed about the public call for non-governmental organizations to propose representatives for the member of the Working Group for the preparation and conduct of negotiations for Montenegro's accession to the EU?

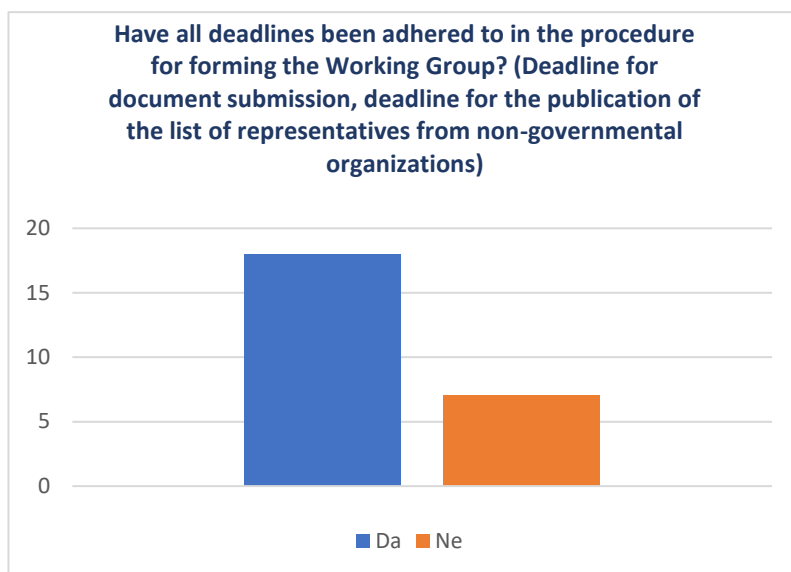
To the question "How were you informed about the public call for non-governmental organizations to nominate a representative as a member of the Working Group for the preparation and conduct of negotiations on the accession of Montenegro to the EU?" more than half (56%) of the respondents answered through the mailing list of the Center for development of non-governmental organizations, 36% of respondents got information through the website of the Government of Montenegro, while 8% of respondents received information from colleagues. Bearing in mind that it is expected that the majority of NGO representatives, who are already engaged in public policies, follow the Government's website, it is also expected that the Government's website will also provide information on the possibility of participation in working bodies. The fact that 56% of respondents receive information about public invitations through the CRNVO

mailing list indicates the importance of intra-sectoral communication, which is largely carried out through the aforementioned mailing list. The civil sector is recognized through the Public Information Strategy on Montenegro's accession to the EU as an important multiplier and partner in the process of communication with the public, especially vulnerable groups.⁸ The strategy recognizes the importance of the coordinated efforts of the Government and civil society to more effectively inform the public about the EU accession process.

Only 12% of the respondents claimed that there were Government activities aimed at better informing about the possibilities of participation in the process of accession negotiations, and according to the respondents, these related to media articles, announcements on the Government's website, and public campaigns. This percentage indicates the lack of results of proactive public information activities by the Government, which would help a greater number of citizens to be informed about the accession process and methods of inclusion in it.

⁸ The Public Information Strategy on Montenegro's Accession to the European Union for the period 2023-2026 is available at: <https://wapi.gov.me/download-preview/58ba7c98-325a-4897-99c0-4f712f0db4e9?version=1.0>

All respondents believed that the criteria, conditions, and method of application were precisely



Graph 1: Have all deadlines been adhered to in the procedure for forming the Working Group? (Deadline for document submission, deadline for the publication of the list of representatives from non-governmental organizations)

defined by the invitation, but 28% of respondents claimed that all deadlines within the procedure for forming the working group were not met - the deadline for submitting documents and the deadline for publishing the list of representatives of non-governmental organizations. According to Article 6 of the Regulation on the election of representatives of non-governmental organizations to the working bodies of state administration bodies and the

conducting public consultations in the preparation of laws and strategies, an NGO that meets the given conditions submits to the state administration body a proposal for a representative in the working body within

ten days of the publication of the public invitation, while in under Article 8 of the same Regulation, the state administration authority must publish the list of NGO representatives on the Government website and the e-government portal within seven days of the deadline for submission of proposals by NGO representatives.

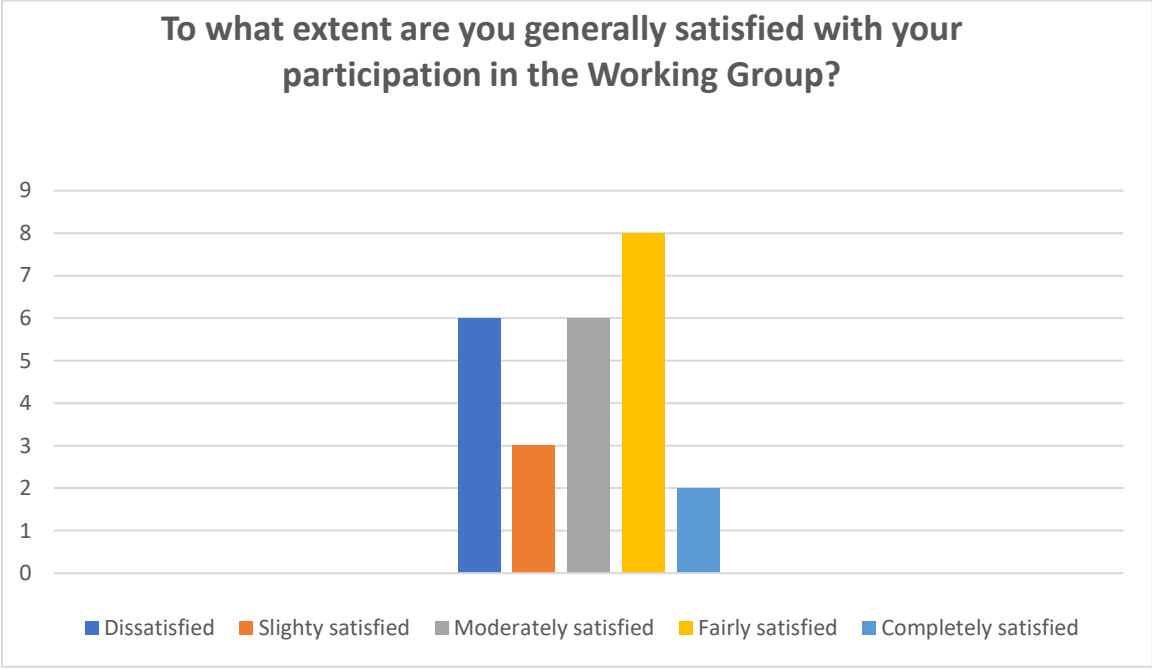
To the question "How much time passed from the formation of the working group to the first meeting?", the responses of the respondents varied from "a few days", over a month, several months, and even up to a year, and some working groups have not even met since their formation. In one case, the respondent was not even invited to the first two sessions, which indicates, to put it mildly, the significant negligence and failure of the working group coordinator in terms of communication with the members, but intention cannot be ruled out either.

According to respondents, the average number of working group meetings was 1.88 in 2022. In 6 cases, NGO representatives in working groups said that there was no session during 2022, and in 8 cases only once. In some groups, there were five, six, or seven meetings, but the average of 1.88 tells us about the low frequency of meetings in a large number of working groups. Bearing in mind that working groups have an important task of coordinating and monitoring the

Members of negotiation working groups reported that the average number of meetings in 2022 was 1.88.

harmonization of Montenegrin legislation with the acquis of the EU, this figure, as well as the low satisfaction of NGO representatives in working groups with the frequency of meetings (2.36 on a scale from 1 to 5), tells us about the need for by meeting more often, intending to accelerate the dynamics of progress. As many as 40% of respondents stated that they are extremely dissatisfied with the frequency of working group meetings. 36% of the respondents were extremely dissatisfied with the work dynamics of the working group, while the average rating on a scale from 1 to 5 was 2.4.

The average rating of general satisfaction with their participation in the work of the working group of representatives of non-governmental organizations was 2.88, on a scale from 1 to 5, and it was distributed: 2 representatives gave a rating of 5, 8 representatives a rating of 4, 6 representatives a rating of 3, 3 representatives a rating of 2, and 6 representatives rated 1. The (dis)satisfaction of representatives of non-governmental organizations with participation in the work of working groups, and working bodies in general, is a significant indicator, bearing in mind that it affects the future

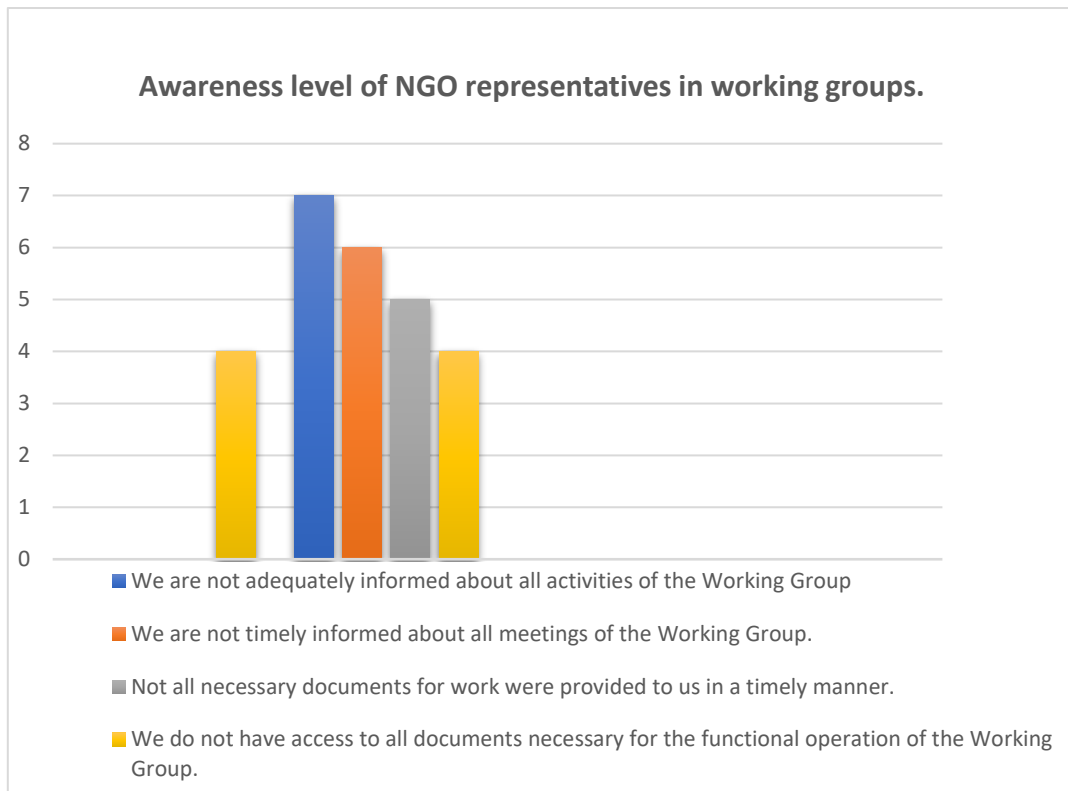


Graph 2: To what extent are you generally satisfied with your participation in the Working Group?

participation of civil society in working bodies established by the Government. There is an evident decline in the interest of NGO representatives in working bodies, which indicates the perception among NGOs that this type of involvement in the decision-making process is not productive.

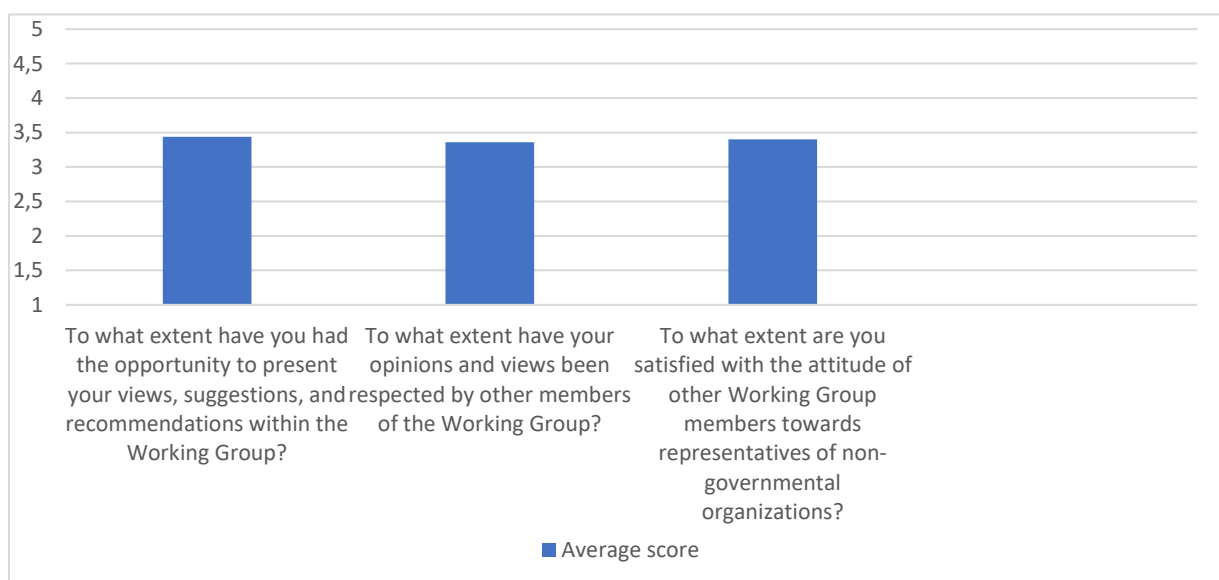
When asked about access to information, 28% of the respondents said that they were not adequately informed about all the activities of the working group, 24% of the respondents answered that they were not timely

about all the meetings of the working group, 20% answered that they were not provided with the necessary documentation on time work, and 16% claimed that they were not provided with access to all the documents needed for functional work in the workgroup. When asked about which documents access was denied, the respondents answered "all documents", "initial basis for the creation of new documents", and that the documents needed for the work were delivered before the very beginning of the working group's work. In the aforementioned situations, in which access to documents necessary for quality work within the working group is denied, NGO representatives are placed in an inferior position compared to other members, thus denying them the opportunity to contribute and present an informed opinion that will be a significant contribution to the work of the working group. In this way, damage is caused to the products of the working group itself, and to the motivation of NGO representatives to participate in the working bodies established by the Government.



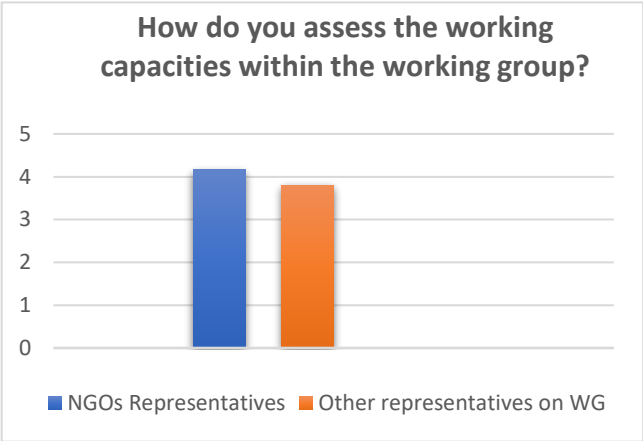
Graph 4: Awareness level of NGO representatives in Working Groups

To the question "To what extent did you have the opportunity to present your views, proposals, and suggestions within the Working Group?" 44% of respondents answered with the highest rating, i.e. that they had complete freedom to express their opinions and attitudes, and the average rating on a scale from 1 to 5 is 3.44. 40% of respondents considered that their views and opinions were fully respected, while the average score for this criterion was 3.36. A similar average score (3.4) is also in the answer to the question about satisfaction with the attitude of other members of the working groups towards representatives of NGOs, where 40% of the respondents answered with a maximum score - 5.



Graph 5: Relationship with other members of the working group

When asked about the self-assessment of NGO representatives' capacity to work in the working group, the majority (60%) of NGO representatives answered with a score of 4 on a scale of 1 to 5, while the average score is 4.16. Interestingly, no respondent gave a rating of 1 or 2, while 12% or 3 respondents gave themselves a rating of 3.



Graph 6: How do you rate your capacities/other members of the RG to work in the working group?

Contrary to the self-assessment, to the question "How do you rate the capacities of the other members of the Working Group?", the average rating is 3.8, which indicates that NGO representatives in the working groups, on average, consider the capacities of other members to be lower than their own.

The largest number of respondents believe that during the work of the working group, no progress was made in the given area, while the average rating is 2.36. This figure indicates a general perception of stagnation in the process of accession negotiations with the

EU among NGO representatives.

Respondents also had the opportunity to make recommendations for improving the transparency of work groups, and their suggestions related to timely updating of the eu.me website, organization of wider consultations with the participation of a larger number of people, defining criteria for improving transparency, through the transmission of working group sessions via youtube platforms, alike to Government sessions, greater and more creative promotion on social networks, publication of minutes from all sessions of all working groups on the eu.me website, and keeping more extensive minutes, especially when it comes to discussions.

With the aim of improving the position of NGO representatives in working groups, the interviewees suggested the following: that NGO representatives participate equally in all stages of drafting documents within the working group, that the views of NGO representatives be more respected, that adequate representation be provided at the international promotion of achieved results, through increasing the number of NGO representatives in the working groups, through the implementation of the principles of cooperation established through the strategy, financial compensation for work and covering costs, better insight into all activities of institutions within the given chapter with the aim of creating assumptions for informed participation, exclusion of NGO representatives who do not attend sessions and to be replaced by other representatives, and to include NGO representatives in the communication regarding the preparation of materials for the EC, for reports, subcommittees and the like, as opposed to the current participation, which mostly refers to warning the representatives of the institutions about the deadlines for submitting the necessary materials.

As special challenges in the participation of NGO representatives in the work of working groups for the preparation and conduct of negotiations on accession, the respondents singled out: the dysfunctionality of a large number of working groups, the decline of enthusiasm, especially in connection with the turbulent events at the level of the Government - especially when it comes to the

resignation of the Minister of European Affairs in November 2022,⁹ and the publication of the report of the peer review mission.

Conclusions and recommendations

Taking into account above all the turbulent and unstable political conditions, regional and global challenges, and initiatives that are viewed by the relevant power centers as incompatible with joining the European Union (such as the Open Balkans initiative, and the Economic Citizenship Program...), Montenegro was in 2022 (still is) in a transition period, both at the political and technical level, and it is not surprising that the functionality of the working groups was limited in most cases.

In addition to the numerous challenges faced by the civil sector as a whole, which from 2020 until today have included a strong outflow of quality personnel, the redirection of funds from the usual activities of NGOs to the fight against the pandemic, the change of government at the state and local level and their consequences, the lack of partnership relationship between state administration bodies and non-governmental organizations, as one of the results is a noticeable tendency of "fatigue" and lethargy among the more active representatives of non-governmental organizations, who do not see participation in the work of working bodies at all levels as a purposeful activity, and prefer to use their limited time to advocate better public policies through other channels.

The fatigue within the non-governmental sector had a significant impact on the interest of NGO representatives to get involved in the work of working bodies, and by using that mechanism to make a constructive contribution to the creation of public policies. The public sector of Montenegro faces a path of recovery and building trust, in which the partnership between state administration bodies and non-governmental organizations is particularly important, which would maximize the contribution of NGO representatives.

The Government of Montenegro through the Strategy of informing the public about the accession of Montenegro to the EU 2023-2026 recognized civil society as a key partner in the dissemination of information, and it is necessary to further strengthen this cooperation and work together to inform citizens about the possibilities of participation, about the EU accession process itself, and about the changes that the accession process brings us.

It is necessary to improve compliance with procedural deadlines, as well as access to information, timely and complete information primarily for members of working groups, so that the functioning of working groups is based on clear criteria and rules, and allows participants in the process to contribute informed views to the EU accession process on time.

It is necessary to invest additional efforts and resources for more frequent updating of the eu.me website and other communication channels, and a more creative approach to information, which would result in better information to the public and greater motivation of the public to get involved in the accession process.

One of the most commonly recognized problems - the frequency of meetings of working groups - represents a challenge for timely response to current affairs within the competence of the working group, dynamic work of the working group, as well as better coordination of activities between

⁹ Vijesti Portal: Jovana Marović Resigns from Positions in the Government and Party. Available at: <https://www.vijesti.me/vijesti/politika/632128/jovana-marovic-podnijela-ostavke-na-funkcije-u-vladi-i-stranci>

representatives of institutions within the working group, and it is necessary to take care of the frequency of meetings working groups with the aim of more dynamic work.

Bearing in mind that membership in certain working groups has more interests and that more NGO representatives want to participate in the work of these working groups, it is necessary to consider the mechanisms of rotating NGO representatives in case of their inactivity or being prevented from participating to the greatest extent in the work of the working groups.

The key recommendation for improving the work of all working bodies, especially concerning the relationship between representatives of state administration bodies and non-governmental organizations, remains a commitment to a partnership approach in joint work and improved communication to bring them closer together around common (public) interests.



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