

# European pulse

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## FOCUS

Can delays in the implementation of Action Plans for chapters 23 and 24 influence the pace of EU negotiations?

## Interview

Political analyst  
Davor Đenero

## Challenges in the EU

“Putinization”  
of Eastern Europe



Foreword:

## Have a cake and eat it



Vladan Žugjić

If it weren't spoken by the Montenegrin Prime Minister **Milo Đukanović**, the call for the European Union to provide more funds to West Balkan countries so that their authorities would work harder to strengthen the rule of law would have been sheer stupidity.

Unless he is planning to nominate himself for the Nobel prize in economics for having reversed one of the fundamental premises of market economy: that serious investors invest their money where they are sure it won't be extorted from them by criminals, corrupt officials, and judges who rather follow political orders than the law. Đukanović has already repeated his statement twice – once right after the Berlin conference on the Western Balkans, and once at the regional conference in Budva, “Economy as the basis for connections in Western Balkans”. He said that sometimes, by focusing too much on the rule of law, the EU disregards the wider context. “It is true that without the rule of law there will be too little investment and new jobs. But it is equally true that without at least a minimum of economic security and better labour market conditions it is difficult to strengthen the rule of law”, Đukanović explained, adding that it is high time to create a more generous investment framework for the Western Balkans, with the goal of improving infrastructural connections in the region.

How can a Prime Minister with 25 years in office say such things?

Is it begging camouflaged as populism? Possibly.

Or just a continuation of his eurosceptic turn, which first became apparent in the May 2011 interview to daily “Pobjeda” when he said he will not “make sacrifices” to the EU? Possibly.

An attempt at damage control in anticipation of harsh comments in the new Progress Report? Maybe.

Or: I can also raise funds from the Eastern neighbours who are not so picky about the rule of law. Anything is possible.

## Calendar

- 02 September **Mogherini: Enlargement to proceed, but progress depends on the candidates.** / EU enlargement to the Western Balkans ought to continue, but the specific advances in this process depend on the reforms in candidate countries, said the newly appointed head of European diplomacy, **Federica Mogherini**. “There are few places in the world where the EU plays such an important role as in the Western Balkans”, Mogherini told foreign policy committee of the European Parliament.
- 10 September **Johannes Hahn to replace Füle.** / Austrian commissioner **Johannes Hahn** will replace the former enlargement commissioner Štefan Füle in the new Commission, according to an announcement made by the president-elect of the Commission **Jean-Claude Juncker**. Despite earlier rumours that the word “enlargement” will be removed from the title of the directorate, the portfolio name changed only slightly, and its full title will now be “Directorate for Neighbourhood Policy and Enlargement”. Hahn is a doctor of philosophy and an experienced politician who served in the Austrian government first as a minister of science and later as minister of justice. In the previous Commission he held the office of the Commissioner for Regional Policy. Hahn will take over on 1 November, after the confirmation of the new Commission by European Parliament.
- 24 September **First money, than rule of law.** / Montenegrin Prime Minister **Milo Đukanović** said it was not easy to improve the rule of law without first meeting the minimum living standards and offering jobs to the citizens. At the opening of the Regional conference “Economy – the basis for connectivity in West Balkan region” in Budva he said that EU's message that there will be no enlargement in the next five years was demotivating. He also added that by insisting on the rule of law, the EU sometimes disregards the wider context. “It is true that without the rule of law there will be too little investment and new jobs. But it is equally true that without at least a minimum of economic security and better labour market conditions it is difficult to strengthen the rule of law”, Đukanović explained, adding that it is high time to create a more generous investment framework for the Western Balkans, with the goal of improving infrastructural connections in the region.
- 30 September **The region must not remain a black hole in Europe.** / EU Commissioner for regional policy Johannes Hahn reiterated the words of the president-elect of European Commission Jean-Claude Juncker that there will be no further enlargements during this commission's term. Hahn added that negotiations will continued with countries such as Serbia and Montenegro and that the region must not become a “black hole” in Europe, especially in terms of transport and infrastructure.

## Quality before speed



By: Johannes Hahn

President-elect **Juncker** has said that no further enlargement will take place over the next five years because it is time to consolidate what has been achieved among the 28 member states.

Realistically no partner will be fully ready in that period. But that does not mean a standstill in our activities; quite the opposite. My role will be to help prepare those countries who want to join the EU, ensuring that all the membership criteria are fully met. My time as Regional Policy Commissioner has shown me the necessity to prepare new members of the EU thoroughly for their future responsibilities.

I see three "make or break" issues for future enlargement negotiations: The rule of law and fundamental rights; the economy; and a properly functioning democracy. These three, alongside the necessary administrative capacity, are the essentials, and in our negotiations my motto will be "Quality before speed".

Early in my mandate I will bring forward proposals on how we can better support these priorities for reform. On justice and the rule of law, I will work closely with the First Vice President, the Commissioner for Justice, Consumers and Gender Equality and the Commissioner for Migration and Home Affairs. Tackling organised crime and corruption, public administration reform, independent and professional judiciaries: these are basics on which we cannot compromise. The same holds for fundamental rights: discrimination has no place in societies that wish to join the EU.

The second make or break issue is the economy, and our efforts to stimulate growth and job creation. I want to take a fresh look at the economic criteria for accession. Let's learn from the experience of our European Semester and ensure that our enlargement criteria truly support our partners in achieving the standards they will one day need as members, and in raising prosperity right now. For structural reforms to succeed and be sustainable, they must bring benefits people can see and understand. I will draw too, on reforms I introduced in Regional Policy, to encourage partners to pursue growth by identifying their competitive strengths, and targeting reform efforts in these carefully selected sectors. To build public support, we must

target the Instrument for Pre-Accession Assistance (IPA) and work with International Financial Institutions to create critical mass in the key areas, and generate more visible results.

The third fundamental is genuine and deep democracy. We count on the European Parliament, together with national parliaments, to contribute to the reform process in the enlargement countries - from fair elections, to genuinely independent media, and inclusive, transparent government. And I want to work even more closely with civil society to anchor reforms.

There will be no standstill in the enlargement process - indeed in some ways I want to step up our activities with pre-accession partners. We need to do all we can to promote regional cooperation and help solve bilateral issues. Our partners cannot progress on their European path if they do not overcome their legacy of the past first. We will do everything in our powers to stabilise the region, in particular by promoting an even deeper dialogue between Belgrade and Prishtina.

The countries of the Western Balkans need to be far better connected - among themselves and with the Union. This region must not be a blank spot on the maps of roads, railways and energy grids. It is in our mutual interest that the transport and energy infrastructure in the Western Balkans is aligned with the EU's transport and energy networks: sharing concrete objectives can help ease political cross-border tensions.

I also intend to use my experience as Regional Policy Commissioner to revitalise development and co-operation in the Balkans, drawing on the examples of macro-regions of the EU itself. This concerns especially of development of networks to ensure that investments are efficient, well-managed and well-targeted, as well as better designed regional mobility programmes that would aim to reduce the problem of brain drain and turn it into brain circulation.

*Source: excerpts from the speech by the new Commissioner for Neighbourhood and Enlargement policy in the European Parliament.*

Can delays in completing the commitments laid out in APs for chapters 23 and 24 affect the course of negotiations between Montenegro and EU?

## The gate closes



By: Svetlana Pešić

Despite the fact that Montenegro is lagging behind its commitments on chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) we should not expect the EU or the European Commission to block negotiations on these or other chapters in its next Progress Report on Montenegro, which is due in October 2014. However, if the delays continue and if there are no tangible results in the fight against corruption, the Commission or one of the EU member states could ask for negotiations to be frozen already in February 2015, when the Commission is supposed to conduct evaluations of Montenegro's compliance with the action plans.

For now it is clear that the extent of delays in implementation will force the Government to revise action plans for chapters 23 and 24 following consultations with the representatives of EC and EU.

“The revision is planned for the second half of the year, after the publication of the Progress Report. Our administration is not strong enough to implement everything we had planned, which is one of the reasons for delays in the implementation of some of the measures. Besides, the legislative process takes time. Perhaps in the future, if the trend continues, there will be more reason

*EC and EU could decide to interrupt negotiations at any moment, until the commitments are fulfilled for these two most important chapters. These are the chapters that demand the highest degree of political will. As far as I know, Montenegrin laws are generally good and the adjustments should be minimal. What the EC is insisting on are the results in practice, says the Supreme State Prosecutor of Croatia, Dinko Cvitan*

*Perhaps in the future, if the delays continue, there will be more reason to worry”, says Svetlana Rajković of the Ministry of Justice*

to worry”, says **Svetlana Rajković**, general director of Directorate for International Legal Cooperation and European Integration in the Ministry of Justice.

A Government review of biannual reports on the implementation of action plans for these two chapters shows that the number of unfulfilled commitments is higher for chapter 23 than for chapter 24. A cursory glance at the report on implementation of commitments in chapter 23 reveals significant delays in the drafting of laws on public procurement, anti-corruption and amendments to the law on lobbying, and in the implementation of the fight against corruption at the local level, transfer of inheritance cases to the notary offices, and in designing the Special Prosecutor's Office (SPO), popularly known as “Montenegrin USKOK”.

Minister of Justice **Duško Marković** recently announced that the SPO would not be, as was expected, established in November this year. He explained that the draft law on the Special Prosecutors' Office, together with a set of other laws on judiciary was sent by the Government to the Venetian Commission, at the request of the European Commission. “The period needed for the Venetian Commission to give its opinion was not factored into the original plan, and will necessarily cause delays with respect to the deadlines set in the action plans and the Government's programme for 2014”, Marković said. According to the Ministry of Justice, EC asked the Venetian Commission to review the laws as these are based on the standards of the Council of Europe, since there is no specific legal basis for them in the EU's acquis, except for the founding treaties.

Talking about Croatia's experience, the Supreme State Prosecutor of Croatia **Dinko Cvitan** said that delays in the implementation of commitments for chapters 23 and 24 could lead to a halt in negotiations on other chapters. With regard to the possibility of Montenegrin government revising the action plans for chapters 23 and 24, he said that EC could decide to interrupt negotiations at any moment, until the commitments are fulfilled for these two most important chapters. "These are the chapters that demand the highest degree of political will. As far as I know, Montenegrin laws are generally good and the adjustments should be minimal. What the EC

is insisting on, however, are the results in practice", Cvitan said. "EC allows the plans to be revised, as long as it is done in order to comply with their requirements", he added. Earlier, Cvitan used to serve as the head of the Bureau for Combating Corruption and Organized Crime (USKOK).



Dinko Cvitan

According to him, the Croatian special prosecutor and USKOK were included in the process of negotiations, and had consultations with EC experts at least twice a year. "I believe this was crucial for our ability to conclude negotiations on chapters 23 and 24 and I would recommend it to Montenegro as well – to include all relevant parties into the negotiation process. EC does not compromise on results, which in this case means eradicating corruption at the highest level of government. In this, we should not forget the local level – local chieftains who were the key problem in Croatia, and I believe also in Montenegro. They are the ones who adopt and amend the spatial plans, and make extensive public procurement decisions...", Cvitan said.

**Boris Marić**, senior legal advisor in the Centre for Civic Education (CCE) and member of the working group for the preparation of negotiations on Chapter 23 said that a big

*Unless we remove from the political stage those who obstruct the process, things will keep moving ever more slowly, until one day they grind to a halt", warns Slavko Radulović, president of the Committee for European Integration*

chunk of Montenegro's commitments laid out in the Action plan for this chapter had not been implemented in time, although the measures themselves were quite specific. He believes that the delays were partly due to over-ambitious promises, but also to the fact that political obstruction is pervasive, despite the public proclamations of political leaders who all swear by full cooperation and commitment to the implementation of the targets.

According to him, "progress" with regard to the fight against corruption and organized crime illustrates most clearly the need to revise Action plan for chapter 3 and adapt it to the real capacities of Montenegrin institutions.

"Deadlines for the legal grounding of a Montenegrin USKOK have all been breached, and just imagine how long it will take until these institutions are formally established and the legislation implemented in practice in a way that would produce tangible results", Marić warned. He also pointed to the lack of cooperation among public institutions and the chronic shortage of political will to turn commitments from the Action plan on chapter 23 into practice. "This will inevitably lead to a revision of commitments and the necessity to objectively assess the current capacities of Montenegrin public institutions. "Revision of the Action plan for chapter 23 is the least Montenegro can do at the moment if it wishes to maintain a minimum of credibility in the eyes of Brussels", Marić said.

**Miodrag Vuković**, MP of the Democratic Party of Socialists (DPS) thinks the delays are far from dramatic, but that implementation



has indeed been slower than expected. “Let me explain: the delays are not of such magnitude that they should throw us in Montenegro or our European partners into “depression” that would significantly affect the course of negotiations. The implementation has been going more slowly than expected, but every next step in this process opens up new questions and problems which we did not anticipate at the start of negotiations, but which must be tackled nevertheless. This is why there is a feeling at the moment, largely justified, that our institutions have been very slow in doing their job”.

At the Council for the Rule of Law, which was established in order to speed up implementation of the commitments laid out in the Action plans for chapters 23 and 24, it was concluded that delays in the implementation of these commitments should motivate those in charge to fully engage themselves with the process and take responsibility for the timely implementation of the commitments.

**Slaven Radunović**, president of the Committee for European integration in the Parliament of Montenegro expressed his hope that the EC will finally realise what the opposition MPs and civil society organisations have been

saying for so long – that this Government is only buying time and that it has no intention to turn its promises into reality. “How can we expect someone whose system of government is grounded in various forms of corruption, where ties with organised crime guarantee provide for enormous earnings, to fight effectively against these plagues and cut the branch on which they are sitting? Of course this will impact the future of negotiations. We heard as much from the French Senate’s rapporteur for Montenegro, president of the Committee for European Affairs **Simon Soutour**. His July report stressed that no other chapter will be opened until Montenegro shows progress on chapters 23 and 24”, Radunović said.

According to him, time has shown that the goals set in Action plans for chapters 23 and 24 have been unrealistic, a product of the desire to please Brussels rather than of rational consideration of all circumstances that might influence their implementation. “The lack of political will for genuine social reform is the main obstacle to the implementation of these APs, but also the chief problem for the process of European integration overall. To effectively meet our commitments, which are a precondition for the next step of negotiations, we must first remove from the political stage those who are obstructing the process. Otherwise, things will keep moving ever more slowly, until one day they grind to a halt”, Radunović warned.

Political analyst Davor Đenero on Juncker's and Hahn's comments on enlargement

## Nobody said you need five years to complete negotiations

The message of the new President of the European Commission Jean-Claude Juncker and the enlargement commissioner Johannes Hahn that there will be no further enlargement in the next five years have been misinterpreted in the Balkans, as in both Montenegro and Serbia it was generally taken to mean that these countries wouldn't even finish the accession talks by that time, says foreign policy

analyst **Davor Đenero**. Rationally speaking, we have to agree with the new President and commissioner. They did not say that no country will complete negotiations in the next five years, but we know that once the accession talks are concluded, before the decision on membership, the member states still need about two years to ratify the accession agreement. In

some member states, as in Belgium, the ratification procedure is very complex. In other countries the complexity may arise from the current political crisis, and there are plenty of European countries at the moment with unstable governments and tensions in their parliaments. Some of them have suffered more from the enlargement fatigue than others, and they are not ready to hurry the ratification process", Đenero told *European Pulse*.

### » *How did this process look for Croatia?*

During its accession period, Croatia was the first candidate country to undergo a thorough monitoring mechanism. Every six months, European Commission notified all member states on Croatia's progress in meeting the membership requirements, and only once these requirements were mostly fulfilled did some of the member states begin the process of ratification. Netherland and Germany took their time to even begin the process of ratification.

In other words, if you deduct the two years needed for ratification of the accession document,

*If you deduct the two years needed for ratification of the accession document, you see that what Hahn was actually saying is that it is unlikely that Serbia or Montenegro would complete the membership negotiations in the next three years.*

you could interpret Hahn's words as saying that it is unlikely that Serbia or Montenegro would complete the membership negotiations in the next three years. If we know that these negotiations have been getting ever more complex with every new round of enlargement, and that the body of EU acquis is ever expanding, his expectations strike us as more realistic.

Unfortunately, most member states do not consider enlargement a priority.

### » *Talking of politicians, what is your opinion on Juncker and Hahn?*

Juncker is, unfortunately, not among the European politicians famous for their support of enlargement. Hahn, on the other hand, is not a first class European commissioner. He is rather considered to be a capable administrator than a politician. During our own negotiations, Croatia had to deal with two enlargement commissioners: the ambitious politician **Olli Rehn** and the slightly less ambitious **Štefan Füle**. We didn't have much chemistry going with either of them.

You should remember, however, that although the enlargement commissioner is an important figure, it is essential to maintain good communication with other EU directorates, with the real administrators, not with the politicians. Politicians are there to create a good climate. In the course of negotiations, it is extremely important to work with directorates, with the European administration, and find allies among them.



Davor Đenero

» *After the Berlin conference on the Western Balkans and the appointment of Habn and Juncker, Milo Đukanović criticised EU on several occasions for not considering interdependence of the rule of law in the Balkans and region's economic development. According to him, countries plagued by high unemployment have greater difficulty maintaining the rule of law, which is why the EU should offer a more generous investment programme to the Balkans. If we know that the rule of law is the precondition for serious investments, would you say that his words are indicative of a shift away from EU as a result of the mounting pressure on Montenegro to fight high-level corruption?*

It is always good to criticise a head of state at home, but it is uncouth to criticise him abroad.

We should bear in mind that the EU is not in a good economic shape, and has no interest in setting up some Marshall Plan for the Balkans. The times when the candidate countries could count on generous assistance are gone.

All shortcomings of your rule of law system are also there in Croatia – the difference in the success and effectiveness of our judiciaries is a matter of nuances. Croatia still cannot guarantee its investors full legal security, and there is also the threat of an unstable tax framework which is often seen as the biggest obstacle to foreign investment.

However, we must separate the question of investment from that of EU accession. Investments available to us today mostly come from the private sources. Accession to EU and NATO is a form of insurance policy for investors: it indicates that the country in question meets at least some standards and criteria.

» *How about assistance from EU?*

We cannot expect some particularly large structural investments from the EU budget, but there may be some funds for infrastructure and energy strategy.

Montenegro, together with Albania and Croatia, had skilfully made itself part of the trans-Adriatic gas pipeline project. It is also good that Montenegro, Croatia, BiH and Albania are fighting hard for the construction of Adriatic-Ionic corridor, and it would be very good for Serbia and Montenegro to start working seriously on the reconstruction of the railway to Bar Harbour.

I thought **Vučić** put up a very successful performance at the Berlin conference.

*It seems to me that both Croatia and Montenegro, each in its own way, have lost some of their leadership position in the Balkans. Croatia as a member of EU, Montenegro as the first to open negotiations and as a country which not long ago seemed to be set to complete negotiations well ahead of Serbia.*

» *Speaking of the Berlin Conference on Western Balkans, what was Germany's main reason to organise such a large meeting?*

Unlike the other powerful European states which are more reserved towards Western Balkans, Germany has strong interest in the region. It has similar interests towards its eastern neighbourhood, towards Russia and the Caspian basin. Consolidation of the Balkans is, in some ways, consolidation of Germany's left wing. This is why Germany is ready to pull the Balkans ahead, but only under certain conditions, i.e. under the condition that the countries of the region implement, rigorously and continuously, the necessary economic and political reforms and follow economic policy model which **Merkel** is already trying to impose on the rest of EU. This cooperation initiated by Germany is far more pragmatic than the kind of cooperation the countries from this region would be able to generate individually. By neglecting its relations with Germany, Croatian administration has unfortunately missed out on the opportunity to play the part of an intermediary between Germany and the region, and Vučić seems to have been clever enough to step in instead.

» *So did the Albanian Prime Minister, Edi Rama?*

Indeed, but my impression is that Vučić came to Berlin best prepared.

It seems to me that both Croatia and Montenegro, each in its own way, have lost some of their leadership position in the Balkans. Croatia as a member of EU, Montenegro as the first to open negotiations and as a country which not long ago seemed to be set to complete negotiations well ahead of Serbia.

V. Žugčić

## How far behind is the former Eastern Germany



A quarter of a century after the fall of Berlin Wall, unemployment in what was once Eastern Germany reached the lowest level since the unification, but the differences from the former Western Germany are still visible.

Unemployment in the East is still over 10%, compared to 6% in the West. East German GDP was around 30% of the West German levels in 1991, whereas today it is around 65%, i.e. EUR 23.585 in the East, and EUR 35.391 in the West. The results of the opinion poll conducted by Infratest Dimap indicate that 75% of Germans from the former Eastern Germany believe that unification has been beneficial, an opinion shared by less than half of inhabitants of the western parts of the country (48%).

## CEOs make 131 times more than workers



Chief executives of big British companies were paid 131 times their average employee wage in the last financial year, according to a recent study.

The data of the independent High Pay Centre show a dramatic increase of CEO remuneration relative to the average pay in the UK over the last three decades. In 1998 CEOs of leading UK companies received around 47 times the average wage of their employees, while in the 1980s the ratio was between 13 and 44 times to one.

The gap is largest in the WPP, a world leader in advertising, whose CEO **Martin Sorrell** earns almost 800 times the amount of his average employee. Director of Next **Simon Wolfson** makes 459 times the average of his employees, but he pledged to give his annual bonuses to charity.

**Deborah Hargreaves**, director of the High Pay Centre which conducted the study, said: 'While government figures confirm that wages for ordinary workers keep falling, it's clear that not everyone is feeling the pain.' When bosses make hundreds of times as much money as the rest of the workforce, it creates 'a deep sense of unfairness', she warned.

## Calls for longer working hours in France



France should scrap its 35 hour workweek, raise the legal retirement age and lower the minimum wage if it hopes to bring down chronically high unemployment and stimulate growth, the country's main employer group Medef, reports *Euractiv*.

The proposal caused a stir among trade unions which reacted with outrage, and the government seems equally unwilling to extend the working time or touch the minimum wage. The employers, on the other hand, say their proposals would help Europe's second-largest economy create one million jobs over the next five years.

France's unemployment rate is above 10%, with nearly 3.5 million job seekers registered in July.

## Russia's sanctions and EU's milk



EU's sanctions against Russia have hit the European milk and dairy industries hard. Before the sanctions, EU exported over 250,000 tonnes of Edam cheese to Russia. Part of

the milk that was used to make these cheeses is now channelled into production of food with longer shelf life, such as powder milk and butter, said **Gerrard Calbrix**, the director for economic affairs in the French dairy industry association Atla. This resulted in falling prices. In France, a ton of skimmed powdered milk cost about EUR 2,400 in September, down from EUR 2,880 in August. Big supermarket chains are using the situation to lower the prices even further. German retailer Aldi recently announced that it reduced the price of a bar of butter from 99 to 85 euro cents.

Anniversary of the Centre for Development of Non-Governmental Organisations (CDNGO)

## 15 years of fighting for a strong civil society



*This September, Centre for Development of Non-Governmental Organisations (CDNGO) celebrated 15 years of work and existence. CDNGO's mission is to offer support for development of active citizenship and civil society organisations, foster inter-sectoral cooperation and promote citizens' participation in the development of public policies*

In the years of political and economic crises and turmoil, Centre for Development of Non-Governmental Organisations (CDNGO) sought to educate Montenegrin citizens, promote association and civic activism and often, together with its partners from non-governmental sector, warned, criticised, but also cooperated with the institutions and policy and decision-makers who appeared open to cooperation with the civil sector.

*"Given the specificities of our region, we still share the same or similar problems, but are also learning how to overcome them, through exchange of experiences and joint efforts. Our region's civil society did a lot in the course of turbulent transition years, and had maintained communication and cooperation even when the official authorities failed to do so. CDNGO always tried to bring the best practices and lessons learned throughout the region into its work in Montenegro"* said **Ana Novaković**, executive director of CDNGO at the celebration of the organisation's 15th anniversary.

Today, CDNGO coordinates the work of the Coalition for monitoring accession negotiations on Chapter 23; it also has representatives in the Council for Development of NGOs, Capital City's Commission for Cooperation with NGOs and distribution of funds to NGOs; National partnership for life-long entrepreneurial learning, Network for

Social Responsibility, Technical Committee for Social Responsibility, Operative body for the implementation of the Strategy for communicating with the public on Montenegro's accession to European Union for the period 2014-2018, Working group for the preparation of accession negotiations on Chapter 23 and many other bodies.

CDNGO has nine employees who are active on six programmes, and in 2013 alone its projects involved over 500 people, from the NGO sector and public institutions, as well as from the local governments and the private sector.

Among other, CDNGO offers services such as Daily News from the NGO sector, Announcements of events in the NGO sector, legal and financial advice, assistance in the registration process for NGOs, project writing, and many other services. It is also running three websites, has over 500 subscribers to its mailing list and over 3 200 followers on social networks.

*"Montenegro has a strong and very influential civil sector, and we are proud to belong to it, and we also hope that we have, to some extent, had a hand in its development and activities"*, said Novaković at the anniversary gathering.

*R. Mušović*

# Strengthen anti-corruption efforts at the local level



By: Nikola Đonović

Corruption is one of the most common topics in the Montenegrin public discourse, and the fight against corruption is a priority for public institutions, at least according to the strategic documents and statements of top officials. Local governments, which provide most services and are in charge of the common interest of the citizens, are especially vulnerable to corruption. Seeing the need for greater involvement of civil society organisations in this field, Centre for Civic Education (CCE) in cooperation with Institute Alternative (IA) from Podgorica, NGO Bonum from Pljevlja and NGO Nada from Herzeg Novi started the project “*Corruption at the local level – zero tolerance*” which they are implementing with support of the EU Delegation to Montenegro and with co-financing from the Norwegian Royal Embassy. In order to balance representation from the northern, central and southern parts of the country, the project covers 14 Montenegrin municipalities: Bar, Budva, Cetinje, Danilovgrad, Herceg Novi, Kolašin, Kotor, Mojkovac, Nikšić, Pljevlja, Plužine, Podgorica, Rožaje and Tivat.

One of the activities of the project was monitoring of the implementation of local action plans for the fight against corruption (LAPs) in 2009-2012 and 2013-2014, as well as the assessment of achievements to date, and of challenges which accompanied this process.



*Budva and Rožaje municipalities did not even adopt local action plans for 2013-2014*

Results of the monitoring studies suggest that preparations of local action plans for the fight against corruption and their adoption constitute isolated activities in the fight against corruption at the local level. Until July 2014, two out of 14 municipalities surveyed did not even adopt action plans for 2013-2014.

In the course of devising these action plans, the local governments did little to employ an objective and analytical approach, identify specific risks in their municipalities, include experts or develop comprehensive measures. This was true of both time periods under consideration. Strategic and operative aims, measures, activities and indicators have all been clearly defined by the Model of harmonised action plan for the fight against corruption in local governments and were to serve as a framework for municipal-level action plans. However, in most cases they were simply copied down in their original formulation. In that sense, Model AP must be complemented by specific measures and activities for each municipalities, especially in areas that are particularly exposed to corruption, such as *public procurement, public-private partnerships, urbanisation, local parliament and political corruption*.

*The municipalities kept to the original Model AP so literally that in some cases this resulted in illogical formulations, such as setting deadlines for the implementation of activities which expired even before the action plans were adopted. They also abounded with grammar mistakes, mislabelled tables etc. Deadlines for implementation are predominantly set as “continuous”, meaning there are no definite deadlines at all. Budgets for implementation are equally imprecise or even completely absent in some cases. Annual budgets of local governments do not contain specific items related to the implementation of activities from the action plans, which makes implementation all the more difficult, and*

## LOCAL SELF-GOVERNMENTS IN MONTENEGRO IN FIGHT AGAINST CORRUPTION

Report on implementation of local action plans for fight against corruption  
in 14 Montenegrin municipalities in the period 2009-2012 and 2013-2014



The project is financed by the EU and co-financed by the Royal Norwegian Embassy



*Greater transparency of local action plans could be achieved through involvement of representatives of the non-governmental sector and other stakeholders, especially in the early development stages*

corruption as a negative phenomenon. Even in these terms, however, the achievements are quite modest. One of the reasons is that the activities implemented so far were so limited that they did not require much engagement on the part of the local state employees, and claimed little funding. Tailoring the APs to the specific local circumstances will require further effort and willingness to apply lessons to date.

Further, to improve the quality of LAPs it is necessary to tailor action plans to each individual municipality. Namely, the APs must include the issues of employment, urbanisation with regard to allocation of construction licences, licences for other economic activities, inspection and communal oversight etc. Topics such as public procurement, concessions, public-private partnerships, the role of local parliaments and political corruption must be given additional elaboration with an eye of ensuring full transparency in these subject areas. Moreover, every municipality should be able to specify primary and secondary risks for emergence or existence of corruption, and based on these develop mechanisms for the prevention or eradication of corruption at the local level. It is also necessary to publicly appoint individuals who would bear the primary responsibility for their implementation, and clearly define these persons' rights and duties.

some of the activities were never implemented precisely for that reason (this refers to the period 2009-2012). Some municipalities had to request funds from the Ministry of Interior Affairs in order to finance these activities, which is evidence of bad financial planning, but also of the fact that municipalities do not perceive these activities as worthy of allocating own funding.

Turning to the effects of implementation of local action plans for the fight against corruption, it is possible to observe a certain decline in tolerance for corruption as well as a cultural perception of

Overall, the APs should be devised based on prior analysis and research into public opinion, and contain realistic deadlines for the municipal reporting to the Commission for oversight of implementation of LAPs. Local governments' budgets must clearly specify the funds that will be used to combat corruption at the local level.

## Chapter 21: Trans-European networks



By: Eliška Vesela

The notion of Trans-European Networks (TEN) refers to areas of transport, telecommunications and energy infrastructure. The eponymous acquis chapter refers to establishment and development of modern infrastructure which ties together the national networks, increasing their interoperability. The final aim is to enhance free movement of goods, people, services and capital, in order to exploit the full potential of the single market, strengthen connections within European Union and contribute to economic growth and job creation across EU.

The idea of Trans-European Networks emerged by the end of the 1980s in conjunction with the proposed Single Market. To ensure the freedom of movement within it for goods, persons and services it was necessary to link various regions and national networks making up that market by modern and efficient infrastructure. Trans-European networks are also a key element to the strengthening of economic, social and territorial interconnectedness, which is in itself one of EU's goals. Their development should help to reduce disparities between the levels of

development of different regions, as the growth of trans-European networks is also expected to contribute to economic growth and job creation. Interconnection and interoperability of national networks, as well as access to such networks, ought to be strengthened across the EU, paying special attention to peripheral regions.

EU activities in this area include adoption of guidelines covering the objectives, priorities, and broad lines development of trans-European networks. They also include identification of projects of common interest that could benefit from financial support of the Community budget, e.g. through feasibility studies, loan guarantees and subsidised interest rates. The EU can also contribute to the financing of such projects in EU member states through the Cohesion Fund, the EU through the TEN-budget line as well as the Structural Funds and Cohesion Fund. The European Investment Bank (EIB) has also greatly contributed to the financing of these projects through loans.

The Stabilisation and Association Agreement (SAA) between Montenegro and EU states that "Furthermore, cooperation may support the development of multi-modal infra-structures in connection with the main Trans-European networks, notably to reinforce regional links in South East Europe". Montenegro, as part of the Balkans, is a peripheral country, and it is obvious that development of trans-European networks will be of key importance for its successful integration into EU structures and the Single market.

EU policies with regard to trans-European networks are directed towards development of networks in three main areas – transport, energy and telecommunications – and their interconnection and interoperability.

Trans-European transport networks (TEN-T) include networks of roads, railroads, waterways, maritime transport infrastructure, systems of air transport, as well as legislation, strategies and administrative capacities in these areas.



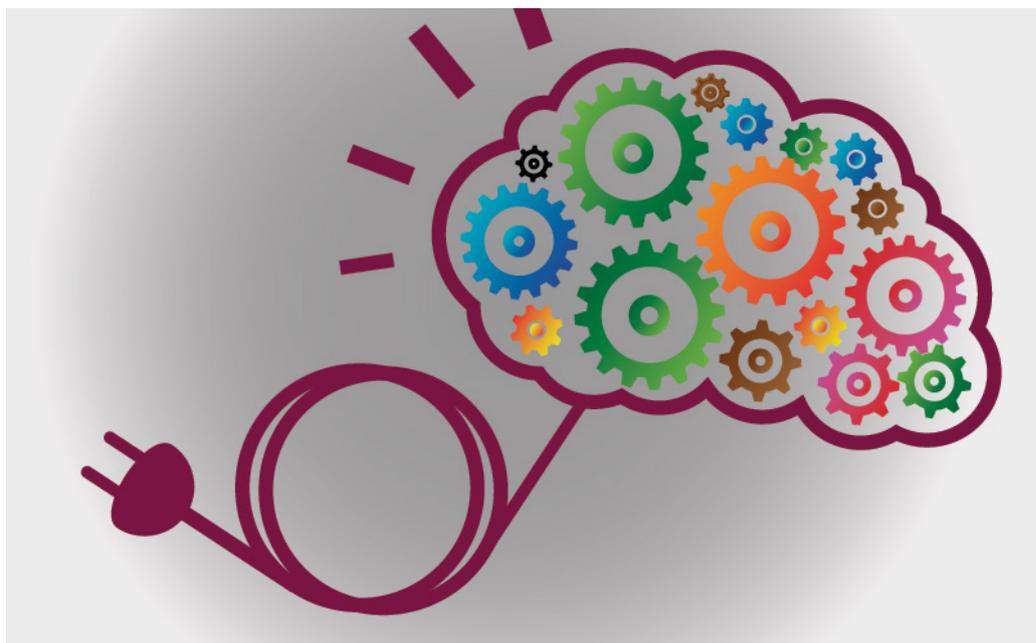


As for investments, national bodies ought to set up financial plans of investments and a budget programme. This is to serve as a basis for assessment of infrastructural needs and for setting the pace of future investments. Moreover, such documents should also serve to reveal to the international financial institutions the degree of national financial commitments before they mobilise financial assistance. Furthermore, all new investments in the countries candidates for membership must be in line with the directives on environment. This means that the authorities must perform Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) on every infrastructure project and strategy, as well as include the public in the development of such projects.

Alignment of transportation networks, administrative measures, security instruments etc. with EU standards must be accomplished in order to ensure interconnection with neighbouring countries. According to the EC Progress Report for 2011, Montenegro is showing limited progress in the areas related to TEN-T. Further efforts are needed, especially on improving road and rail links which are insufficiently developed. Capacities for maritime and air transport should also be increased to enable the country to cope with the growing demand in these sectors. Further investments are also necessary to meet EU standards, not only in infrastructure, but also in terms of administrative capacities.

Harmonisation of Montenegrin legislation is also essential for it to be able to draw on EU assistance for trans-European networks. Last, but not least, is the imperative of regional cooperation on TEN-T projects. Montenegro is party to the Memorandum of cooperation on development of the Basic regional transportation network in South-East Europe and participates in the activities of South-East European Transport Observatory. However, more effort is needed in the direction of joint development of regional projects with the neighbouring countries.

Progress regarding the trans-European energy network (TEN-E) was mainly related to improving electricity interconnection lines. A new overhead transmission line for interconnection with Albania came into operation, and in November 2010 Montenegro signed an agreement with the Italian company Terna to construct underwater interconnection cable with Italy. Public hearings were organised on the draft detailed spatial plan and the draft strategic environmental impact assessment concerning the overhead transmission line linking the coast (Lastva) with the north of the country (Pljevlja). Montenegro signed in May 2011 a Memorandum of Understanding and Cooperation with Trans-Adriatic Pipeline AG on exploring opportunities in the natural gas market, but so far this is the only step forward with regard to gas. The national transmission system needs to be updated and work remains to be done on a gasification strategy for the country. The next



task will be to develop alternative energy sources, required by the EU energy acquis, which also entails development of transmission infrastructure for these energy sources and connecting them to the existing network.

Trans-European telecommunication networks cover development of public electronic services. They consist of two programmes. The first, eTEN, was completed in 2006 and encompassed such issues as eGovernment, eHealth and eLearning. In the period 2007-2012 the EU launched Competitiveness and Innovation Programme (CIP) which supports, among other, the development of eServices.

*Montenegro has made little progress has been made in the area of trans-European networks. Regarding TEN-T infrastructure, further work remains to be done on improving road and rail links. With regard to TEN-E, interconnections with neighbouring countries remain to be developed, especially in gas infrastructure. Functional interconnectedness is also key to the opening of the Montenegrin energy market.*

*EU transportation networks help to achieve sustainable mobility and contribute to both competitiveness and welfare of EU citizens.*

*Alignment of Montenegro's transportation networks with those of EU is key to its successful integration into the European Union structures, especially with regard to the implementation of joint projects and the functioning of the single market.*

Return to authoritarian politics in the eastern members of European Union

## Putinization of Eastern Europe



Return to authoritarian politics is no novelty on the European Union's eastern borders. The spread of Russian influence in Ukraine and Moldova begs the question how far will the process of "Putinization" go in Hungary, Romania and Bulgaria.

Non-governmental organisation *Freedom House* has been ringing the alarm bells over the reversal of democratization process in the newest EU member states. Hungary had slid to the last place on the list of so-called "consolidated democracies", behind the Baltic states, Poland and Czech Republic. Bulgaria and Romania only make it into the group of "semi-consolidated democracies". What these countries have in common is that their rulers "systematically undermine democratic systems under the pretext of reforms". Already two years ago *Freedom House* had warned against putinization of East Central Europe.

*Romanian Prime Minister Viktor Ponta is often heard to say that the Romanian economy should turn to the east due to "the permanent recession of the Eurozone"*

*Hungarian Prime Minister Viktor Orbán talks about "foreign interests against our people", egged on by the "international financial circles". By this he means civil society activists, whose offices are being searched and their documents and computers confiscated.*

**Günter Krichbaum**, head of the European Committee in Bundestag the term "Putinization" is unfortunate because the leaders of Hungary, Romania and Bulgaria are not comparable to Putin. "Despite some blemishes, each has arisen via democratic elections", Krichbaum told *Deutsche Welle*, but added that some developments in these countries are indeed a challenge for EU. "It's a matter of credibility: do we only propagate European values such as freedom, democracy and rule of law from the outside – say, during the enlargement process – or do we also live them and adhere to them internally", Krichbaum said.

Hungary was long considered a star pupil of European integration, but these times now seem like ancient history. Under the baton of its confident Prime Minister, **Viktor Orbán**, Budapest is drifting towards authoritarianism. Orbán's speeches to the public could have been written by Putin's ghost writers: they are awash with enemies of Hungary, "foreign interests against our people", egged on by the "international financial circles". By this he means civil society activists, whose offices are being searched and their documents and computers confiscated. Orbán openly admits that he considers Russia an example to follow, and among his other role models are Turkey and China.

Romanian Prime Minister **Viktor Ponta** is



following the same examples. He is often heard to say that the Romanian economy should turn to the east due to “the permanent recession of the Eurozone”. On 2 November, Ponta’s name will be on the list of candidates for the presidential elections. He is the candidate of the post-communist Social-democratic party, but had recently surprised the public with a confession of his religious feelings. He had professed, across numerous TV appearances, his pride in running for the office as an “orthodox Romanian”, a blatant attempt to discredit his biggest opponent, member of the German Lutheran minority **Klaus Iohannis**.

The situation is not much better in Bulgaria. It was only a matter of time, and it happened in May this year: the German government warned against excessive Russian influence on Bulgarian politics. The warning appeared in an internal file that was leaked to the German press. It said that Bulgarian socialists are run by the old communist cadre, agents of the old secret services and tycoons who are doing business with Putin’s oligarchs. It is also claimed that Moscow has a direct influence on Bulgaria’s legislation. Bulgaria has also rushed the construction of the South Stream pipeline despite the objections from Brussels. The blocking of this project is one of the key bones of contention ahead of the snap elections on 5 October.

Erosion of democratic values in three European

*An internal file of the German government that was leaked to the media said that Bulgarian socialists are run by the old communist cadre, agents of the old secret services and tycoons who are doing business with Putin’s oligarchs*

Union member states is not necessarily linked to Russia’s influence, says political scientist **Kai-Olaf Lang** of the *Foundation for Science and Policy* in Berlin. I would rather say the causality runs the other way: partial dismantling of liberal democracy and the lack of transparency are creating space for other influences, including by Russia and other eastern powers”, Lang told *Deutsche Welle*. He also warned that European Union must draw a clear line between processes it considers inappropriate but is willing to tolerate and those that constitute a threat to the foundation of democracy. In the latter case, it must also be willing to employ sanctions.

German MP is also asking for a differentiated approach. His proposal is to have a regular monitoring of the development of democracy and fundamental rights in all EU member states - What I personally have in mind - similar to the Commission's EU Justice Scoreboard. “This is not to deny that in this we are stepping into ambiguous territory, as the EU member states are sovereign countries that possess a wide space for manoeuvre in regulation of their internal affairs”.

*Source: Deutsche Welle*

Conference in Berlin seeks ways to spur economic recovery in the region

## Are the Balkans ready for EU's help?



By: Vladimir Gilgorov

What are the means available to the European Commission and the European Union member states? What are the problems facing countries of the Western Balkans? We should distinguish here between two groups of countries. The first consists of Serbia and Bosnia and Herzegovina, perhaps even Croatia, which only recently joined the EU. These had stagnant or negative growth record in the last six years, between 2009 and 2-14. They are also not expected to have a particularly impressive recovery in the next few years, and maybe even for a longer period. This may, to some extent, also depend on what they agree on in Berlin.

The second group consists of Albania, Montenegro, Kosovo and Macedonia, which have done better, such as Montenegro; or even much better – this is especially true of Kosovo, which grew at above 5% per year on average since the start of the crisis in 2009. These countries should also recover more quickly in the next few years, at a real growth rate between three and four percent per year. This, however, also depends on EU's additional involvement.

In what? If we look at the state of the region, it is clear that in the last five–six years the biggest problem comes from the decline or stagnation of industrial production, and a near-universal fall in investments and employment, the only exceptions being Kosovo and Macedonia. The only improvements have been seen in exports (except in Croatia), largely due to a reorientation from domestic to foreign markets. Again, there are some exceptions, such as Serbia's automotive exports and Montenegro's tourism. At the same time imports have been falling everywhere except in Albania, Macedonia and Kosovo. Emigration is also on the rise, but we lack precise estimates.

Why is the external support necessary?

*EU investors may not choose to invest in small Balkan countries, but the region as a whole is not all that small. There are too many borders and the transport costs are relatively high, but this only highlights the importance of investing in infrastructure. And that is certainly something the EU can do*

Because there are few domestic policy tools available. Since 2008, public debt as proportion of GDP has increased everywhere, although the rise has been steeper in Croatia and Serbia than in other countries, and is practically negligible in Kosovo. Foreign debt has also increased relative to GDP. The first trend limits the scope for fiscal policy, the second for monetary and exchange policy. Moreover, the entire region is facing deflationary pressures, which undermines investment and spending, and the falling revenues are making things more difficult for the public finances. Add to this the growing problem of liquidity and the rise in non-performing loans, especially in Croatia and Serbia, and it becomes clear that there is little to be done that could lead to improvements in the short term.

We can expect, undoubtedly, reforms of the macroeconomic policy and especially of regulation of practically all markets, as well as of the overall system of governance and management, which is bound to influence investment positively. However, in the long run, the growth of sales in foreign markets should grow faster than in the domestic ones, as the financial and fiscal consolidation will likely take a while. And in this, the EU single market occupies a very prominent spot.

Another limiting factor is the situation of small and medium enterprises. They are mostly



focused on the domestic market and have little innovation capacity, which means that they do not offer new products and are not striving to improve quality. These companies make up more than 90% of all firms and, nearly everywhere, around two thirds of employment. This means that it will be difficult to change the structure and export orientation of the economy unless there is greater entrepreneurship in small and medium firms. They should also produce tradable goods, i.e. goods that can be exported, which means we should especially focus on increasing industrial production. This would certainly require greater investment, and lead to increase in employment.

Do European Union and its member states have the means to bring about these changes and influence economic growth of the Balkan countries? When it comes to investments, there is no shortage of money, as industrialized EU members enjoy positive trade balances, which means that their firms have to invest abroad.

They may not, of course, choose the small Balkan states as their investment destinations, but the region as a whole is not too small. There are too many borders and the transport costs

*European Union and its member states have enough tools to support economic recovery in the Balkans. But whether or not the Balkan states are a ready partner is far from certain. They will need political transformation which is still slow, insufficient and, to a large extent, undecided.*

are relatively high, but this in itself reveals the importance of investing in the infrastructure. And that is certainly something the EU can do.

Regulatory changes and financial consolidation would further support the investments, and the EU could help to ease the fiscal costs through instruments of macroeconomic support, not to mention the assistance of pre-accession funds. The latter could focus especially on supporting export-oriented small and medium enterprises, and on increasing energy efficiency and rural development.

Generally speaking, European Union and its member states have enough tools to support economic recovery in the Balkans. But whether or not the Balkan states are a ready partner is far from certain. They will need political transformation which is still slow, insufficient and, to a large extent, undecided.

The EU member states should offer what they can. If this is not enough for the necessary political decisions in the West Balkan countries, then never mind.

*Source: Pešćanik.net, Novi magazin*

## The role of arts and culture in the promotion and protection of human rights of LGBT persons

Panel discussion “*The role of arts and culture in the promotion of protection of human rights of LGBT persons*” was organized on 7 September 2014 in the Kuslev House in Podgorica. Queer Montenegro and the Festival of International



Alternative Theatre (FIAT) opened the discussion on the notion of *queer arts and culture* and their importance for the promotion and protection of LGBT persons' human rights. They also discussed the ways to involve artists in the process of developing a culture of human rights in Montenegro. What is Queer culture and art and how developed is it in Montenegro? Are the artists and the cultural scene in general aware and engaged with the human rights issues? What are the best artistic approaches and can art in itself generate a shift in social awareness towards a society more open towards difference and tolerance? These were some of the issues tackled during the panel discussion with the audience. The speakers were: **Marija Savić**, independent activists for human rights of LGBT persons in Serbia and BiH; **Janko Ljumović**, director of the Montenegrin national theatre; **Danilo Marunović**, director; **Milena Pejović**, PR of the Festival of International Alternative Theatre (FIAT) and **Danijel Kalezić**, president of the board of directors of the Montenegrin LGBTIQ association “Queer Montenegro”.

The discussion, together with the performance of the play “Merlinka” on the same day, are part of the project LGBT visibility against homophobia. The project is financially supported by the European Commission through the Centre for Civic Education (CCE) and Coalition for Equality (KORAK) as part of their programme “*Civil Society Networking against the threats to human rights in Serbia, Montenegro and Kosovo*”. **Petar Đukanović**, CCE programme coordinator, represented CCE at the panel.

## Protection against discrimination in the practice of the Montenegrin Constitutional Court



At the round table *Protection against discrimination in the practice of the Montenegrin Constitutional Court* on 9 September 2014 in Podgorica, a study was presented detailing the extent of alignment of the Montenegrin constitutional court's practice with the practice of supranational court institutions, primarily the European Court of Human Rights in Strasbourg and European Court of Justice in Luxembourg. The study provides numerous recommendations aimed at improving the jurisprudence of the Constitutional Court with regard to violations of the principle of non-discrimination. In addition to reviewing the court practice, the study also revisits the options for improving the legislative system, and for implementing European standards in the Montenegrin legal system. The meeting was opened by Prof. Dr. **Mladen Vukčević**, president of the Judicial Council of Montenegro, **Budimir Šćepanović**, judge of the

Constitutional Court of Montenegro, **Miodrag Pešić**, judge of the Basic Court in Podgorica and Dr **Ilija Vukčević**, executive director of Institute for Legal Studies (IPLS).

The round table was organised in the context of the project “*Types of discrimination in the practice of the Montenegrin Constitutional Court – a comparative analysis with practices of the European Court for Human Rights and European Court of Justice*”. The project is implemented by IPLS with the aim of further improving anti-discrimination policies in Montenegro. The project is financed by the European Commission through Centre for Civic Education (CCE) and Coalition for Equality (KORAK) as part of the regional programme “*Civil Society Networking against the threats to human rights in Serbia, Montenegro and Kosovo*”. **Petar Đukanović**, CCE programme coordinator, and **Svetlana Pešić**, programme associate, participated in the panel on behalf of CCE.

## Cadre-Contact



On 9 September 2014 in Podgorica, the Union of the Blind of Montenegro organised a conference during which it presented the trailer of the film “The Blind” directed by **Senad Šahmanović**. The goal of the conference was to draw attention of the public to the urgent need for reforms that would ensure greater social inclusion and equal participation of marginalized groups in Montenegro's cultural life. Theatre play “The Blind” on which the film was based already revealed the artistic potential of persons with disabilities and the possibility of cooperation with professional artists.

Speaking at the conference were actors from the play “The Blind” by Maurice Maeterlinck; director of the film; producer and director of ATAK **Dragana Tripković**; president of the Union of the Blind **Čedomir Lazić** and member of the board of managers of the Union **Božidar Denda**. **Daliborka Uljarević**, executive director of Centre for Civic Education and **Mira Popović**, programme assistant, represented CCE at the conference. The project is financed by EU delegation in Montenegro through CCE and Civic Initiatives.

## Remember, Ask, Unsettle

ANIMA – Centre for women and peace education organised on 21 September 2014 a performance *A day for peace* at the Republic Square in Podgorica, followed by a public debate on *Gender aspects of transitional justice* in the multi-media auditorium of the cultural centre “Budo Tomović”. The events are part of Anima’s project *Remember, Ask, Unsettle*, financed by the EU via Centre for Civic Education and Civic Initiatives (CI). The debate focused on developing and spreading knowledge on the need to recognise women’s suffering during and after the war. Speakers were **Daliborka Uljarević**, executive director of CCE, **Danilo Ajković** (HRA), **Ljupka Kovačević** and **Paula Petričević** from ANIMA.

The performance *One day for peace* was an expression of solidarity with all victims from territories ravaged by armed conflict. They also recalled the crimes committed on the territory of Montenegro and demanded justice for the victims.

The general aim of these activities is to raise awareness of the need for public action by women for peace, promote gendered approach to politics and raise visibility of women in the political community through a permanent commitment to the culture of peace and non-violence in Montenegro. Women from all over Montenegro participate in these actions.



## Media self-regulation in Montenegro

On 29 September 2014 Human Rights Action presented its fourth report “Monitoring of Journalistic Self-Regulatory Bodies in Montenegro”. The report is a result of their monitoring of the work of journalists’ self-regulation bodies in Montenegro in the period 1 March–1 September 2014. The authors of the report are **Dragoljub Duško Vuković**, responsible for the press and web media, and **Marijana Buljan**, in charge of central information programmes of five most popular televisions. The report was edited by **Tea Gorjanc Prelević**. This is the first and the final report of the project “Monitoring of journalistic self-regulatory bodies in Montenegro” that was implemented by Human Rights Action since 2012 with support of the UK Embassy to Montenegro. The goal of the project was to support journalists’, i.e. media self-regulation bodies in Montenegro in applying the Journalistic Code of Conduct objectively and evenly and thus protect human rights in the country. **Daliborka Uljarević**, CCE executive director and **Svetlana Pešić**, programme associate, attended the meeting on behalf of the Centre for Civic Education.

*A. Vujošević*

## Dulverton Scholarships for Graduate Students at the University of Oxford

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