



Centar za građansko obrazovanje
Centre for Civic Education



FACTS AND PREJUDICES

FINANCING OF NON-GOVERNMENTAL ORGANISATIONS
AND POLITICAL PARTIES FROM PUBLIC FUNDS



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INTRODUCTION

Publication *Facts and Prejudices – Financing of Non-governmental organisations and Political parties in Montenegro from Public funds* – is part of the project “For better public financing for NGOs!” funded by the European Union and Balkan Public Policy Fund, within the BCSDN “IPA Balkan CS Acquis: Strengthening the Advocacy and Monitoring Potential and Capacities of CSOs” project.

Facts and prejudices – *Financing of Non-governmental organisations and Political parties in Montenegro from Public funds* provides an overview of the legislative and institutional system of financing of NGOs from public funds, along with the recommendations which should be taken into account to improve the current state of affairs. Likewise, it reflects on practice in this area during the previous three years through the functioning

of existing mechanisms of financing, but also indicates on the phenomenon of discretionary decision-making in terms of the support to non-governmental organisations by state bodies. Furthermore, it reflects on regulations that regulate the financing of political parties and practices in Montenegro, as well as on the regional and EU level.

This publication is a result of months of research on the financing of non-governmental organisations and political parties from public funds in Montenegro. It was produced based on the analysis of the legislative framework within respective areas; reports of competent institutions, local self-governments, relevant NGOs in Montenegro; data received based on the application of the Free Access to Information Law; search of web pages of institutions/organisations; and media archives.

LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR THE FINANCING OF NON-GOVERNMENTAL ORGANISATIONS

*The Law on Non-governmental Organisations*¹ is the umbrella law regulating the functioning of non-governmental organisations (NGO), namely, the manner of establishment, registration and removal from the register, status, structure, financing and other matters of importance for the work of non-governmental organisations. As of April of 2015, overall of 3,589 non-governmental organisations and foundations² were registered in Montenegro, according to the latest press release of the Ministry of Interior, while the search of portal <http://www.dokumenta.me/nvo/> provided the information that 3,677 associations and 131 foundations, or the total of 3,808 were registered as of 26 January 2016.

IN MONTENEGRO,
THERE ARE
3.808
NON-GOVERNMENTAL
ASSOCIATIONS
AND FOUNDATIONS

Those who are essentially not familiar with the concept of non-governmental sector, often negatively reflect on this number in the public. Thus, it is interesting to have in mind the fact that, in 2015, 23,394 NGOs³ were registered in Serbia, 52,272 NGOs⁴ in Croatia, while more than 120,000 NGOs and 3,400 foundations were registered in Austria, around 600,000 NGOs and almost 21,000 foundations in Germany, and more than 600,000 NGOs and some 175,000 foundations in UK.

1 Law on Non-governmental Organizations, Official Gazette of Montenegro no. 39/11, came into force on 13 August 2011, and has been implemented from 1 January 2012

2 <http://www.mup.gov.me/vijesti/148409/U-Crnoj-Gori-registrovano.html>

3 http://www.balkanccd.net/novo/wp-content/uploads/2015/11/63-12-Report-on-the-Economic-Value-of-the-Non-Profit-Sector-in-the-WBT_final.pdf

4 <http://www.hkv.hr/vijesti/komentari/21012-zeljko-sakic-nevladine-udruge-u-hrvatskoj-u-sluzbi-lijevog-svjetonazora.html>

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The provisions related to the financing of non-governmental organisations prescribe as follows: “State provides the support to non-governmental organisations by ensuring the financial funds for the support in the Budget, and by introducing tax and other benefits to non-governmental organisations, pursuant to law”⁵. Moreover, Article 32, which guarantees financial support from the Budget, describes the manner in which those financial funds of Montenegro are allocated through the Commission for Allocation of Funds to Non-governmental organisations, appointed by the Government of Montenegro⁶, which, by the end of 2015, practically did not start to operate. Other than that, NGOs in Montenegro can compete for public funds on calls published by various institutions/commissions. In addition to Law on Non-governmental Organisations, NGOs can be financed from public funds in line with the Law on Games of Chances⁷ and Law on local self-government⁸. Also, Article 29 provides certain support, or “investment” in NGO sector, by envisaging the possibility of performing an economic activity if that activity is enlisted in register of economic entities, and if the annual revenue does not exceed the amount of 4.000 €, or 20% of total annual amount in previous calendar year. Additionally, profit from economic activity must be used on the territory of Montenegro for the implementation of objectives that respective NGO is established for, while any revenue exceeding the prescribed amount shall be allocated to Budget of Montenegro.

Institutional framework for the financing of NGOs comes down to the work of the Commission for Allocation of Part of Revenue from Games of Chance, which disposes with largest portion of budget determined for NGOs, followed by the Fund for the Protection and Exercising Minority Rights, budgets of the local self-governments and the budgets of state administration bodies. Nonetheless, there are other identified mechanisms, mostly discrete, of support to work of NGOs in Montenegro.

In terms of transparency, Law on Non-Governmental Organisations prescribes: “non-governmental organisation which, on all basis, makes an income higher than 10.000,00 € during a calendar year, is obliged to publish annual financial report, previously adopted by its competent body, on its webpage within ten days from the day the report was adopted”⁹. The Law also prescribes a sanction, and NGOs shall be sanctioned with 500 to 800 € should they fail to observe this provision¹⁰.

NGO Coalition “Through Cooperation to the Aim”, which consists of 101 non-governmental organisation from all over Montenegro, established the practice of regular publishing of annual reports of its member organisations with the goal of additional improvement of transparency of work of non-governmental sector¹¹. However, this area still has significant room for improvement, since according to the data of Centre for Development of Non-governmental Organisations (CRNVO), 54 NGOs had income of more than 10.000,00 € during the period from 1 January 2012 to 31 January 2014¹². Out of that number, 32 NGOs have their own webpage, and 25 of them published the reports. In other words, out of 52 NGOs that were obliged to publish financial reports, only half of them fulfilled their obligation. Still, it should be noted that a number of NGOs published their reports even though they were not obliged to do so, i.e. out of 160 NGOs that made an income less than 10.000,00 €, 31 of them has their own webpage, and nine published financial reports despite they were not obliged to do so.

5 Article 31 of Law on Non-governmental Organizations, Official Gazette of Montenegro no. 39/11

6 The law on non-governmental organizations, Official Gazette of Montenegro no. 39/11

7 Official Gazette of Montenegro no. 52/04 and 13/07

8 Official Gazette of Montenegro no. 42/03, 28/04, 75/05, 13/06, 88/09, 03/10 and 38/12

9 Article 37 of the Law on NGOs, Official Gazette of Montenegro no. 39/11

10 Article 42 of the Law on NGOs, Official Gazette of Montenegro no. 39/11

11 <http://www.saradnjomdocilja.org/index.php/dokumenta/izvjestaji>

12 Report on the Implementation of Law on Non-governmental Organisations in Montenegro (1 January 2012-31 January 2014), Centre for Development of NGOs (CRNVO): <http://www.crnvo.me/attachments/article/8969/IZVJEŠTAJ%20O%20PRIMJENI%20ZAKONA.pdf>

COMMISSION FOR ALLOCATION OF PART OF REVENUE FROM GAMES OF CHANCE

Concession fees from games of chance belong to the Budget of Montenegro and 60% of those funds are allocated for the financing of plans and programmes of organisations in areas of social protection and humanitarian activities; problems and needs of persons with disabilities; sport development; culture and technical culture; non-institutionalised education and education of children and youth; and fight against the narcotics and every form of addiction. **Commission for Allocation of Part of Revenue from Games of Chance** allocates at least 75% of revenue (out of the prescribed 60%) based on the Provision on the criteria for determining the users and manner of allocation of part of the revenue from games of chance¹³. Allocation is done based on the following percentages: social protection and humanitarian activities 12%, problems and needs of persons with disabilities 40%, sport development – 14%, culture and technical culture – 12%, non-institutionalised education and education of children and youth – 10%, and for the contribution in fight against the narcotics and every form of addiction – 12%. The Commission has its president and 14 members, whereby seven of them are representatives of Government, and the remaining seven are representatives of NGO sector, pursuant to areas supported by the Commission, appointed by the Government on the proposal of Ministry of Finances. The procedure of proposing a representative of NGO, based on the fields that Commission covers, and all of them are appointed by the Government at the proposal of the Ministry of Finance. The procedure of proposing NGO candidates, in line with the Provision, is conducted by the Office for cooperation with non-governmental organisations. Further, Provision prescribes that *“Members of the Commission, which are representatives of non-governmental organisations, cannot participate in the assessment of plans and programmes proposed by the organisation where they have labour contract, or if they are members of managing or advisory bodies of that organisation”*¹⁴. Funds allocated for the work of the Commission are secured in line with the Law on games of chance¹⁵, whereby 15% of total funds that are at the disposal of the Commission are available to public institutions and other non-profitable organisations, 10% for media pluralism programmes, and 3% of the remaining 75% for the administrative costs of Commission.

Commission allocates the funds once a year, on the basis of public competition, which should be announced by the end of first quarter of current year for a period of 30 days, and if the funds are not allocated within the first period *“Commission is obliged to announce a new Competition for the allocation of undistributed part of the funds within 60 days”*¹⁶. Once the plans and programmes are gathered and assessed, Commission prepares the proposal for the allocation of these revenues (within 45 days from the conclusion of the competition) and forwards it to Government for approval¹⁷. However, in practice, Commission announces the competition in third quarter, often exceeds deadline for the decision, contracts the funds and makes first payments at the end of fourth quarter¹⁸, which represents continuous violation of the Provision. In addition, the Commission mostly allocates the funds in the amount much lower than necessary for the implementation of proposed projects, thus the average amount of funds per supported project is 4 733.22 €, whereby it should be emphasised that the significant amount of projects was supported in the minimal amount. Finally, the manner of assessment by the Commission is the subject of continued critics by the public stakeholders.

COMMISSION FOR
ALLOCATION OF
PART OF REVENUE FROM
GAMES OF CHANCE
SUPPORTS THE NGO
PROJECTS WITH
THE AVERAGE
AMOUNT OF
4, 733.22 €

¹³ Article 3 of Provision on the criteria for determining the users and the manner of allocation of revenues from games of chance, Official Gazette of Montenegro no. 42/11

¹⁴ Article 3 of Provision on the criteria for determining the users and manner of allocation of revenue from games of chance, Official Gazette of Montenegro no. 42/11

¹⁵ Article 15, paragraph 2 of Law on games of chance, Official Gazette of Montenegro no. 52/04 and 13/07

¹⁶ Article 12 of Provision on the criteria for determining the users and manner of allocation of revenues from games of chance, Official Gazette of Montenegro no. 42/11

¹⁷ Article 4 of Provision on the criteria for determining the users and manner of allocation of revenue from games of chance, Official Gazette of Montenegro no. 42/11

¹⁸ Website of the Ministry of Finance – http://www.mif.gov.me/rubrike/konkurs_igre_na_srecu/

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During previous three years, or from 2013 till 2015, total of 6.408.792,14 € were allocated for the 1,354 projects, based on 3,779 received project applications.

Year	Amount available €	Allocated	Competition announced	Decision announced	Number of project applications received	Number of supported projects
2015	2.819.637,45	All	25 August 2015	4 December 2015	1,228	593
2014	1.740.000,00	All	22 September 2014	22 December 2014	1,254	417
2013	1.849.154,69	All	5 August 2013	20 December 2013	1,297	344
TOTAL:	6.408.792,14	N/P	N/P	N/P	3,770	1,354

* Included fees for the work of the Commission

Table 1.1 Overview of announced competitions and decisions of Commission for the allocation of part of revenue from games of chance for period 2013-2015

Non-governmental organisations frequently pointed out to tendency of unlawful deprivation of funds to NGOs pursuant to Law on games of chance¹⁹. Also, the Report on the work of Directorate of games of chance for the period of 1/01/2014 – 31/12/2014²⁰ notes that Article 15 of Law on games of chance was violated, which was confirmed by State audit institution (SAI) in its report *Audit report on the financing of non-governmental organisations*, where it was stated that “there are significant discrepancies between the amount envisaged for allocation pursuant to Article 15 of Law on games of chance and planned and allocated funds of organisational code: »40511 – Commission for Allocation of Part of Revenue of Chance«.²¹” This is a clash of two laws – Law on games of chance and Law on the financing of local self-governments. In its report, SAI underlined the need to “Use the Law on games of chance to define precisely whether the concession fees from games of chance in the amount of 100% belong to the budget or to the budget and Equalisation fund in ratio 60:40, in order to eliminate the inconsistency of Law on games of chance and Law on the financing of local self-governments, or the possibility of different interpretation and implementation of regulation.²²”

Year	The amount generated from the concession fees from games of chance €	60% for the financing of plans and programmes of organisations €	75% allocated for the NGOs €	Amount allocated on competition €
2015	9.297.607,77	5.578.564,66	4.183.923,50	2.819.637,45
2014	8.275.485,27	4.965.291,16	3.723.968,37	1.740.000,00
2013	5.540.065,19	3.324.039,11	2.493.029,34	1.849.154,69
TOTAL:	23.113.158,23	13.867.894,93	10.400.921,21	6.408.792,14

Table 1.2 Concession fees and distribution of funds pursuant to Law on games of chance

Such application of Law on local self-government, at the expense of Law on games of chance, resulted in the fact that during the period 2013-2015, NGOs in Montenegro were deprived of 3.992.129,07 €.

During 2013, Commission for Allocation of Part of Revenue from Games of Chance hired an audit firm

19 <http://www.vijesti.me/vijesti/djurovic-vlada-nvo-sektor-posmatra-kao-troskovnu-stavku-116134>

20 <http://www.upravazaigrenasrecu.me/1/images/dokumenta/IZVJESTAJ2014.pdf>

21 Audit report on the funding of non-governmental organisations, State Audit Institution, June 2014, p. 19

22 Audit report on the funding of non-governmental organisations, State Audit Institution, June 2014, p. 20

In only last three years, NGOs were damaged for 3.992.129,07 € during the allocation of legally prescribed and finally allocated funds from part of the revenue from games of chance.

to audit the expenditure of funds and monitor plans and programmes supported based on the *Decision on the allocation of part of revenue from games of chance for 2011*. The audit was conducted by the Society for audit and consulting VM KOD Ltd. Podgorica, based on random sample which covered 29 projects, implemented by 27 subjects (20 NGOs, two media, three public institutions, and two sports organisations)²³. They discovered certain irregularities, mostly related to delay in paying the tax and inadequate level of projects implementation. This audit made remark about the insufficient readiness and capacity of Commission to meet the auditor's requirements. Namely, the Commission was providing auditors only with the contracts on use of part of revenue from games of chance, but not the accompanying annex containing the budget. Instead, the organisations themselves had to submit

those documents. There were also examples of NGOs which did not manage to use all those funds, and they returned the money to the Commission, but this was not timely documented by the Commission, and consequently this was not properly communicated with the auditors. In short, the audit of projects financed from this fund showed that the majority of non-governmental organisations spent the resources in line with contracts and legal framework.

Decisions of Commission for Allocation of Part of Revenue from Games of Chance were disputed several times before the Administrative Court, but this did not yield any changes because the money was already allocated and spent²⁴. One of the key recommendations contained in the document *Implementation of Law on non-governmental organisations in the part of the financing*²⁵ of the Committee for economy, finances and budget states that: "It is necessary to determine the reasons behind the irregularities in the financing of non-governmental sector and in the work of the Commission for Allocation of Part of Revenue from Games of Chance, given that the decisions of the Commission for 2011 and 2012 were disputed before the Administrative Court, as well as that competent state bodies conducted procedures, in order to determine whether there were any unlawful activities during the decision-making. It is necessary to audit the projects that were supported based on said decisions, in order to determine the appropriateness of allocated funds in this manner as well". This recommendation was not implemented, and though the Prosecution dealt with the decisions of Commission, they failed to determine the elements of criminal offense based on which they would launch the procedure ex officio. Full responsibility for the legality of work of this Commission is in the hands of Government of Montenegro, which continually demonstrates unwillingness to improve its work, which consequently hinders the operation of entire NGO sector.

FUND FOR THE PROTECTION AND EXERCISING OF MINORITY RIGHTS

Fund for the Protection and Exercising of Minority Rights, founded by the Parliament of Montenegro, allocates the funds to non-governmental organisations based on a public competition²⁶. Fund is an independent state institution governed by minority national communities, and Fund's financial assets are secured from the Budget of Montenegro and divided on funds used to keep the Fund operating, and funds for the allocation to non-governmental organisations based on the following criteria: contribution that the project provides in the preservation and development of national, cultural, religious, linguistic and ethnic identity; compatibility of project with strategic documents of Government; transparency and possibility of control and realisation of project; credibility of project applicant.

Allocation of funds is done based on the Decision on the establishment of Fund for the Protection and Exercising of Minority Rights²⁷, and the Fund submits its reports to Parliament. Fund is financed from the

23 http://www.mf.gov.me/rubrike/konkurs_igre_na_srecu/130821/pojedinacne-revizorske-izvjestaje-o-kontroli-utroska-sredstva-i-monitoringu-planova-i-programa-koji-su-podrzani-na-osnovu-Odluke.html

24 <http://www.dan.co.me/?nivo=3&rubrika=Vijest%20dana&datum=2015-09-19&clanak=510812>

25 <http://www.skupstina.me/zakoni/web/dokumenta/sjednice-radnih-tijela/441/555-00-63-7-13-.pdf>

26 The Law on Minority Rights and Freedoms, Official Gazette of Montenegro no.31 / 06, 51/06 and 38/07, Art. 36

27 Decision on the establishment of Fund for the protection and realisation of minority rights, Official Gazette of Montenegro no. 13/08, 64/11

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budget of Montenegro, in the following manner: "Budget shall allocate at least 0,15% of total budget funds for the purposes referred to in paragraph 1 of this Article, minus the budget of state funds and capital budget."²⁸ This guarantees the funds for the work of the Fund and for the financing of "projects to support the activities significant for the preservation and development of ethnic communities and their members in the area of national, cultural, linguistic and religious identity."²⁹ NGOs and other legal and natural persons have the right to participate on public competition.

Year	Allocated €	Announced calls	Announced decisions	Number of received project proposals	Number of supported projects
2015	769.030,00	26.02.2015; 26.06.2015;	25.05.2015; 11.08.2015;	411	148
2014	743.230,00	21.03.2014; 25.09.2014;	24.06.2014; 09.12.2014;	475	155
2013	727.500,00	N/P	17.07.2013; 23.12.2013;	411	141
TOTAL:	2.239.760,00	N/P	N/P	1,297	444

Table 1.3 Overview of announced competitions and the decision of Fund for the protection and exercising of minority rights for period 2013-2015

Within the allocated amount, from 2013 to 2015, non-governmental organisations received 50% (1.121.590,00 €), while 24%, (531.420,00 €) was allocated to natural persons, 16% to national councils (355.800, 00 €), and 10% (230.950,00 €) to others (other legal persons).

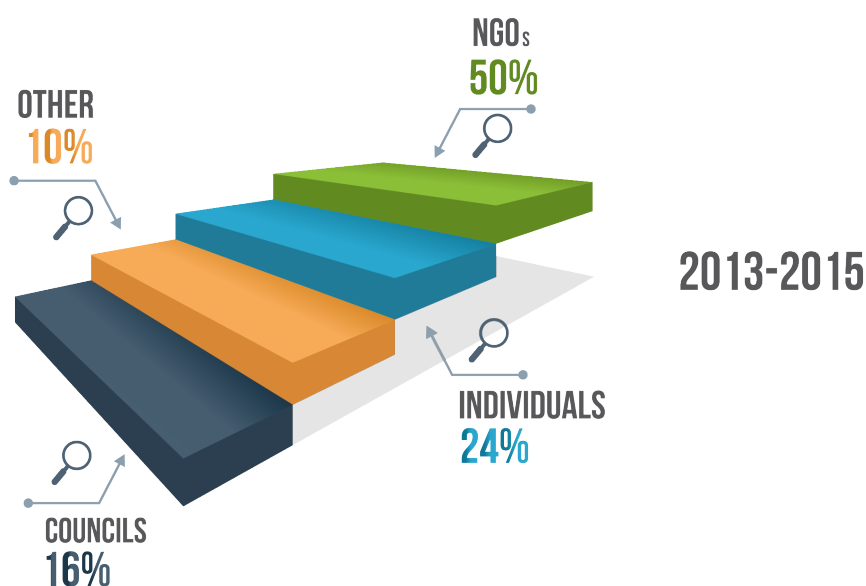


Table 1.4 Procentual overview of allocation of funds to Fund for the Protection and Exercise of Minority Rights for the period 2013-2015 per subjects

Furthermore, it is also concerning that there was a large number of projects that were not implemented, or that had the rate of implementation below 25%, as well as of projects that lack valid financial documentation (or those that had the documentation for only 0-20%). Nonetheless, NGOs are still the minority in this case, because out of 54 projects where the level of implementation was less than 25%, or where no report was submitted, 17 were NGOs, while out of 71 projects that had

²⁸ Decision on the establishment of Fund for the protection and exercising of minority rights, Official Gazette of Montenegro no. 13/08, 64/11, Art. 2

²⁹ Decision on the establishment of Fund for the protection and exercising of minority rights, Official Gazette of Montenegro no.13/08, 64/11

the percentage of validity of financial documentation up to 20%, 24 were NGOs.

Year	Non-implemented projects (level of realization lower than 25%)/No report submitted	Out of those NGO	Percentage of validity of financial documentation 0-20%	Out of those NGO
2014 II call	22	7	20	7
2014 I call	0	0	17	7
2013 II call	11	5	14	5
2013 I call	21	5	20	5
Total	54	17	71	24
Percentage of NGO participation	31,48%		33,80%	

Table 1.5 Overview of projects based on the documentation³⁰ of Fund for the period 2013-2014.

Among the NGOs that Fund for the Protection and Exercising of Minority Rights supported during past three years, there are no NGOs that are publically recognised for their regular activities

Based on the insight in all six decisions of Fund for the Protection and Exercising of Minority Rights for the period 2013-2015, it was noted that there are no NGOs that are publically recognised for their regular activities among those which projects were supported. Moreover, on several occasions, the issue of manipulation with NGOs that received funding through the Fund was addressed on, and some serious allegations were brought regarding the conflict of interest of members of Administrative committee of Fund, which was denied by the Fund. Still, in May of 2015, "Government adopted the Proposal of law on amendments of Law on Minority Rights, which envisages the directions of reform of Fund for the Protection and Exercising of Minority Rights, with the emphasis on the

prevention of potential conflict and the introduction of two instances when making decisions on projects³¹. Also, the European Commission Report on Montenegro for 2015 states: "Amendments to the Law on Minorities remain to be adopted. Amendments should remove any potential conflict of interest during the procedure for the allocation and control of funds for minorities. There is a concern due to the lack of transparency and overall institutional capacity during the allocation and audit of funds aimed for minorities, despite the considerable annually allocated amount: in 2015, minority councils and Fund for minorities received the total of EUR 1,318 million. The capacity of Ministry for Human and Minority Rights for the monitoring in practice over the legality of work of national minority councils should be improved significantly."³²

State audit institution performed the control audit of Fund for the Protection and Exercising of Minority Rights in 2012, and found that, in 2011, Fund failed to submit its *Annual report on the work and manner of allocation of funds* to the Parliament of Montenegro within the prescribed deadline, in spite of the legal obligation to do so no later than 15 February. This control audit analysed the recommendations contained in the Report which SAI conducted in 2010. Out of the nine recommendations, Fund implemented four, then partially two, and did not implement three recommendations. According to the report of SAI "With the implementation of certain number of recommendations, Fund improved the operation in the part of the functioning of system of internal controls and work of the accounting and financial service. Also, it improved the operation with the adoption of new Rulebook on the establishment of criteria for the valorisation of projects which integral part is the new application form and tables for ranking and evaluation of projects."³³ What was also determined was that there was no qualitative improvement in the work of the Fund.

Finally, it raises the concern the fact that the decisions of the Fund have been annulled already for several years from administrative reasons, and it is even more concerning that even upon the decision of the Administrative Court, which stipulates the obligation of the Fund to make its acts legal, no progress has been made. Hence, the acts that are brought by the Fund are not in line with the rules of administrative procedure, since the detail explanation and respectance of bylaws in part of allocation of funds to the beneficiaries is missing.

30 <http://www.fzm.me/a/index.php/izvjestaji>

31 <http://www.vijesti.me/vijesti/usvojen-predlog-izmjena-zakona-o-manjinskim-pravima-835648>

32 EC Report on Montenegro for 2015, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_montenegro.pdf

33 Report on the control audit of Fund for the Protection and Exercising of Minority Rights, p. 16

BUDGETS OF LOCAL SELF-GOVERNMENTS

Local self-governments, pursuant to Article 116 of Law on local self-governments³⁴, are funding non-governmental organisations, or cooperating with non-governmental organisations, by “financing the projects of non-governmental organisations that are in the interest of local population, under the conditions and procedures prescribed by general act of the municipality”. After the adoption of budget, local self-governments make an individual Decision on the criteria, manner and procedure of allocation of funds to non-governmental organisations. However, the funds on local level are allocated also based on the direct decision of president of municipality/mayor, which constitutes a violation of law and disregard of procedures. This continues the practice of opaque and irresponsible management of public finances on local level, which directly influences the development of non-governmental sector by local authorities.

TOTAL ALLOCATED BY YEARS			
Municipality	2013*	2014**	2015***
Andrijevica	4.940,00	4.610,00	0,00
Bar	0,00	1.300,00	0,00
Berane	23.332,70	25.079,00	15.969,60
Bijelo Polje	42.309,00	0,00	59.166,75
Budva	80.500,00	65.508,00	56.165,80
Cetinje	30.764,00	8.550,00	9.800,00
Danilovgrad	21.512,24	17.926,57	8.100,00
Gusinje	N/P	N/P	0,00
Herceg-Novi	124.395,00	93.000,00	0,00
Kolašin	6.158,95	1.580,01	0,00
Kotor	34.709,24	36.439,00	24.848,00
Mojkovac	11.950,00	13.465,00	7.000,00
Nikšić	30.410,30	10.020,00	50.000,00
Petnjica	N/P	0,00	3.860,00
Plav	12.050,00	14.077,08	0,00
Plužine	21.889,41	19.572,51	18.775,60
Pljevlja	13.507,00	4.985,19	21.494,21
Podgorica	27.863,42	56.336,50	4.965,00
Rožaje	18.550,00	15.000,00****	10.000,00
Šavnik	0,00	950,00	300,00
Tivat	54.800,00	66.141,00	62.335,00
Ulcinj	25.050,00	0,00	0,00
Žabljak	0,00	0,00	5.000,00
TOTAL	584.691,26	454.539,86	357.779,96

* Audit Report on the funding of non-governmental organisations, State Audit Institution, June 2014

** Report on the financing of NGOs from the budgets of local governments in 2014, CRNVO, 2015

*** Free Access to Information Law

**** Free Access to Information Law

Table 1.6 Overview of allocated amounts per municipality for the period 2013-2015

The amount allocated in 2013 was 584.691,26 €, in 2014 it was 454.539,86 €, while in 2015 that amount was 357.979,96 € (not including the municipalities Andrijevica, Gusinje, Herceg Novi, Plav and Ulcinj, because there

Funds for support of NGOs on local level are almost three times lower compared to 2010, with constant declining tendency.

are no data available on sites of these municipalities, nor did they respond on the free access to information request). By comparison, until 2010 amounts allocated for NGOs on local level were between 800.000 and 900.000 €, however, in 2015 these figures amounted almost three times less³⁵. Based on the obtained information, seven municipalities did not announce public competition³⁶ in 2015 for the allocation of funds to NGOs. Out of those seven, five allocated the funds based on a direct decision, while the remaining two municipalities did not announce the competition, nor have they allocated the funds. Municipality of Bar has not been announcing the competition for NGOs third year in a row, and it allocated the funds only in 2014 on the basis of direct decision.

There are instances of other forms of support to non-governmental organisations, such as paying the lease of premises for non-governmental organisations, or providing the free of charge of premises, which is not followed by transparent procedure nor with the clear criteria for the selection of NGOs that enjoy such support. Also, in some of the municipalities, certain costs of NGOs are paid directly from the account of that municipality, and more often than not the amounts of such direct and opaque payments are bigger than those that were allocated through the competition (for instance, municipality of Pljevlja allocated the amount of 21.494,21€ in 2015 without a public competition). Finally, some municipalities, in addition to public competition for the allocation of funds to non-governmental organisations, allocate the funds to non-governmental organisations with special status³⁷ or to traditional organisations³⁸.

BUDGETS OF STATE ADMINISTRATION BODIES

Ministry of Culture ceased allocating funds to non-governmental organisations since the new Law on non-governmental organisations came into force

Based on Article 31 of Law on non-governmental organisations “State provides the support to non-governmental organisations by ensuring financial funds for the support in budget, and by introducing tax and other benefits to non-governmental organisations, pursuant to law”, and Article 32 paragraph 1 “In the annual Law on budget of Montenegro, funds are ensured for projects and programmes in the areas of public interest implemented by non-governmental organisations”, state administration consumer units have the right to allocate funds to non-governmental organisations in areas³⁹ defined under the Law on non-governmental organisations and in line with laws which regulate the work of their department. However, it was noted that different bodies differently interpret this provision. For instance, Ministry of Culture believes that “...there are no legal grounds for the financing of non-governmental sector due to the amendments of Law on culture 2012 based on which it was harmonised with the Law on non-governmental organisations from 2011... System of financing of non-governmental sector was centralised and secured only through the Commission for the financing of non-governmental organisations, based on the Law on non-governmental organisations, which application began on 1 January 2012.⁴⁰” According to this interpretation, Ministry of Culture ceased allocating funds to non-governmental organisations since the new Law on non-governmental organisations came into force, which left many NGOs from the area of culture deprived of this form of support. However, there were those who quickly managed and formed commercial enterprises and continued to compete for Ministry’s funds with the same projects for which they previously applied as NGOs, and simultaneously applied as NGOs for

35 Report on the financing of NGOs from the budgets of local governments in 2014, CRNVO, 2015

36 Not including the municipalities Andrijevica, Gusinje, Herceg Novi, Plav and Ulcinj which did not respond on free access to information request sent by CCE

37 Municipality of Berane

38 Municipality of Kotor – by implementing the criteria laid down by the Decision on criteria for allocation of funds intended for the financing of non-governmental organisations and traditional NGOs in the municipality of Kotor / Official Gazette, Municipality of Kotor no. 1/06 and Official Gazette of MNE-Municipal Regulations no. 18/10

39 The areas referred to in paragraph 1 of this Article include: social and health care, poverty reduction, protection of persons with disabilities, social care for children and young people, help of the elderly, protection and promotion of human and minority rights, rule of law, civil society development and volunteerism, Euro-Atlantic and European integration of Montenegro, institutional and non-institutional education, science, art, culture, technical culture, protection of environment, agriculture and rural development, sustainable development, consumer protection, gender equality, fight against the corruption and organised crime, fight against addictions, and other areas of public interest determined by a separate law.

40 The letter sent to the CCE by the Ministry of Culture br. 03-1645 / 2 from 1802/2012

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the calls of the Commission for Allocation of Part of Revenue from Games of Chance⁴¹.

Out of 16 ministries and one additional institution (Employment agency of Montenegro) which received the request for free access to information regarding the amount of funds allocated for the financing of activities/projects of non-governmental organisations for 2013, 2014 and 2015, thirteen replied⁴². At the same time, five ministries stated that they did not have any expenditures based on these grounds during the provided period⁴³, while eight ministries had expenditures every year, or during some of those years:

	2013	2014	2015
Ministry of Agriculture and Rural Development	25.390,00	44.850,00	42.800,00
Ministry of Interior	21, 896.28	No expenditures	34,396.81
Ministry of Science	12.100,00	9.075,00	32.265,80
Ministry of Sustainable Development and Tourism	No expenditures	55,563.57	No expenditures
Ministry of Health	1.100,00	No expenditures	275,00
Ministry of Economy	300,00	No expenditures	300,00
Ministry of Defence*	No expenditures	No expenditures	500,00
Ministry of Foreign Affairs and European Integration	No expenditures	No expenditures	No expenditures
Ministry of Traffic and Maritime	600,00	3,250.00	2,275.00
TOTAL:	61.386,28	112.738,57	112.812,61

* During the analysed period, Ministry of Defence allocated other types of direct assistance, such as providing the use of space for the work of non-governmental organisations without compensation. These decisions did not pass any public procedure and consequently these spaces were not available under the same conditions to every potentially interested NGO, but were rather the result of discretionary decisions of the Ministry and the Government.

Table 1.7 Responses of ministries on the allocation of funds to NGOs during the period 2013-2015

On the other hand, based on the SAI report, the following state institutions allocated the funds to non-governmental organisations in 2013 from the Budget of Montenegro: Ministry of Education, Bureau for Education, Directorate for Youth and Sport, Maritime museum, Ministry of Economy, Ministry of Agriculture and Rural Development, Ministry of Health, Ministry for Human and Minority Rights⁴⁴, Ministry of Sustainable Development and Tourism, Ministry of Labour and Social Welfare, Ministry of Science, Federation of Associations of Veterans, Matica Crnogorska, Red Cross of Montenegro, Employment Agency and Parliament of Montenegro⁴⁵.

By analysing the Law on final budget account for 2014, it was determined that 2.450.929,94 € were allocated

41 http://www.monitor.co.me/index.php?option=com_content&view=article&id=5012:kako-ministarstvo-kulture-sufinansira-projektemrvice-i-krupnice-&catid=3443:broj-1217&Itemid=4706

42 The answers were not provided by the Ministry of Finance, Ministry of Defence, Ministry of Education, Ministry of Labour and Social Welfare and Employment Agency of Montenegro

43 The Ministry for Information Society and Telecommunications, Ministry of Justice, Ministry of Culture and the Ministry for Human and Minority Rights

44 It should be noted that Ministry for Human and Minority Rights indicated that it had no costs arising from support to NGOs in its response to CCE under the Free Access to Information Law, and that the SAI noted otherwise in its report, and that in fact it did have costs on these grounds.

45 Audit Report on the funding of non-governmental organisations, State Audit Institution, June 2014, p. 9

for the work of NGOs, i.e. from the item 4314 – transfers to non-governmental organisations, whereby 2.339.681,00€ were actually spent. In addition to Commission for Allocation of Part of Revenue from games of chance and Fund for the Protection and Exercising of Minority Rights, this item was used by Ministry of Labour and Social Welfare, Red Cross of Montenegro and Fund for Pension and Disability insurance. Based on the Law on free access to information, information were gathered regarding the allocation of funds to NGOs which indicate that practice from 2013 continued in 2014, or that the funds of budget consumer units were not approved under the Law on budget, and used the item 4313 – transfers to non-governmental organisations. Law on budget for 2015 is more accurate, hence the Ministry of Interior, Ministry of Economy, Ministry of Labour and Social Welfare, Fund for Pension and Disability insurance envisaged the costs of transfer to non-governmental organisations. Law on budget for 2015, envisaged the total of 3.052.264,53 € for the allocation to non-governmental organisations, including the funds of Commission for Allocation of Part of Revenue from Games of Chance and Fund for the Protection and Exercising of Minority Rights, as well as the amount of 90.000 € of the Commission for Allocation of Funds to Non-governmental organisations of Government of Montenegro, which has not begun operating after the new law on non-governmental organisations came into force.

COMMISSION FOR ALLOCATION OF FUNDS TO NON-GOVERNMENTAL ORGANISATIONS OF GOVERNMENT OF MONTENEGRO

Commission for allocation of funds to non-governmental organisations of Government of Montenegro has not been formed even four years after the new Law on NGOs came into force.

Commission for Allocation of Funds to Non-governmental organisations of Government of Montenegro should have been established based on Article 33 of Law on non-governmental organisations for the allocation of funds to non-governmental organisations for projects and programmes of public interest.

Nonetheless, it was not formed even four years after the new Law came into force, thus leaving the NGOs deprived of funds planned from budget on those grounds, as well as of mechanisms which should have enabled more transparent and efficient financing of NGOs.

Year	Amount envisaged by the Law on budget €	Amount allocated based on the Law on final budget account
2015	90.000,00	N/A
2014	90.000,00	0 €
2013	160.000,00	0 €

Tabela 1.8 Overview of funds envisaged for allocation to NGOs through the Commission of Government of Montenegro

DISCRETIONARY DECISION-MAKING ON THE SUPPORT TO NON-GOVERNMENTAL ORGANISATIONS

Montenegro still has not envisaged transparent procedures for the provision of state owned space and property for the NGOs to use. Still, municipalities cede such premises sporadically to certain NGOs, and refuse systematic solutions in spite of the initiatives from NGO sector to regulate this issue⁴⁶.

During 2014 and 2015, the attention of domestic and international stakeholders was drawn to the establishment of so

46 That was the forefront of Coalition "Through cooperation to aim", but also of some of its members such as CRNVO - <http://www.crnvo.me/vijesti/crnvo-vijesti/9477-inicijativa.html>, <http://kodex.me/clanak/79337/crnvo-glavni-grad-utice-na-nezavisnost>, <http://www.vijesti.me/vijesti/durovic-odlukom-vlade-favorizuju-se-gradanska-alijansa-cdt-i-fakt-852485>, <http://www.vijesti.me/vijesti/crnvo-donijeti-odluku-o-dodjeli-prostorija-organizacijama-861022>

called “Civic House”, which is supposed to be managed by three non-governmental organisations/foundations – Civil Alliance (GA), Center for Democratic Transition (CDT) and Fund for Active Citizenship (fAKT), with the support of Rockefeller Brothers Fund (RBF), which included not just the support of one municipality, but the support of Government of Montenegro as well, whereby Prime Minister personally signed the Memorandum on cooperation with representatives of these NGOs (which registered fourth legal entity also – non-governmental foundation “Civic House”), donors and Capital City of Podgorica on 18 September 2015. Government’s decision to permanently cede construction land to these NGOs, and decision of Capital City of Podgorica to exempt the investor from paying the utilities for the construction of business premises, is of arbitrary nature and it is not founded in the existing legislative framework. In addition, this is the case of «annulment» of measure 4.3.3. *Allocation of space and state owned property to NGOs* from the Strategy of development of non-governmental organisations for the period 2014-2016.

Important aspects of Memorandum signed by the Government and Capital City of Podgorica with the three NGOs and one private foundation remain unknown till nowadays

The public has long been not informed on the communication between local self-government, Government, RBF, and these three NGOs, and the issue became the subject of discussion in 2014 and 2015 during the sessions of Council for Development of NGOs, because it was the case of significant support which was not the result of clear procedures available to all NGOs. It was followed by tumultuous debates at Council’s sessions, along with the requests for the Government to provide clarifications and documents which would shed some light on circumstances and criteria of that sort of aid for the three NGOs. However, the answers from competent institutions came slowly and in limited volume. Efforts of certain number of Council members⁴⁷ to create the environment which would ensure equal opportunities for all NGOs did not influence the determination of Government to finalise this opaque process. Important aspects of

Memorandum signed by Government and Capital City of Podgorica with three NGOs and one private foundation remain unknown till this day, because that document does not contain any accurate financial contribution of the Government and Capital City of Podgorica (value of property and exemption of fee for utility equipment of construction land), the dynamics of construction of business premises, manner of selection of precisely those three NGOs, ownership over the property in the case Civic House ceases to exist, etc, even though the initiative to insert these information was presented to Council for the Development of NGOs.

Long before the Memorandum was concluded, on 18/02/2015, during the session of Council for Development of NGOs, part of NGO members proposed that Council warns the Government to prepare and adopt the policy and procedure for state aid to NGOs regarding the provision of space for NGOs, prior to the adoption of any legally binding decisions related to the said project. Thus, the Memorandum would be signed in line with these policies and procedures, which would also create the possibilities for other NGOs to compete for such form of aid, with a reminder of obligations of Government and Strategy of development of NGOs and accompanying Action plan⁴⁸.

Moreover, the Council requested to be informed on the content of Memorandum during its preparation, before it is signed - not afterwards, which was also not respected.

Council for Development of NGOs received the document 01-031/15-3057 from Capital City of Podgorica on 20/04/2015 with the confirmation that Capital City lacks the defined criteria for the allocation of city’s property to NGOs, but that it shall prepare a special Decision during 2015, based on which it will determine the criteria and thus meet the recommendations laid in the Strategy for the development of NGOs. However, such decision was not made in 2015, or before the aforementioned Memorandum was signed. It was not until the beginning of 2016 when this procedure was launched along with a call for NGOs to participate in creation of Decision on granting the use of premises owned by the Capital City free of charge⁴⁹, which brought an epilogue to the appeal of Council for Development of NGOs, as well as of Coalition «Through Cooperation to Aim». Implementation of Memorandum regarding the Civic House is currently awaiting adequate decisions from Ministry of Finances and Municipal Parliament.

47 <http://institut-alternativa.org/kuca-gradanskog-drustva-tema-sjednice-savjeta-za-razvoj-nvo/>

48 The development strategy of NGOs for the period 2014 - 2016, the accompanying Action Plan prescribes: 21. *Prepare the information about the possibilities of providing premises and state owned property for the NGOs to use* and 22. *Adopt the act of Government, which will determine the criteria and procedure for granting space and state owned property for the NGOs to use, based on previously prepared information which should have been completed by the end of the second quarter of 2015, and it was not done even in the beginning of 2016.*

49 <http://www.dan.co.me/indexxs.phtml?nivo=3&rubrika=Podgoricom&clanak=528323&datum=2016-01-15&naslov=Tra%BE%20partnerstvo%20sa%20NVO>

LEGISLATIVE FRAMEWORK FOR THE FINANCING OF POLITICAL PARTIES



A total of 60 political parties were registered in Montenegro⁵⁰, out of which, 47 are active, whereas others were not erased from the register. Out of the number of active political subjects, 10 have parliamentary status⁵¹, which makes Montenegro first in the region in terms of the number of political subjects compared to the number of citizens⁵².

Namely, in Serbia there are 101 registered political party, 152 in Croatia, whereas for larger comparison in UK there are 406 and in Germany 112.

Until recently valid Law on the financing of political parties⁵³, which still produces legal consequences, public sources for the financing of political parties relate to the financing from Budget of Montenegro and budgets of local self-governments⁵⁴. The Law stipulates that those budget funds can be opted to finance the regular work of political parties, or the election campaigns of MPs and councilors⁵⁵. In order to be eligible for abovementioned sources of financing, political party, coalition or group of citizens have to participate on elections and win at least one mandate (MP or councilor), and such party is referred to as parliamentary party. Also, in the case of the financing of election campaigns, the list has to be confirmed and announced in order to be eligible for these funds⁵⁶.

When it comes to the financing of regular work of political parties, funds allocated from Budget of Montenegro for this item can amount 0,5% of total planned resources, while funds from the budgets of local self-governments can amount 1% of total planned resources. Further procedure for the allocation of said funds implies that they are allocated in the amount of 20% in equal amounts to every parliamentary party of Parliament of Montenegro, while the remaining 80% are allocated in proportion to number of offices - MPs and councilors in the given moment⁵⁷.

50 <http://www.kolektiv.me/61435/cg-drava-sa-najvie-stranaka-u-regionu-u-odnosu-na-broj-stanovnika>

51 Parliamentary parties, as stated on the website of the Parliament of Montenegro, are: Democratic Party of Socialists (DPS), Democratic Front (DF), Socialist People's Party (SNP), Social Democratic Party of Montenegro (SDP), Positive Montenegro (PCG), Bosniak party (BS), FORCA, Democratic party (DP), Croatian Civic Initiative (HGI), Liberal party of Montenegro (LPCG). Democratic Front consists of 4 active parties: New Serbian Democracy (NOVA), Movement for Changes (PZP), Democratic Party of Unity and the Group of citizens Milan Knezevic.

52 Sources:

Montenegro leader in the region by the number of politicians per capita: <http://www.kolektiv.me/45397/crna-gora-vodea-u-regionu-po-broju-politiara-po-glavi-stanovnika>; Montenegro leader in the number of politicians "per capita": <http://www.telegraf.rs/vesti/1534043-stranke-najbolje-firme-crna-gora-prva-po-broju-politicara-po-glavi-stanovnika>; 59 registered parties: Montenegro leader in the region by the number of politicians per capita: <http://www.cdm.me/politika/registrovano-59-partija-crna-gora-vodeca-u-regionu-po-broju-politicara-po-glavi-stanovnika>; A flood of new political parties in Montenegro: <http://www.slobodnaevropa.org/content/poplava-novih-politickih-partija-u-crnoj-gori/26883746.html>; Montenegro, 55 registered and 43 active political parties: <http://www.vijesti.me/vijesti/u-crnoj-gori-registrovano-55-a-aktivne-43-politicke-partije-821561>

53 Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

54 Art. 2 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

55 Article 4 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

56 Art. 5 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

57 Article 7, paragraph 4 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

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New legal solutions under the Law on the financing of political subjects and election campaigns⁵⁸, which application began on 1 January 2015, strengthen the control mechanisms which govern the financial functioning of parties, but essentially keep the existing model and manner of financing the political subjects. Among other issues, these define the basis and safest segment of financing from public sources in a manner in which the budgetary funds for the financing of regular work of political subjects in Parliament amount 0,6% of overall planned budgetary funds, minus the capital budgetary funds and state funds (current budget), for the year for which the budget was adopted. Also, budgetary funds for the financing of regular work of political subjects in municipal parliaments, Capital City and Old Royal Capital are increased to 1.1% of planned overall budgetary funds, minus the funds of capital budget (current budget), for the year for which the budget is related to.

There is an interesting norm which particularly states that budgetary funds allocated for the functioning of regular work of political subjects in municipal parliaments, of municipalities which budgets is less than five million, amount from 1.1% to 3% of overall planned budget, minus the capital budget (current budget), for the year for which the budget was adopted. Such allocated funds are disbursed in the amount of 20% equally to political subjects in Parliament, or to municipal parliaments, and the remaining 80% of funds are proportionate to total number of MPs, or councilors at the moment of allocation.



Percentage of allocation from the Budget of Montenegro for political parties is higher compared to region or EU member states. For instance, in Serbia it amounts 0.105% of tax income of budget of Republic of Serbia, tax income of budget of autonomous province or tax income of budgets of local self-governments units⁵⁹; in Croatia it is 0.05% of total operating expenditures from the previously published annual reports on budget execution⁶⁰.

Law regulates the financing of political parties from private sources, whereby the amount of received funds from private sources, minus the membership, can amount up to 100% of funds which parliamentary party receives from budget for regular operation. Furthermore, that political party, which is not eligible for budgetary funds, can fundraise from private sources up to 10% of total funds of 0.5% of funds from the Budget of Montenegro and 1% of funds from budgets of local self-governments⁶¹. Also, there are rules for individual amounts, or, natural person can pay the maximum of 2,000 € for the financing of regular work of political party, and legal person can pay the maximum of 10, 000 €.

Law prescribes series of bans within the financing of political parties in the sense that political parties and groups of citizens are prohibited to take material and financial aid and non-monetary assets from: *“other states, commercial entities and legal persons outside of the territory of Montenegro; natural persons and entrepreneurs who do not have the right to vote in Montenegro, anonymous contributors; public institutions, legal persons and commercial entities with stake in state capital; trade unions; religious communities and organisations; non-governmental organisations; casinos, bookmakers and other organisers of games of chance”*. Political parties and other submitters of electoral lists are prohibited from taking donations from: *“legal persons, commercial entities and entrepreneurs and related legal and natural persons who, based on the agreement with competent bodies, pursuant to law, performed activities of public interests or made an agreement in public procurement procedure, within the period of two years prior to the conclusion of agreement, during the duration of that working relation, as well as two years after the termination of that working relation”*⁶².

58 Law on Financing of Political Subjects and Election Campaigns, Official Gazette of Montenegro no. 52/14

59 http://www.paragraf.rs/propisi/zakon_o_finansiranju_politickih_aktivnosti.html

60 <http://www.zakon.hr/z/443/zakon-o-finansiranju-politi%C4%8Dkih-aktivnosti-i-izborne-promid%C5%BEbe>

61 Article 8 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

62 Article 16 of Law on the Financing of Political Parties and Election Campaigns, Official Gazette of Montenegro no. 52/14

BUDGET OF MONTENEGRO

In last three years, 11.798.621,20 € were allocated from the Budget of Montenegro to political parties on national level

Year	Amount envisaged under the Law on budgets for political parties €	Amount allocated under the Law on final budget account for political parties
2015	4.579.905,43	4.579.905,43
2014	3.736.739,25	3.736.739,21
2013	3.502.983,38	3.481.979,60
TOTAL	11.819.628,10	11.798.621,20

Table 2.1 Overview of funds envisaged for political parties from the Budget of Montenegro and allocated under the Law on final budget account to political parties⁶³

BUGDETS OF LOCAL SELF-GOVERNMENTS

Local self-government	Budget adopted for 2013 in €	Final budget account for 2013 in €	Budget adopted for 2014 in €	Final budget account for 2014 in €	Budget adopted for 2015. €
Šavnik	10,901.00	2,478.33	17,749.65	4,474.11	8,500.00
Andrijevica	11,142.00	10,180.92	10,960.00	9,403.23	12,426.00
Bar	98,200.00	89,453.00	98,200.00	89,453.00	106,000.00
Berane	45,000.00	42,770.00	24,000.00	24,000.00	24,000.00
Bijelo Polje	82,000.00	68,678.48	106,500.00	106,175.00	80,000.00
Budva	145,850.00	5,613.70	150,000.00	34,847.62	200,000.00
Cetinje	50,000.00	2,590.00	25,000.00	12,660.02	50,000.00
Danilovgrad	69,070.00	46,581.87	60,800.00	50,267.69	69,070.00
Herceg Novi	152,000.00	79,179.09	162,000.00	105,000.00	195,000.00
Kolašin	48,940.66	16,796.43	48,940.00	16,796.00	22,924.38
Kotor	150,510.00	150,444.16	137,000.00	139,000.00	55,200.00
Mojkovac	25,400.00	17,944.00	23,400.00	13,990.00	20,000.00
Nikšić	226,036.00	101,553.62	214,000.00	142,428.33	211,000.00
Plav	22,000.00	20,388.15	16,000.00	2,000.00	16,000.00
Plužine	40,000.00	36,490.00	20,850.00	20,823.00	5,713.00
Pljevlja	123,000.00	14,669.66	156,300.00	33,670.00	100,358.00
Podgorica	384,000.00	378,240.00	374,000.00	372,220.36	297,000.00
Rožaje	86,249.29	65,699.29	48,254.40	45,654.40	58,077.01
Tivat	50,000.00	49,848.53	50,000.00	44,934.93	50,000.00
Ulcinj	40,500.00	40,500.00	40,000.00	4,000.00	40,000.00
Žabljak	32,200.00	32,200.00	21,000.00	21,000.00	22,000.00
TOTAL:	1.892.998,95	1.272.299,23	1.804.954,05	1.292.797,69	1.643.268,39

Table 2.2 Overview of funds envisaged for political parties from the budgets of local self-governments and allocated based on final accounts of municipalities for 2013 and 2014, as well as the budget adopted for 2015

63 Planned amount under the Law on Budget for 2015, because the Law on final account for 2015 has not yet been adopted, so that the left figure is the one envisaged by the Budget, considering the fact that the practice confirms the realisation of planned figures in the amount of about 98%

LEASE OF BUSINESS PREMISES FOR THE WORK OF POLITICAL PARTIES

In addition to funds which parties receive for regular work from the Budget of Montenegro and budgets of local self-governments, the Law prescribes the obligation of Ministry of Finance to secure the funds for the lease of business premises for the regular work of political parties represented in the Parliament, which also applies to competent body of local self-government⁶⁴. Transfer of funds to political parties from public sources is done on regular, monthly basis, or by the fifth of the month for the previous month.

User of premises (political subject)	Number of contract	The amount of lease on monthly level €	The amount of lease on annual level €
Movement for Changes (PzP)	0201/1120	4.875,00	58.500,00
New Serbian Democracy (NOVA)	0201/1161	2.700,00	32.400,00
Socialist People's Party (SNP)	0201/1122	6.100,00	73.200,00
Bosniak Party (BS)	0201/1051	2.700,00	32.400,00
Positive Montenegro (PCG)	0201/1872	3.834,00	46.008,00
Group of citizens Milan Knežević (DNP)	0201/1738	3.051,28	36.615,38
Democratic Party of Unity (DSJ)	0201/4896	1.130,00	13.560,00
TOTAL:		24.390,28	292.683,38

Table 2.3 Overview of funds envisaged for political parties from the budget of Ministry of Finance and allocated for 2014 (the basis is the same for period 2013-2015)⁶⁵

DPS reported to State Electoral Commission (SEC) ownership over the real estate in five cities, total size of 1.567 m², with an estimated value of 1.044.837 €, which is not stated in SAI's reports.

As a reminder, the issue of property of former social and political organisations has still not been solved, which significantly articulates the costs of lease of premises for the regular work of political parties. Thus, a serious portion of that property, such as the business premise commonly referred to as "the old Government's building", but also a number of other premises on local level, is used by DPS or SDP. Instead of the systematic approach which would involve the list of entire state property as well as the decision to use the premises of former social and political organisations for the work of parliamentary subjects, we are left with decades of undefined transitional solutions. It comes down to tacit concordance of political subjects, whereby the ruling DPS, and partially SDP, are the privileged users of business premise, and the rest receive budgetary funds for the lease of business premise, which additionally encumbers the citizens. A remark can be added to reports of SAI that does not treat this issue in an adequate manner, which also do not provide a clear overview of real estate, particularly of DPS. DPS reported to State

Electoral Commission (SEC) ownership over the real estate in five cities, total size of 1.567 m² - with an estimated value of 1.044.837 €⁶⁶, which is not stated in SAI's reports.

The same principle is present on local level, in terms of the provision of premise for the work of political subjects. Specifics on local level is that this issue is not dealt with in a unique manner, it rather has different

64 Article 7 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

65 Information was acquired from Ministry of Finance and Property Directorate. They do not contain the agreements for the lease of business premises of Democratic Party, Croatian Civic Initiative and Liberal Party of Montenegro, which are also parliamentary parties.

66 <http://www.dan.co.me/?nivo=3&rubrika=Politika&datum=2016-02-01&clanak=530928&naslov=DPS%20na%20sebe%20upisao%20parcelu%20poslovnog%20prostore%20od%20miliona%20eura>

modalities. Namely, some local self-governments allocate their own premises to political subjects, while other allocate funds for the lease of business premise on state level.

FINANCING OF ELECTION CAMPAIGNS

Financing of election campaigns relates to: pre-electoral meetings, promotional videos and advertising material, media presentation, adds and publications, public opinion research, engagement of authorised representatives of political subject within the expanded composition of bodies entitled for the election implementation, overheads and general administration, as well as the costs of transfer during the period of electoral campaign.

Particularly envisaged form of control is the obligation of political subject to submit the amount of prices, as well as the amount of potential discounts on the price for media advertising during election campaign to the Agency. Subjects who provide the services of media advertising of election campaign are obliged to submit the price list of electoral advertising to the Agency.

For the regular parliamentary elections in 2016 the total of 1.929.731,85 € will be allocated to political parties to finance electoral campaigns

Budgetary funds for the financing of costs of election campaigns, for the election of MPs and councillors, are secured during the year of regular elections, in the amount of 0,25% of planned overall budgetary funds, minus the funds of capital budget and budgets of state funds (current budget), for the year for which the budget is adopted. These funds in the amount of 20% are allocated equally to political subjects, within eight days from the deadline for the submission of electoral lists, while 80% is allocated to political subjects who won the mandates, proportionate to number of mandates won⁶⁷.

Political subjects can fundraise for the costs of election campaign from private sources only during the course of election campaign, and the amount of those funds, which political subject fundraise for the election of MPs and councillors, cannot exceed thirty times the amount of funds that it is entitled to in terms of the Article 14, paragraph 2 of Law on the financing of political subjects and election campaigns⁶⁸. In addition, political subject creates a separate bank account for the purpose of fundraising for the costs of election campaign in the institution authorised for payment transactions, on which it informs the Agency, and that account cannot be used for other purposes. Political subject determines the person responsible for the assigned spending of funds and for the submission of report.

WHAT IS THE COST OF Mps AND POLITICAL SUBJECTS

Compared to the funds of the Budget of Montenegro envisaged for the work of political parties, one can calculate how much Montenegrin citizens pay for the MPs and parliamentary political subjects in terms of their use of funds from public sources. Budget of Montenegro for 2015, under the item 20103, where the funds for the work of parliamentary parties are allocated, envisaged the amount of 4.075.005, 43 €. In case of the Budget for 2014, that same item 20103 envisaged the amount of 3.236.439,25 €. We can spot a difference here compared to full amount of funds allocated under the Budget for the financing of political subjects, because the same item of Budget, completely separate, envisaged that these funds are divided in a manner in which they relate to the number of mandates in the house of representatives. Specific nature of this mechanism is that the mandate is used as a mean for the account of belonging funds for regular work, however, they are not bound to constitutionally-legal status of MPs and his/her "ownership" over the mandate. Funds exclusively belong to political subject until next elections, or until the verification of new election results.

These funds represent the largest and safest source of financing of political subjects, and can be used as a minimum on which a specific model of allocation by party is created, and based on which the amounts per MP are

⁶⁷ Article 10 of Law on the financing of political parties, Official Gazette of Montenegro no. 42/2011, 60/2011, 1/2012 and 10/2014

⁶⁸ Law on Financing of Political Parties and Election Campaigns, Official Gazette of Montenegro no. 52/14, 76/15. The amount that a natural person or entrepreneur can pay cannot be higher than 2, 000 €, while the maximum amount that can be paid by a legal person may not exceed 10, 000 € per year.

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expressed. The same model of accounting and allocation of funds is used for local parliaments, but those amount are considerably lower, and in some of the local self-governments mostly irregular.

Hence, based on the application of legal formula, average MP for the regular work of political subject in 2014 cost 39 956,04€ in average, and in 2015, 50 308,70€ on annual level.

Political subjects	Number of MPs	20% of funds for 2014 in €	80% of funds for 2014 in €	Total funds for 2014 in €	20% of funds for 2015 in €	80% of funds for 2015 in €	Total funds for 2015 in €
DPS	30	71 920,87	958 944,9	1 030 865,77	90 555,68	1 207 409,1	1 297 964,78
SDP	8	71 920,87	255 718,64	327 639,51	90 555,68	321 975,76	412 531,44
BS	3	71 920,87	95 894,49	167 815,36	90 555,68	120 740,91	211 296,59
LP	1	71 920,87	31 964,83	103 885,7	90 555,68	40 246,97	130 802,65
HGI	1	71 920,87	31 964,83	103 885,7	90 555,68	40 246,97	130 802,65
FORCA; AA	2	71 920,87	63 929,66	135 850,53	90 555,68	80 493,94	171 049,62
DF	20	71 920,87	639 296,6	711 217,47	90 555,68	804 939,4	895 495,08
SNP	9	71 920,87	287 683,47	359 604,34	90 555,68	362 222,73	452 778,41
PCG	7	71 920,87	223 753,81	295 674,68	90 555,68	281 728,79	372 284,47
TOTAL:	81	647 287,85	2 589 151,4	3 236 439,25	815 001,09	3 260 004,34	4.075.005,43

Table 2.4 Overview of realisation of legal model and allocation of funds for the work of parliamentary political subjects from state Budget for 2014 and 2015

Hence, one can calculate the cost of single MP for Montenegrin citizens in 2014, based on the funds received for regular work of political subject, plus the MP's salary which, during previous two years, averaged 15.000,00 € annually. Namely, by dividing the total amount of budgetary funds for 2014, or 3.236.439,25 € with 81 MP mandate, we come up with the amount of 39.956,04 €. Average gross amount of MP's salary for 2014 amounted 24.600,00€. Average net of MP's salary for that year amounted 13.950,00 €. This figure does not include the fees of parliamentary MP's under the item of Budget 4126, which, for instance, collectively amounted 400, 000 € in 2015.

1. Amount of funds for the regular work of political subject related to MP's mandate for 2014	2. Average net salary of MPs for 2014	3. Average gross salary of MPs for 2014	TOTAL 1+3
39.956,04 €	13.950,00 €	24.600,00 €	64.556,04 €

Table 2.5 Total estimate of average cost of MP's mandate in 2014.

In 2014, average cost of an MP was
64.556,04 €
 from the Budget of Montenegro.

In addition, the Parliament financed the work of political clubs through the engagement of professional staff.

FINANCING OF NON-GOVERNMENTAL ORGANISATIONS AND POLITICAL
PARTIES FROM PUBLIC FUNDS

TRANSFERRED FUNDS FOR THE ENGAGEMENT OF SECRETARIES AND PROFESSIONAL CONSULTANTS IN 2013								
	Club of MPs of DPS	Club of MPs of DF	Club of MPs of SNP	Club of MPs of SDP	Club of MPs of Positive MNE	Club of MPs of Bosniak party	Club of MPs of Albanian parties (FORCA, DP), HGI and LP	TOTAL
January	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
February	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
March	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
April	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
May	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
June	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
July	10.428,57	7.095,24	3.428,57	3.095,24	2.761,90	1.428,57	1.761,90	30.000,00
August	10.553,58	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,57	30.000,00
September	10.553,58	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,57	30.000,00
October	10.553,58	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,57	30.000,00
November	10.553,58	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,57	30.000,00
December	10.553,58	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,57	30.000,00
Total	125.767,89	85.559,53	41.330,34	37.308,96	31.601,15	17.205,34	21.226,15	360.000,00

Table 2.6 Transferred funds for the engagement of secretaries and professional consultants in 2013.

TRANSFERRED FUNDS FOR THE ENGAGEMENT OF SECRETARIES AND PROFESSIONAL CONSULTANTS IN 2014								
	Club of MPs of DPS	Club of MPs of DF	Club of MPs of SNP	Club of MPs of SDP	Club of MPs of Positive MNE	Club of MPs of Bosniak party	Club of MPs of Albanian parties (FORCA, DP), HGI and LP	Total
January	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
February	10.553,57	7.178,58	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
March	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
April	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
May	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
June	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
July	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
August	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
September	10.553,57	7.178,57	3.466,07	3.128,57	2.453,57	1.441,07	1.778,58	30.000,00
October	10.813,17	7.351,68	3.543,95	3.197,80	1.813,18	1.467,03	1.813,18	30.000,00
November	10.813,17	7.351,68	3.543,95	3.197,80	1.813,18	1.467,03	1.813,18	30.000,00
December	10.813,17	7.351,68	3.543,95	3.197,80	1.813,18	1.467,03	1.813,18	30.000,00
Total	127.421,64	85.662,17	41.826,48	37.750,53	27.521,67	17.370,72	21.446,76	360.000,00

Table 2.7 Transferred funds for the engagement of secretaries and professional consultants in 2014

FACTS AND PREJUDICES

In overall, parliamentary political clubs received 720.000,00 € in 2013 and 2014 for professional staff, and the total of, by political club: DPS 253.189,53 €, DF 172.221,71€, SNP 83.156,82€, SDP 75.060,06€, Positive MNE 59.122,82€, BP 34.576,06€ and the Albanian parties, HGI and LP 42.672,91€.

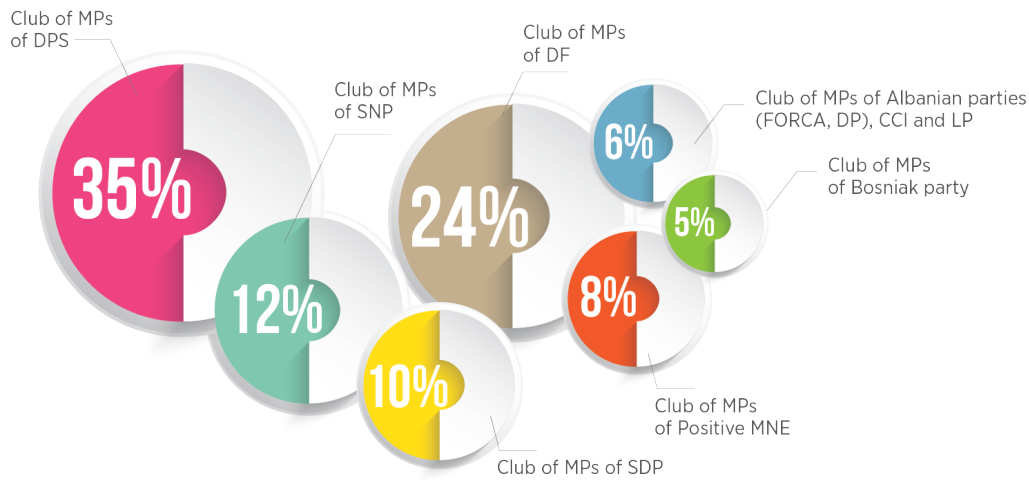


Table 2.8 Cross section of payments to parliamentary clubs for professional staff for 2013 and 2014

Law on the financing of political subjects and electoral campaigns introduces entirely new serie of control mechanisms, while the Agency for the prevention of corruption took the control over the financing of political subjects on 1 January 2016, as well as the control over the initiation of procedure and decision-making in case of the violation of law. The fact that Agency still has not established full functionality is concerning, especially considering the intensified dynamic of work of political parties in the election year.

Finally, State Audit Institution performs the audit of annual consolidated financial reports of political subjects which total income exceeds 10.000 €. Reports of SAI are available on the site of this institution, and their assessments, in terms of the method of running the finances of political parties, were labeled as concerning in the majority of processed cases.

CONCLUSIONS AND RECOMMENDATIONS

- « During the period 2013-2015, according to data available, non-governmental organisations in Montenegro were supported in the amount of 9.214.330,68 €⁶⁹. Simultaneously, political parties were supported from the same sources in the amount of 16.885.036.65 €, and when added the costs of average salaries of MPs and professional staff for party clubs (7.057.800, 00 €), we end up with the amount of 23.942.836.65€, with a reminder that costs of parties do not include the funds from the budget for electoral campaigns. *There has been an increase of funds allocated annually to political parties, and decrease in the amount of funds for NGOs, which was not accompanied by adequate explanations.*
- « Legislative and institutional framework for the financing of non-governmental organisations in Montenegro is not sufficiently defined, and the practice is followed with numerous irregularities, which questions the sustainability of NGO sector which is continually disadvantaged due to the «clash» of different laws, irregular allocation of funds, lack of calls, discretionary decision-making by public sector bodies, etc, which only illustrates the lack of political will to recognise the NGOs as an integral part of Montenegrin system. *It is necessary to establish an accurate annual percentage of allocation from the Budget of Montenegro (at least 1% of current budget, proposal of NGO Coalition Through cooperation to Aim) for non-governmental organisations, as it was done in the case of political parties which would improve both the autonomy of sector and its financial sustainability.*
- « Once the amendements to the Law on non-governmental organisations are adopted, which will establish the “decentralised” model of financing⁷⁰, *it will be paramount to create a bylaw act which will regulate the procedure of financing, monitoring, evaluation and audit of projects of NGOs.* Also, once the bylaw act is adopted, competent bodies should be trained in order to implement the procedures in a satisfying manner.
- « *Practice of public sector bodies which allocate the funds to NGOs must be transparent and equal, timely, followed with public calls and determined criteria and procedures, and the legislative framework must be precise in order to avoid different interpretations by public sector bodies.*

69 By comparison, only for 2014, in Serbia, this amount was about 73 million € on state level, in Croatia, about 92.5 million €, while the abovementioned amount for Montenegro relates to three years

70 Ministries shall be competent for the process of financing NGOs working in specific sectors

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- « Significant part of budgetary consumer units did not have the funds approved based on item of 4314 – Transfers to non-governmental organisations, but allocated the funds to NGOs from other budgetary items. For the ease of monitoring the allocation of funds allocated to non-governmental organisations, *budget units should strictly respect the Law on budget by planning and executing the allocation solely through budgetary item 4134 – transfers to non-governmental organisations.*
- « Instances of absence of competitions and criteria of allocation of state land and property to non-governmental organisations, with the lack of transparency and the possibility of discretionary decision-making pose a risk for corruption, which is consequently negative for the reputation of NGOs. This leaves room for direct influence on NGOs, by favoring and awarding certain NGOs, and punishing those which are not in the «grace» of the authorities. *It is necessary to establish clear procedures in the process of allocation of land and state-owned property for the NGOs to use, and in this respect the proposal of NGO Coalition «Through cooperation to Aim» should be taken into consideration, which advocates principle based and systematic solutions. Also, decisions on that kind of support to NGOs must be available on websites of municipalities or Government, when its assistance is included also.*
- « Montenegro has an encompassed legislative and institutional framework which regulates stable financing of political parties, reminding that funds allocated for political parties on local level are relatively irregular. Though they present rather large allocation from the budget, funds for the work of political parties have their own justification because the development of parliamentary democracy implies the efficient and professional work of political parties and representative bodies on local and state level. However, due to transparency of expenditure of those funds, *one should consider legal obligation of publishing financial reports on the expenditure of public funds by political parties on official web pages of political parties* which would prevent any further misuse of those funds, as State Audit Institution previously noted.
- « It is inappropriate for the state to pay the lease of premises to political parties considering that the Law on property of former social and political organisations clearly prescribes the use of this property for the work of political parties that have MPs in the Parliament of Montenegro, or councillors in municipal parliaments. Marked property is used for the functioning of state bodies and local self-government bodies, and the Law provided to trade union and war veterans organisations which previously used this property to continue using it. *Hence, based on the documentation of property of former social and political organisations on central and local level, and the prescribed criteria, it is necessary to cede property to parliamentary political subjects to use, as well as to all non-governmental organisations which meet previously defined conditions, because it is clear that some of the legally recognised organisations that use this property now are registered as NGOs and that the same possibilities are not equal for every NGO which constitutes a discriminatory approach.*

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