



Centar za građansko obrazovanje
Centre for Civic Education

Unofficial translation

Government of Montenegro
Duško MARKOVIĆ, President of the Government

Podgorica, 1/02/2018

Subject: Initiative to start the dismissal procedure of Aleksandar Andrija Pejović due to the incompatibility of office

Dear Mr Markovic,

In accordance with the Constitution of Montenegro, the Centre for Civic Education (CCE) submits the initiative to start the dismissal procedure of Aleksandar Andrija Pejović due to the incompatibility of office

Aleksandar Andrija Pejović is minister of European Affairs in the Government of Montenegro and Chief negotiator for accession negotiations of Montenegro with the European Union with the function of ambassador. Hence, he is performing two public duties simultaneously, which is contrary to the Article 104 of the Constitution of Montenegro which prescribes that « *he Prime Minister and members of the Government shall not perform duties of a members of Parliament or other public duties, or professionally perform some other activity*»

Besides violating the Constitution, Pejovic violates the Anti-Corruption Law, since the «*ambassador is a person whose election, appointment or designation must be approved by the official authority*» and in accordance with the Anti-Corruption law, Article 3, has a status of a public official, with an additional explanation: «*Article 9 of the Anti-Corruption Law prescribes limitations in performing public duties and performing public service for persons that already have the status of public officials*», which was also confirmed by the Anti-Corruption Agency in its interpretation.

CCE pointed to Pejović's status as ambassador to the Anti-Corruption Agency, which was approved by the Government as *official authority* through the adoption of an unconstitutional and unlawful *Decision Amending the Decision on Establishing the Structure for Negotiations on Montenegro's Accession to the European Union* and on that basis additional incomes were received through a *Solution on Special Benefits in addition to a Fixed Part of Salary*. This is all contrary to the Anti-Corruption Law, because it is unambiguous this is another public duty in addition to the duty of the Minister and in the same one month he earns revenue for both of these functions which is forbidden by Article 9 of the Anti-Corruption Law. Furthermore, Pejovic didn't report to the Anti-corruption Agency all incomes and assets when he assumed another duty, which is mandatory 30 days from the day of the appointment on another function, nor the changes on incomes and assets in accordance with the Article 23 of the Anti-Corruption Law, from period of assuming the new function, although his incomes are multiple times higher than those previously reported from period when the Decision came into force.

Moreover, Pejović is also member of the Main Board of Democratic Party of Socialists (DPS) and President of the Commission for International Co-operation, European and Euro-Atlantic Integrations of the DPS. At the same time, he is listed as a person with the status of an ambassador on the Ministry of Foreign Affairs' registry. That status is defined by the Law on Foreign Affairs of Montenegro. The



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Law on Foreign Affairs has a bylaw *Decree on a Special Benefits to Fixed Part of Salary, Special Fees and Other Incomes during Work in the Diplomatic-Consular Representation*, which represents base on which a *Decisions on Special Benefits in addition to a Fixed Part of Salary* for Aleksandar Andrija Pejović was signed. The Law on Foreign Affairs prescribes in Article 109 that «*a Diplomat can not be a member of a political party body*», thus Pejovic also violates the Law on Foreign Affairs because as he is also a senior DPS officer and therefore can't be an ambassador in accordance with Montenegrin legislation.

Finally, from all those Pejović's public duties it is difficult to determine to whom is he responsible as the Chief negotiator / ambassador – whether to himself as Minister of European Affairs or to colleague minister of Foreign Minister or his party chief? Such a situation questions public interest because if he is responsible to himself, and the ambassadors are not directly responsible to the Prime Minister but to the Minister of Foreign Affairs, emphasizing that the ambassador duty is directly related to the position of the Chief negotiator then the issue of conflict of interest emerges in the sense of paragraph 2, Article 7: "*A conflict of interest in performing a public duty exists when the private interest of a public official affects or may affect the impartiality of a public official in performing public duty.*" Also, when traveling abroad and having party meetings, there is a question of who actually covers the expenses of these meetings, or whether he is spending the money of taxpayers representing public or party interest?

According to the precise legal provision that public interest is a material and non-material interest in the well-being and prosperity of all citizens under equal conditions, it is clear that it is at risk in the case of Aleksandar Andrija Pejović. It is also clear that one person can't be in more than one place at the same time and perform multiple duties in the full capacity responsibly and of a high quality, of which at least two duties are in the rank of a public official in different countries and are paid separately. This is supported by the calculation of additional earnings for Pejović, which he receives beside the ministerial salary, as well as the accompanying benefits which, according to data available to the CCE, included coverage of the monthly rent in another country for certain period, and therefore it results that his proprietary and other material or non-material interest are protected by these public duties. In addition, Aleksandar Andrija Pejović as an ambassador violates the Law on Foreign Affairs.

Bearing in mind the above-mentioned, we enclose complete documentation in the form of data obtained from the competent authorities and the excerpts from the laws and bylaws and Constitution. We request from you to protect Constitutional framework in line with your authority and to prevent incompatibility of office as clearly prescribed by the Constitution, all for the sake of protection of rule of law.

Respectfully Yours,

Daliborka Uljarević, Executive director



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