

**FOCUS OF
THIS ISSUE**
Protection of
intellectual
property –
European
standards,
Montenegrin
practice

INTERVIEW
Renata Vitez,
coordinator of the
Twinning
programme in
Montenegro

ANALYSES

Will the government and opposition accept recommendations of the EU Council of Ministers and quickly agree on a new constitution?





FOREWORD

The coalition that won the first parliamentary elections after the revival of independent statehood carried the name "For European Montenegro". The European Montenegro, however, is not supported by the mere 48% of the citizens, who voted for the ruling coalition – it is the goal of almost 80% of Montenegrin citizens. For a few years already, this has been the result of every public opinion poll, which should be enough of a warning for the government and the opposition alike that Montenegrin path of European integration is not to be a subject of political gamble. Not only because this is a waste of time – it also means sending a very wrong message to Brussels. Realising the seriousness of warnings arriving from the EU headquarters, the leader of the ruling coalition has offered all opposition parties to "share responsibility", and join the government if they want to. While a part of the opposition expressly replied that they refuse to "collaborate" with the government, the Movement for Changes, individually strongest opposition party, responded with an interesting counter-offer: If you are really interested in genuine reforms and in introducing the European standards, we can also cooperate outside government. We could, for instance, work together in the Council for European Integrations.

Not the ball is with the government again, and it's going to show how honest was their "generosity", which is at least doubtful at the moment, seen that it was announced from the party meetings during the campaign for the second round of elections for local mayors. When the new parliament is assembled, the ruling parties will have an immediate chance to show how pro-European they are. The first signal in that direction would be to change the entrenched practice of using the majority to push through every legal act – and to start listening to the arguments of the opposition.

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EU MINISTERS OF FOREIGN AFFAIRS ADOPTED DECLARATION ON POLITICAL DIALOGUE WITH MONTENEGRO, AND WARNED:

Start with decisive reforms

Foreign Affairs Ministers of EU member states adopted in the beginning of last week a joint declaration on political dialogue between EU and Montenegro.

After the recognition of Montenegrin independence, this is the first step towards the establishment of formal cooperation on the highest level with Brussels, but except for the handshake, the government in Podgorica also received a warning – to begin with "decisive" European reforms, especially in the field of four freedoms, judiciary and security, and strengthen the capacities of public administration.

In the conclusions from this meeting it is stated that "speed and conclusion of these negotiations will depend upon Montenegrin progress in implementation of genuine reforms", emphasizing that "EU remains committed in supporting Montenegro on its road to Europe".

Approving of the decision of European Commission to continue negotiations with Montenegro as soon as possible, urging the government to adopt a new Constitution embedded in European standards, in the joint Declaration on Political Dialogue between EU and Montenegro, EU foreign ministers expressed their "commitment to development and strengthening of mutual relationships in all political spheres" with Montenegro.

"Accordingly, the parties have agreed to establish regular political dialogue to accompany and consolidate their rapprochement, supporting the political and economic changes which are taking place in Montenegro at this moment, especially with regard to the status of Montenegro as a potential candidate for the membership in EU".

They emphasise that the political dialogue, based on the common values and aspirations, will serve to reinforce democratic principles and institutions, as well as the rule of law, human rights, respect for and protection of minorities, promotion of regional cooperation,



development of good neighbourly relations and implementation of the commitments dictated by the international law...and therefore assist Montenegro in its effort to integrate into political and economic processes in Europe, based on individual achievements and merit...

They also highlighted the need to "coordinate attitudes in those matters which are expected to have a significant influence on both parties, including the fight against terrorism, organised crime and corruption, and in all other areas from the sphere of judiciary and home affairs".

"Enabling both parties to consider the position and interests of the other in the decision-making process. Strengthening the security and stability in the whole of Europe, and, especially, in South East Europe, through cooperation in the matters which are covered by the EU Common Foreign and Security Policy", reads the text of the Declaration.

It is stipulated that the political dialogue will be taking place through regular consultations, contacts, and exchange of experiences among high representatives from Montenegro, on the one hand, and EU representatives in the form of Troika, on the other. There will also be some contacts on the parliamentary level, and also through the EU-West Balkans Forum, which was established in 2003 at the EU-West Balkans summit in Thessalonica.

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photo: VIJESTI

by Kristof Bender

The day Montenegro will join the European Union lies still far ahead. Recent talk about "enlargement fatigue" has led to increasing concerns in prospective member states in the Western Balkans. It is true that some European politicians have advocated a slower pace for enlargement, in particular after the Dutch and French referenda on the EU constitution. On closer examination, however, little has changed for the EU aspirations of the Western Balkans.

Reservations about new candidates are not a new phenomenon. The EU has been far from enthusiastic when some of the Central East European countries voiced their interest to join the Union and their accession has remained controversial in some countries until today. Before Greece joined in 1981, the European Commission argued that the country was not prepared for membership. At the time member states decided to go ahead in order to stabilise Greek democracy after authoritarian rule. Great Britain was rejected twice due to a French veto before it joined in 1973. No country was ever invited to join the EU and it was always up to applicants to make their case and convince sceptics within the EU. This is not and will not be different for the Western Balkans.

In 2002 and 2003, in the run-up and during the Greek presidency, the Western Balkan countries were quite effective in arguing for their place in Europe. Also then, with the big bang enlargement of 2004 just around the

Reviving Trajkovski's spirit

corner, the climate within the EU had not been receptive and few people took talk about EU membership perspectives of the Western Balkans seriously. However, at that time the Western Balkan countries – largely on late Macedonian President **Boris Trajkovski's** initiative – for the first time managed to lobby jointly for their EU aspirations and, with backing of a committed Greek presidency, put the Western Balkans firmly on the European map.

It was Trajkovski's initiative to publish an op-ed in the International Herald Tribune together with the heads of state of other Western Balkan countries, arguing for a more open stance by the EU towards the Western Balkans. This joint approach positively surprised many observers, used to nationalist rhetoric and reciprocal blame games between Western Balkan countries. A new generation of politicians like **Radmila Sekerinska**, then Macedonia's Deputy Prime Minister for European Integration, and **Neven Mimica**, Croatia's Minister for European Integration at the time, impressed Europe's politicians. All this contributed to the Thessaloniki Summit in 2003 which included an unprecedented commitment to EU membership of the Western Balkans.

Despite frequent reference to "enlargement fatigue", the last three years have brought a series of achievements. Croatia has started membership negotiations. Macedonia's brave decision – again driven by Trajkovski – to formally apply for EU membership despite strong resistance of some member states was rewarded with the granting of candidate status. Albania concluded a Stabilisation and Association Agreement (SAA), and Bosnia, Montenegro and Serbia have started SAA negotiations. The European Commission has moved responsibility for the Western Balkans from its external relations directorate to the enlargement directorate, confirming clearly

that the final destination of the Western Balkan countries is EU membership.

This does not mean that there are no challenges. The EU budget 2007–2013 put fewer resources aside for the Western Balkans than was hoped for. The recently adopted Instrument for Pre-Accession (IPA), which regulates all future EU assistance to the Western Balkans, includes a distinction between candidates (Croatia, Macedonia, Turkey) and potential candidates (Albania, Bosnia, Montenegro, Serbia). Unfortunately, some of the pre-accession tools that have proven very successful in countries like Bulgaria and Romania will not be made available for potential candidates right away. Furthermore, France has changed its constitution requiring a referendum for all future enlargements after Croatia.

However, these are not insurmountable hurdles. Members of the European Parliament have voiced hopes that in 2008 the EU budget could be reviewed in the Western Balkans favour. The IPA regulation allows for a considerable amount of flexibility to introduce the measures reserved for candidates also to potential candidates through the back door. Actual implementation will largely depend on the European Commission. Most challenging are the French constitutional changes, which will not be resolved without a fair amount of innovative ideas. A first start would be a detailed analysis of the French enlargement debate, trying to identify the worries and possibilities how to address them.

All of this is possible, but it needs determination and courage, like late Macedonian President Trajkovski had shown.

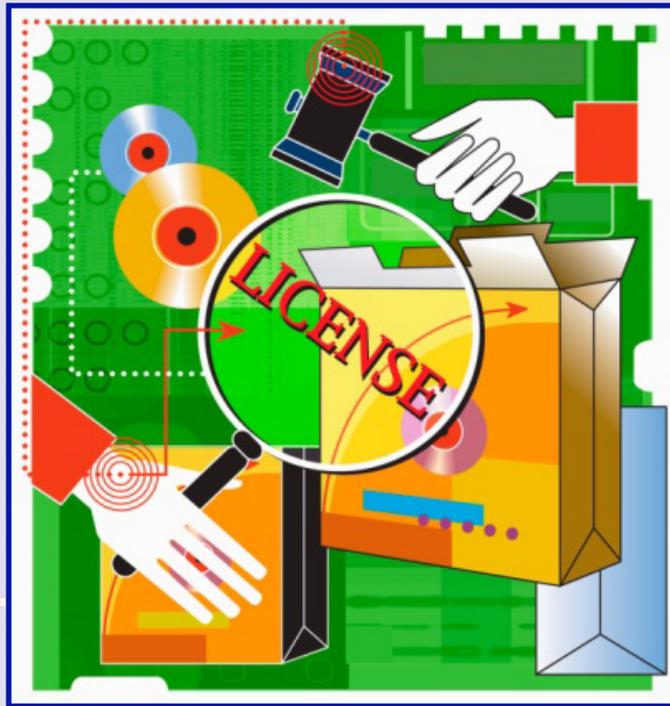
Kristof Bender is a senior analyst with the European Stability Initiative (ESI), a non-profit research and policy institute working on South East Europe and has been working in South Eastern Europe in various capacities since 1997.

PROTECTION OF INTELLECTUAL PROPERTY – EUROPEAN STANDARDS,
MONTENEGRIN PRACTICE

As long as there are pirates in the street, Montenegro is far from EU standards

Montenegrin legislation concerning the intellectual property is perfectly in line with the EU directives, but the problem is that it is only partially implemented in practice. If you add a complete lack of awareness of the importance of protection of the authorship rights and the rights of industrial property, as well as the fact that the institutions which are supposed to attend to this issue are still underdeveloped, the overall Montenegrin landscape in terms of intellectual property turns rather gloomy.

The best illustration are the pirated CDs, which can be easily bought in the street or rented



out in clubs, in spite of the 30 000 euros penalty for dealers.

The notion of "intellectual property" defines a number of legal norms protecting certain creations of the human mind, such as patents, brands, design... which go under the name of industrial property. Similar to the industrial property rights are the rights of authorship, regulating the usage and protection of creations and innovations in the field of literature, science and art. In the process of EU association, the official Podgorica will have to dedicate a lot of attention to this issue, also because the proposal of the Stabilisation and Association Agreement stipulates that "Montenegro will undertake the necessary measures to guarantee the rights of intellectual, industrial and commercial property in the manner similar to the protection existing within the Community, within a maximum of five years from the coming into force of this agreement".

How serious is the issue is best demonstrated by the example of Bulgaria, which was warned by Brussels in the beginning of this year that, if it still wishes to join the club of 25, it must strengthen the fight against corruption and tackle the protection of intellectual property, despite significant progress that Bulgaria made in the past few years.

Three to four years ago, Bulgaria had entire small factories producing pirated records, which

SOON A BUREAU FOR INTELLECTUAL PROPERTY

Montenegro will soon establish a Bureau for intellectual property. Until now, all the related matters were handled by the federal Bureau for intellectual property in Belgrade.

Secretary of the Ministry of Economics, Mr **Zoran Tomić** explains that his Ministry has submitted a proposal to the Ministry of Justice to revise the regulations on organisation and functioning of public administration.

"In this proposal, the Ministry of Economics assumes responsibility for the matters related to industrial property. The Ministry has formed a working group which has the task of elaborating a proposal for the establishment of Bureau for Intellectual Property in Montenegro, and the deadline for this proposal is the end of September. This working group gathers representatives from the Ministry of Economic, as well as from the culture and media sector, and the former deputy presidents of the SM Federal Bureau for Intellectual Property from Montenegro. The Bureau will be there to protect the intellectual property of our citizens – patents, brands, design, signs of geographic origin and topography of integrated chains. The Bureau will be in charge of the entire procedure, from registration of intellectual property to issuing a certificate of ownership to the property rights", Tomić said.



Zoran Tomić

were later moved to Serbia. According to some unofficial sources, just one year ago, one of those "factories" was still operating in the Podgorica district of Zabjelo.

Montenegro still uses the "federal" Law on the protection of authorship rights and related rights, which was adopted by the Parliament of the former State Union in 2004, together with a series of other laws regulating the rights of intellectual property.

Due to differences between the criminal code and monetary systems in Serbia and in Montenegro, these laws had to be adjusted for the Montenegrin legal system. Consequently, the Parliament of Montenegro adopted a Law on implementation of the regulations governing the protection of intellectual property rights, which came into force on 1 January 2006.

It should be said that these laws were adopted in the last moment, with significant effort on the part of the federal ministries and Montenegrin Ministry for European integrations, as both the member states were in danger of being placed on the "black list" of the American administration, which would entail numerous consequences.

The Law, drafted by the Montenegrin Ministry for European Integrations, defines both the execu-

utive institutions and the measures that should be taken "where there is a doubt that production, distribution, acquisition, broadcasting or enjoyment of a certain good might be a breach of the intellectual property rights".

According to this law, the competent bodies for implementation of the intellectual property regulations are the inspection agencies – whether they are specialised for tourism, construction, medical products, or market inspection, which includes monitoring production and distribution of those goods infringing upon the rights of intellectual property – brands, design, signs of geographic origin and topography of integrated chains.

The market inspection is also in charge of monitoring the exchange of goods which carry a sign of authorship and related rights – fighting against pirating and unauthorized copying of audio and video recordings, which is the most widely spread form of violation of authorship rights.

According to the numbers from the State Market Inspection agency,

of the goods confiscated during control raids of shops and markets, some 80% are pirated CDs. The Agency sources say that, from the beginning of the implementation of this law, around 12 000 discs were confiscated. The penalty for unauthorized broadcasting, copying and distribution of pirated records ranges from 3 000 to 30 000 euros.

Still, nobody has yet paid this fine, although the agency and the legal stores claim that complaints against the dealers arrive almost on a daily basis.

One of the owners of the DVD club "Matrix", **Dragan Škuletić**, believes this is precisely why the piracy is still flourishing in Montenegro.

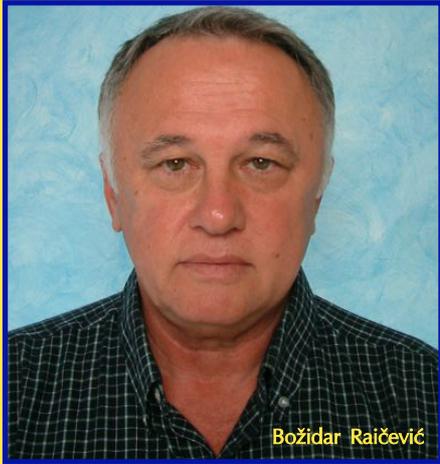
"There is not a single DVD club against which the inspection agency hasn't filed a complaint, but unfortunately these are archived in courts and not one of them has been ordered to pay the fine. I believe the situation would be a lot different if some of them were fined. You have small clubs which are based in private houses, but a lot of them would think twice of whether they

INVEST ONE DOLLAR, EARN FIVE

According to the data of IPA, international agency for the protection of authorship rights in film industry, in Europe only the damage inflicted by pirated records can be measured in hundreds millions of dollars. The profit made from pirating is frequently used to finance trafficking of drugs and weapons, and other forms of organised crime. However, the analyses show that pirating itself is becoming one of the leading criminal activities. According to some estimates, the reason lies in enormous profit – every invested dollar returns fivefold, the penalties are lower than other forms of organised crime, and the number of potential customers on the world market is immense.

Just as an example, the capacity of illegal DVD manufactures in Russia is estimated to some 30 million discs per year, while the local demand is ten times greater, and the production also includes multi-lingual products for export. Recently, in a single raid the inspection managed to confiscate 25 000 DVDs, 20 000 VCDs, and over a thousand of video recorders used for copying various video files. It is estimated that the organisers of this manufacture earned as much as 250 000 dollars in a fortnight. It is therefore hardly surprising that the mafia in Italy has taken over the entire record pirating business. Another hotspot is the Netherlands, where there has been an increase in the incidence of physical attacks, racketing and kidnapping, in order to impose loyalty to the mafia bosses.

MUSICIANS ARE SEEKING THEIR RIGHTS THROUGH PAM



Božidar Raičević

PAM is an official organisation for the collective realisation of authorship rights in music, registered in Podgorica in January. Before it was established, the competent institution for the related matters was SOKOJ, based in Belgrade. Judging by the havoc in the field, SOKOJ was never too interested in imposing and protecting the rights of music authors in Montenegro.

"The music authors decided to create PAM as a means to protect their work and creations. The basic and only function of PAM is to secure regular income for the musicians, concretising the value of their protected creations. This is done with the permission of each author, based on contracts with the beneficiaries – TV and radio stations, concert halls, hotels, restaurants, cafes, shops and other users. Therefore, PAM is there to ensure that whatever is paid by the beneficiaries is regularly, and in full, received by the authors. Distribution of the acquired means is conducted in accordance with the international experiences", says the director of PAM, Mr Boško Raičević, a pioneer of the collective realisation and protection of authorship and related rights in Montenegro.

want to continue with the business if some of them are forced to pay 30 000 euros. As it is now, they just wait for the inspection to leave and than continue with their business", Škuletić says.

Those familiar with the situation say that another problem lies in the lack of preparedness of the inspection agencies to deal with this problem, as the protection of authorship and related rights, as well as that of the industrial property, is indeed a very delicate business.

People who are working on this demanding issue are warning that Montenegro might have a problem in finding and training quality cadre for the protection of intellectual property.

The first step is to establish a Bureau for intellectual property, and to employ skilled cadre. Until now, all the procedures related to the industrial property, from reporting a patent or a brand to receiving a certificate of property rights, were con-

ducted at the Bureau for intellectual property of SM, or, earlier, FRY.

The complex nature of the issue is perhaps best illustrated by the time it takes to be granted rights on a certain patent – 30 months, on average.

The first step is to apply for a patent at a local bureau, which then forwards the application to the International Bureau for Patents. The International Bureau checks whether that particular patent, brand, or sign has been registered earlier, and if the answer is negative, the local bureau is given a green light to grant patent rights to the applicant for that particular item.

"Until now, Montenegro had no institution responsible for the intellectual property. We are now faced with the problem of non-existent cadre in this field, and with the lack of proper training for the future employees of the Montenegrin Bureau of Intellectual Property.

Until now, there was little interest in Montenegro for this issue, but we can expect that in the recent future there will be more people interested in the protection of industrial property, more companies eager to protect their sign or product. We already had some inquiries from certain companies", says Secretary of the Ministry of Economics, Mr Zoran Tomić.

Protection of authorship and other related rights is in the similar situation, as until now the responsibility for these matters lied exclusively with SOKOJ.

It seems that the matter is additionally complicated by a complete lack of awareness in Montenegro regarding the value of intellectual property. TV and radio stations are violating authorship rights on a daily basis, broadcasting music for which they have no permission from the owner. Speaking about violation of industrial property regulations, it is striking that almost every car repair shop or a clothes store in Montenegro carries a sign of "Addidas" or "Mercedes". Their owners are probably ignorant of the fact that they would have to pay a fine of up to 30 000 euros, should the market inspection or the owner of rights to these brands decide to bring the issue up in court. Lawyers are warning that there have already been inquiries from the representatives of renowned international brands in Montenegro, who are anxious to find a way of protecting themselves from this common phenomenon.

Although it is difficult to estimate the exact value of intellectual property in terms of money, international experts agree that the value of Coca-Cola brand can be put at approximately 22.5 billion dollars, while Marlboro scores even higher – 33.2 billion dollars.

Vladan ŽUGIĆ

RENATA VITEZ, COORDINATOR OF THE TWINNING PROGRAMME IN MONTENEGRO

If you motivate your administration, you will be amazed by its progress

The twinning project was created a few years ago as a common programme involving the republic of Montenegro, the republic of Serbia, and the state union. Due to various procedural delays, the project really started only in April this year. Then we had to wait for the results of the referendum to be sure what was the future mandate of our project. Despite everything, however, we managed to complete the first seven components of the project, and we already initiated the other three, thanks to the flexibility of all the partners involved, and their readiness to cooperate, said in the interview for *EIC Bulletin* Ms **Renata Vitez**, coordinator of the twinning programme in Montenegro.

- **What are your concrete tasks?**

This is a relatively long and complex two-year project, where French and Slovenian experts are supposed to help their Montenegrin colleagues to build capacities for the European Union accession process. My function is that of a resident twinning advisor, where I help to coordinate all other partners in the project. On the other hand, I also organise mission and prepare working programmes for the French and Slovenian experts in Montenegro. Finally, I am trying to be a good advisor to the Minister and her colleagues in relation to all those matters where my knowledge and experience could be of any assistance.

- **You said that up until now you managed to complete seven components of the programme. What does it mean?**

Basically, through these seven different components, the real beneficiary of our services is the Ministry of European Integrations, and through the ministry also the rest of the system. The idea is to establish a system capable of conducting real negotiations with EU once Montenegro becomes a candidate country – in the way that is compatible with EU standards, which is in the interest of Montenegro.

The first component of the programme was to assess the situation, and the



Renata Vitez

second one involved creating a strategic plan, defining institutional and human resources necessary for the negotiations. The third component is to establish genuine communication and coordination between the government bodies, as well as with the parliament and with the NGO sector.

If you wish to join the EU consensually, everyone must be involved with the accession process. The fourth component is training, and the fifth is the most important one – the national plan for the adoption of *acquis communautaire*.

- **Which, according to you, is the most efficient way to improve the administrative capacities of the state and local governments in order to successfully accomplish the process of EU association?**

We must not forget that this is a relatively long process. Slovenia took 8 years to become a member of EU, starting from where Montenegro stands now. Therefore, the most efficient way to build up administrative capacities on all levels, is to "learn through practice", with appropriate assistance.

Drawing from the experience of Slovenia, I assure you that you will be astonished with the progress that the administration can make in a couple of years, if it is motivated and inspired by the requirements of the accession process.

- **How were you received in the Ministry for European Integrations and in**

the Government in general?

Without exaggerating, I can say that things could not have been better. The ministry offered us excellent working conditions, and we developed very good working relations. The dialogue is open and sincere, and for this we have to thank the Minister first, for she always asks for relevant information and considers different aspects before making a decision. In short, it feels good to be a part of this diligent and ambitious team.

- **What do you think are the crucial problems of Montenegro regarding the association with EU?**

Problems exist, there is no doubt about it. Drawing on my own experience, I am inclined to pay more attention to the economic problems, rather than the political ones. In that sense, I would say that the low international competitiveness of Montenegrin enterprises and the lack of a proactive industrial policy on the other hand may be a problem.

However, this is a problem which is present in Montenegro regardless of its aspirations towards the European Union, and is not necessarily an obstacle to the membership. Why? Because it will be solved before the accession.

The good thing about accession to EU is that this process was created in order to actively assist candidate countries in their efforts to develop and fulfil the EU standards before they formally become members.

- **What do you believe are the main advantages of Montenegro in its journey towards the EU?**

As far as the advantages go, I would also rather bet on the economic than on the political ones – on the relatively liberal Montenegrin economy and the euro. Concerning the other, "soft" side of the advantages, I would like to emphasise the highly positive attitude and readiness for acquiring new knowledge. These may indeed be the most important assets in your journey towards the EU.

Nedeljko RUDOVIĆ

WILL THE GOVERNMENT AND OPPOSITION ACCEPT RECOMMENDATIONS OF THE EU COUNCIL OF MINISTERS AND QUICKLY AGREE ON A NEW CONSTITUTION?

Compromise by the end of the year would be a miracle



photo VIJESTI

From one of early parliamentary session

The Council of EU has given a hard task to Montenegrin politicians. In the meeting held after Montenegrin parliamentary elections of 10 September, Foreign Affairs ministers of EU member states sent a very clear message – Montenegrin government and opposition should "quickly" adopt a new Constitution for Montenegro in accordance with European standards, which would "require political dialogue".

Approving of the decision of European Commission to continue negotiations on association with Montenegro, European ministers urged the future Montenegrin government to undertake European reforms "decisively", especially in the field of civic liberty, judiciary and security – and to strengthen the capacities of public administration.

Both the government and the opposition are doubtless willing to engage in discussion on the new Constitution, but the option of doing it "quickly" is under a heavy question mark, considering some rather prominent bones of contention which are not to be resolved easily.

The ruling coalition of Democratic Party of Socialists (DPS) and Social-democrat Party (SDP) is intent on securing a two-thirds majority for the adoption of new constitution, but already it seems that the said percentage might be a little too ambitious. With 41 out of 81 seats in the parliament, their hopes are turning towards the 5 MPs of the Albanian and Bosnian national parties, the 11 seats held by representatives of the Movement for Changes (MfC), and potentially towards the 8 MPs of the Socialist People's Party (SNP). This makes up for more than two-thirds majority, which can be reached only through some major concessions. First of all, both the smaller national parties, as well as MfC, are asking that all the "constitutive peoples" of Montenegro be mentioned in the Constitution, whereas DPS and SDP insist on the concept of pure civic state, fearing that introducing the "constitutive nations" might give them right to self-determination or even secession in the future.

In addition to this, SNP would want

to change the national symbols, to ensure that Serbian language remains the official tongue, and that Serbian Orthodox Church is given some priority over others. For the ruling parties, this is beyond question. Their starting position is that Montenegrin language should be the official language of state, and that all religious communities, including the Montenegrin Orthodox church must be equally treated. As for the change of the national symbols, they are adamant not to give them up. Parties which fought for the survival of the State Union with Serbia would also insist on the possibility of another referendum on the statehood status, which creates further disagreement.

The most urgent question for the new parliament is, however, already solved – Montenegro will keep the parliamentary system. All relevant political subjects agree that the new Constitution, which should be tackled immediately after the new Constitutional Assembly is formed in September, should leave no space for the changes in the system of the division of powers – Montenegro does not need an omnipotent president. Some smaller amendments are still possible: SNP does not rule out a possibility of introducing a "chancellor system" where the prime minister has the power to choose members of his cabinet.

Unlike the Serbian National Party (SNS) and other smaller parties who joined them on the Serbian List, who demand that Montenegro is proclaimed a "state of nations", SNP warns that such a decision is hasty, as "it might, in the long run, generate significant problems in Montenegro".

"Even regarding territorial integrity of Montenegro. Defining Montenegro as a "state of nations" might eventually entice divisions and nationalisms, creating problems where they should not exist", claims SPP.

On the other hand, SNP proposes that both Serbs, Montenegrins, and other peoples constituting more than 3% of Montenegrin population be dubbed "constitutive".

"A bicameral parliament would ensure equality both among citizens and among nations. Serbs do not want to be treated as equals on paper, only to be scolded as "opposition to Montenegro" and packed for Serbia whenever they cross the will of the Throne. We are not asking to be given more rights than others, we just want to keep good neighbourly relationships with everyone", SNP claims.

The government is warning that introducing the notion of constitutive nations in the text of Constitution would equal to "a return to the "Blut und Boden" theories which lead to the dissolution of SFRY", whereas the Liberal Party (LP) sees nothing controversial in the proposal – "if so demanded by legitimate representatives of those peoples".

Movement for Changes is somewhere in between – Montenegro should be a civic state, but there is no problem with mentioning as constitutive all the peoples whose population exceeds 3%.

"However, we oppose the idea of bicameral parliament or granting special rights to certain nations. That could turn out into ghettoisation on the national basis", MfC warns.

MfC, a new party which won the status of a single most powerful party in these elections, also has a solution for all other "controversial" issues – language, equality of religious organisations...

"We should always look up to the experts and consult past European experiences. In Montenegro, there was little expert talk on these issues, most of the topics only served for manipulation and to intensify divisions. All the existing differences should be regulated in such a manner as to avoid future conflicts, focusing on the common rules of the game", says MfC.

The government will have to be very cautious in evaluating the proposals of its opponents. Prof. Dr **Srdan Darmanović**, member of the Venetian Commission, an expert legal body of the Council of Europe, says that VC will probably recommend a two-thirds majority for the adoption of new Constitution, as an expression of wider consensus.

"If that is impossible, we will recom-



Dr Srdan Darmanović

mend that the Constitution be adopted by citizens, in a referendum", said Darmanović for the national media.

He said it was hardly possible that VC would recommend a third solution – adopting the Constitution with 51% majority of all votes in the Montenegrin Parliament.

"Even if the Parliament decided to adopt Constitution with 51% majority of parliamentary votes, it would be faced with opposition from VC", Darmanović said.

Except for the burning political questions, the new Constitution will have to regulate the functioning of institutions already existing in the legal system of Montenegro – the Central Bank, Ombudsman, National Audit Agency, notary, the Judicial Council...other issues include standards of citizenship, minority rights, local self-government, property of foreign nationals on the territory of Montenegro, children's rights, consumer rights, and elimination of death penalty, which was outlawed by the new Criminal Codex.

These are all more or less technical issues, which are not expected to cause bigger disputes. Everything else, however, promises intensive and long lasting debate: in the public, in the expert circles, and in the political arena. Meeting the deadline for adopting the new Constitution by the end of this year, or obeying the wish of EU ministers to do it "quickly", at the moment seems like asking for a miracle.

N. RUDOVIĆ

GOVERNMENT READY FOR A NEW REFERENDUM

Except for its content, another hot topic in the parliament is the manner of adoption of the new Constitution. DPS, SDP and LP insist that the new Constitution be adopted with a simple majority vote in the parliament, while SPP and the Serbian list demand two-thirds majority, as is set in the current Constitution. They justify their request by a "need to ensure the highest possible amount of consensus when adopting a supreme legal document of the county".

On the other hand, the ruling parties insist that there is a procedural discontinuity with the current Constitution. Therefore, a simple majority vote is enough, and the Constitutive Assembly was formed precisely for this purpose – which is why "the new parliamentary assembly can, with renewed electoral legitimacy and with full political capacity, set independently the rules of procedure for the adoption of new Constitution".

According to them, the Constitutive Assembly will, through a separate law, define all elements relevant for the adoption of new Constitution. A multi-party committee for constitutional matters will then create a draft proposal, subject to public debate and revision. For these purposes, the Council for Constitutional Matters, an expert body of the Parliament, has already created an expert version of the text.

Finally, if it turns out that securing a two-thirds parliamentary majority is impossible, the ruling coalition is ready for the alternative solution – referendum.

Or, as they like to put it: if we can't reach an agreement with opposition, we will seek an agreement with the citizens".

Europe is an antibiotic, not a sedative

by Brano Mandić

Are we closer to Europe now? For the second time in a row we voted peacefully and obediently, the official Brussels is twitching with pleasure. Whoever wins the election is less important, as long as democracy thrives. You don't look an election horse in the mouth, that would be sheer luxury at this stage of social development. We can still proudly look down at Somalia and say: we voted twice in half a year, and still no casualties.

Now, regarding those gentlemen **M.K**, **M.O** and **D.O** who picked a fight on the election day in Žabljak, we may rightly scold them for abandoning the European road, allowing themselves to be disqualified on account of their Balkan manners. Every citizen of a voting age who gets into a fight because of politics should be given a red card. That's how it goes, your ballot box is not a boxing ring, the hordes have learned the lesson no. 1, here, and in Bosnia.

My humbleness would not dare dub my own people a horde (I am not an opposition to Montenegro) had it not been already done by **Arnold Toynbee**, when he spoke about the Yugoslav side of the Balkans. But Toynbee's books were written long ago, and this September Mr **Barroso** is happy, and we are happy that he is as well. The perpetuum mobile of diplomatic fawning was set in motion, until, they say, Brussels becomes our opposition.

For years now Montenegro is missing that tiny democratic detail (organized opposition). Fortunately, there comes Europe that will generously flog our politicians into acting for the benefit of their own citizens, who are just too soft-hearted to punish their government.

Brilliant and deserved, even if it



must mean parting with Mr **Predrag Bulatović** whose departure is one of the brighter outcomes of these elections: the citizens finally decided to drop one faulty old-timer, even if starting from a thinner end.

Are we closer to Europe now?

Around midnight on 10 September, we realized: at the next elections in 2010, a new generation will come to vote, which hasn't been born yet when the Democratic Party of Socialists first came into power. While others are despairing at the thought, your author suspects that, in Montenegro, the most comfortable job is that of a radical critic of the government.

Reduced to the image of a local madman, bar-table revolutionary, exhibitionist, looser and enemy of public squares, he is harmless as long as Television of Montenegro continues broadcasting its news, which induce similar chemical effects to those of heavy tranquilisers, reporting scenes from LSD reality of yet another local **Pavle Korchagin**, who regrets not having the same surname as his Mayor.

In the meantime, the city is

turned into a construction site: on 7 and 8 September alone, a few ministers and the Mayor visited some 20 future architectural wonders. Only a day earlier, Mr Dr **Miomir Mugoša** had the honour of banning a parking lot from the centre of Podgorica – and it is no small honour indeed, to be a demiurge of the consciousness which embraces a fountain as revolution.

I ought to go and throw five cents into it, and make a wish: I wish that a civic kamikaze were born here and now, who will fight for his own five cents with woman at the cash desk, who will attack his superior when he's approached in the political sense, and who will throw himself under the Mayor's Chrysler just to show that it's not his superb reflexes that keep him on the throne, but rather the lack of any decent opponent.

To be a citizen can also be an adventure, but go explain that to our children who have learned over the past decades that every hero of the people got killed in the end.

There you go, now we're acting European!, said a teenager to her



friend yesterday night, crossing the street in front of the hotel Best Western. They realised they've been doing it right, under the auspices of the little green man on the traffic light. I slid in their footsteps, with the finely tuned ear of a reporter, just to catch them sniggering on account of their European manners.

You've heard it before:

"We're Balkan people, a little slovenly, but at least we have a soul...almost like Russians".

And if, in addition to that, we're also two cute little Podgorica girls, we even have the chance of going for TV karaoke, and in half a year or so we will already flood the covers of all magazines, and then – smack – right onto the stage of the Coalition for Democratic Montenegro, to which Montenegro we shall all in one voice chant. In the meantime, Europe is just a boring place where everyone crosses the street with utmost discipline.

It's unfair to cram the European spirit into that box – defined by EU

representatives, politicians, analysts and legislators.

In other words: it would have been much better if Reykjavik had sent **Bjork** to Podgorica, instead of a first diplomatic handshake. Just to show the young pop-Mont starts how miserable it is to sing at party meetings the same song you sang when your country was born, under the same fireworks, just with some seventy thousand voices less.

In vain the musicians, there are fewer and fewer thousands gathering in those political fiestas, which is another historical turning point brought to us by the last elections. Among the others, there are the voices of hard-core opposition publicly complimenting the Minister of European Integrations Ms **Gordana Đurović** on her work. In Herzeg Novi and Berane, it turns out that people have ceased voting by the national key, which is positive, even if they're going to vote for the same party forever. All parties are announcing "rejuvenation" of the cadre. Movement for

Changes says it's willing to cooperate with the regime when necessary. Some are even talking economics, and altogether they seem to be dead serious about writing the Constitution and asking for help the Venetian Commission of the Council of Europe.

So are we closer to Europe now?

It's a bitter feeling that the voters didn't have enough strength to snatch at least a crumb of parliamentary control from the jaws of a mammoth government. They got caught on the old vaudevillian trick – changing sides to make citizens believe it's the government who gave them a state. The government, however, can't give them European Union on a plate: ladies and gentlemen, you will have to do it yourself. Everybody embark on the road to their own, personal Brussels, bearing in mind the well-known warning: in these parts, we got nationalism before literacy, communism before working class, democratic rhetoric before civic society – and a policy of European integration before anyone who would have even the slightest idea of what that means, except for bigger salaries.

There's still hope that EU will not become Montenegrin opposition, for in that case its arguments stand little chance in the next elections, as long as DPS is flooding us with slogans on the importance of Montenegro in the region and further. The regime realised that our man needs to feel part of larger historical movements, which we lost a track of, incidentally, in 1990...

Whereas, European integrations begin with facing reality.

When even the last MP has realised that it's not just legal hotch-potch brewed up by Brussels' secretaries, but indeed an attempt to resurrect a patient whose only hope lies in fanatical self-discipline – we will be a little closer to Europe.

Europe is an antibiotic, not a sedative.

The author is a journalist of the daily newspaper "Vijesti".

SVERRE JOHAN KVALE, DEPUTY AMBASSADOR OF THE KINGDOM OF NORWAY IN BELGRADE

The advantage of Montenegro is that it cannot export problems to EU

I believe that Montenegro will become an EU member. We will support it decisively, and for two reasons: it will help your economy and introduce European standards in Montenegro, and it will also ensure the necessary regional stability – said in the interview for EIC Bulletin Mr Sverre Johan Kvale, deputy ambassador of the Kingdom of Norway in Belgrade.

At the referendum, a majority of Norwegian citizens refused to join European Union, but the richest Scandinavian country has very close ties with EU. Norway is a member of the EU single market and the influential political circles have not given up on the idea of Norway becoming a part of the Union.

"The decision not to join EU is not final, but it will not change during the mandate of the present coalition government. Two coalition partners made their participation in the Government conditional upon demand that Norway will not apply for membership in the EU again until the next parliamentary elections, which are due in three years' time. In some political circles, there is still talk about renewing the membership application, but this will not happen for the next 4 years", Kvale said.

He believes that, in the process of European integrations, the advantage of Montenegro is that it is small.

"In a way, it is an advantage, because there is hardly a way for you to make any problems in EU. Your 650.000 citizens is less than a few suburbs London. This is not a



Sverre Johan Kvale

problem. Maybe your government will have a hard time finding the capacities to adopt all the necessary laws and establish the expected standards before joining the EU, but I believe that Montenegro has good chances to become a member. Perhaps even ahead of some of its neighbours", says the Norwegian diplomat. He justifies his predictions saying that in Montenegro, "first of all, there is a very strong will to gain membership in European Union".

"Besides, there are no open questions left, such as cooperation with ICTY. You just simply need to finish your homework. I noticed that in Montenegro there is a strong will to join EU. The neighbouring countries and the countries of Western Europe should support that as much as possible. I truly wish that you should join the EU soon. I believe that is possible, especially if you fulfil your task, if you adopt all the

necessary laws and implement the standards. This is very important", Kvale warned.

Talking about Montenegrin shortcomings in the process of EU association, he emphasises the accusations of corruption in Montenegro.

"People talk about it. You need to tackle the corruption carefully. The second problem is the administrative capacity, which is fairly low at the moment. I hear that there is a department in the Government with some 20 people working on European integrations. You need more. These people have an immense load of work ahead", says Kvale.

Deputy Norwegian ambassador added that "Montenegro has many good things".

"You have fantastic nature and the ability to become one of the most popular tourist destinations in Europe. I travelled from the mountains to the coast, and the nature of Montenegro is so beautiful, it is breathtaking. However, that also means that the Government has great responsibility to create sustainable tourism", Kvale said.

Emphasising that he would prefer not to give too much advice, he says that he believes that "big hotels are not what European tourists are after".

"They want something which is closer to ecology, you need sustainable tourism. If you are careful, you will probably have fantastic growth in the tourist sector in the next five years", Sverre Johan Kvale said.

N.R.



by Vidak R. Latković

Why do I want to be a citizen of Europe?

Montenegro!

The example above serves to illustrate something that, in my opinion, is one of the key advantages of EU membership: free movement of people, getting to know different cultures helps every individual to acquire a different (i.e. better) perception and a critical attitude towards him/herself and his/her own society – and thus to understand its advantages and disadvantages. This is why I believe that people in Montenegro are often inclined to idealise their lives and their society – unfortunately, to their own disadvantage! One of the important benefits of EU integration lies precisely in the freedom of movement, which is a precondition for broadening the horizons and accepting some of the standards of European civilisation, which is bound to make our own lives better. It is often repeated that the first step for Montenegrins will be a cultural transition – creating a European civic mentality, in order to proceed with the painful, long-term processes of the transition of state, judiciary, economy...

The political consequences of integration are just as important. It is no wonder that Montenegro now has a problem with democracy! Our state has adopted democracy in the early 90s, partly as a matter of fact, and partly as a goal yet to reach. The overall progress of Montenegro, or, individually speaking, of the living standards of its citizens, will thus depend on the fulfilment of the ultimate democratic principles – individual freedom and equality, rule of

law, political pluralism etc. Speaking about democratic principles, I mean the true interpretation of democratic ideals, embodied in the everyday life of every European citizen – not our frequently misshapen adaptations of such civilisational heritage. On the day when our country becomes a member of EU, Montenegrin citizens will have the possibility to travel freely, to live and work in other countries of the Union, and to discover a new world of freedom, and of rules.

The economic advantages are just as obvious. Just to illustrate the difference, on the 1 May – the Workers' day, the German trade unions demanded a minimum hourly wage of 8 euros. At the same time, average Montenegrin daily wage was exactly 8 euros, which means that the minimum hourly wage in Germany is equal to an average daily wage in Montenegro. For the mere 8 hours of one working day, a German worker makes as much money as any Montenegrin worker with average pay would make in 8 working days. The example is instructive. Still, Montenegrin citizens must remember that Europe will not simply increase their salaries – instead, it will offer us tested standards and economic models, helping us to reach the goal on our own.

Imagine waking up one morning, opening your e-mail and finding an advertisement for a job in Madrid. You send your CV, and a few days later you get the answer that you have been accepted. In ten years' time, when our country joins EU, this dream will become reality.

For half a century of the European Community, Europeans had various reasons to unite, and to transfer a portion of their sovereignty to a supranational entity, which, changing from one form of existence to another, remained faithful to the same goals and based itself upon the same principles. The European market, open to all the members of the European block, always served as the main pillar for common European policies, manifesting itself in sweeping freedoms: free movement of people, goods and capital. Yet, half a century after the initial Coal and Steel Community, the citizens of this Europe are questioning the idea of a common roof sheltering the old continent. The pillars are there, but the roof is still missing!

These are the problems shaking the EU now, on the macro level. Further ahead, I will try to present the European integrations, from my own standpoint, on a micro level – the level of a citizen.

A few months ago, results of a public opinion poll showed that more than 60% of our citizens were satisfied with their life – with the living standards in this country. Shocking! The explanation is the following: the exact same number of the respondents never left



Or, imagine that one day you decide to go for a holiday, and you can just choose to visit any one of the 25 European states ...

To be a citizen of Europe means plenty of opportunities, but only for those who are prepared for fair play in such Europe. Nepotism, crime, corruption – endemic for all countries in transition, including our own, will have to be brought to a minimum. Your job will depend on your own abilities and qualifications, not on your political affiliation or tribal relations.

Authorities will be forced to conduct a genuine reform of the judiciary, strengthening the employment policy to make it serve its purpose – protecting human rights independently and impartially. A successful reform of public administration will be the main condition for further assistance, and for the final step into the membership in the EU club. Sclerotic bureaucracy will be transformed into a public service for the citizens. The police will be obliged to act in accordance with Law, not after individual whims. This month's elections have proven that

most citizens, and most politicians, support the pro-European orientation, which is encouraging. The main argument now is that the biggest opposition to the government's absolute majority will be in Brussels, not in Podgorica. However, I believe that although Brussels is there to help, the real work must be done at home. A responsible citizen is the best opposition to any government.

It is encouraging that nearly all Montenegrins seem decided to pursue their road to Europe. The recent history of European integration of the countries in this region shows similar patterns – a general consensus in the beginning, and then, once the numerous, painful reforms begin, directly affecting the citizens, the desire for Europe slowly diminished. I believe that this analogy will apply to our case as well. Regardless of the laudable decisiveness of our citizens to embark upon a journey to Europe, I fear that they might be somewhat misled in thinking that EU has only good things to offer.

In other words, for our citizens today "Europe" is what they see in big European capitals, forgetting that

it was built on half a century of effort to create a society which would be based on one European model. Europe is the standard! Asked what they got from the membership in EU, one of the lecturers at the European Integrations School answered – NOTHING – whatever they got was in the pre-accession process. Firing thousands of civil servants, whose numbers are redundant by European standards, is not the same as sending them on the street – it means creating thousands of new jobs. To insist on the higher quality of goods and services is not to "torture" the entrepreneurs – it means improving the competitiveness of their products on the European market. To reform the educational programmes is not to "impose" foreign methodological principles, but to adapt the system of education in order to enable our professionals to compete for the jobs in Europe with French or Polish citizens...This is Europe, this is integration!

The author is editor in TVCG. He attended II generation of the European Integration School.

CONSTITUTION FOR EUROPE – THE PAST OR THE FUTURE OF THE UNION



by Maja Vujašković

Who has the vision?

Many people would deem the Treaty Establishing a Constitution for Europe just another of those failed European initiatives that would never see daylight – however, those better acquainted with the history of European (mis)fortunes know that this is not the first time that European Union has bumped into a wall, and that so far it has always managed to find a way around it, embarking upon further integration. The Constitution is particularly dear to the hearts of those who believe that European Union is a little more than mere economic integrations, and who considered this document to be the first step towards a federal Union.

In terms of organisation, Europe became an integrated whole with the signing of the Treaty of Rome, on 29 October 2004. The document was, however rejected at referendums in France (May 2005) and Netherlands (June 2005), whereby its implementation was indefinitely postponed. Rejection of this treaty by the public in those countries which

were considered to be engines of European integration caused various debates in expert and political circles. Many explanations came into the fore, the loudest being the possibility of Turkish membership in EU, dissatisfaction with the last enlargement, lack of knowledge and understanding of the Constitution document, punishment for the national governments motivated by the economic situation in the old members, etc.

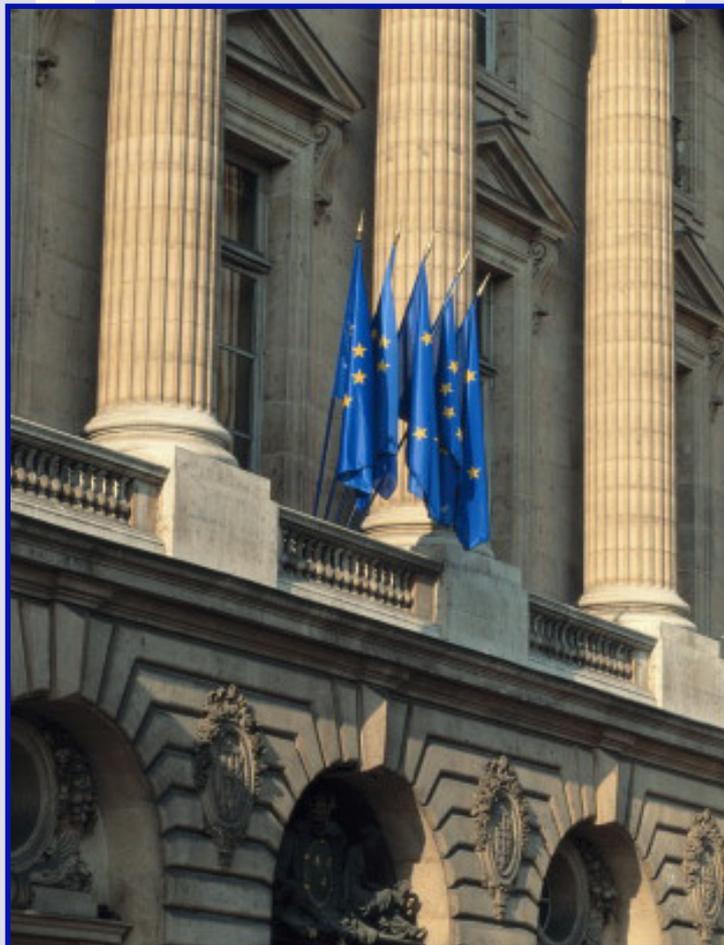
Certainly, there were also those who just preferred to keep the Union from cutting further into their national sovereignty, although such ambitions were clearly limited in the preamble of the Constitution, which states that "while remaining proud of their own national identities and his-

tory, the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny".

The question of the Constitution, however, has not been put aside. European political and expert circles opened a debate on the fate of this document. Europe now is going through a phase of introspection, scrutinising the mood of its citizens and estimating the capacities of the Union for such a big step. As the initiative was buried by the citizens, the next move is to approach the citizens, help them to understand the Constitution better and explain the benefits which would issue from its implementation.

European Commission, inspired by the constitutional debate, issued a White Book a few months ago, setting stage for a new EU policy – policy of communication, with clearly defined goals. It seems that EU is now willing to tackle the problem which has been frequently pointed at by civil society representatives – concerns that EU bureaucracy and its activities are too remote from the sphere of interest of its citizens.

On the other hand, nobody can reproach France and the Netherlands for the lack of zeal to explain the Constitution to their citizens in the pre-referendum period. The next question is – is an average European citizen at all interested and legally educated to read and understand 300



pages of a constitution?

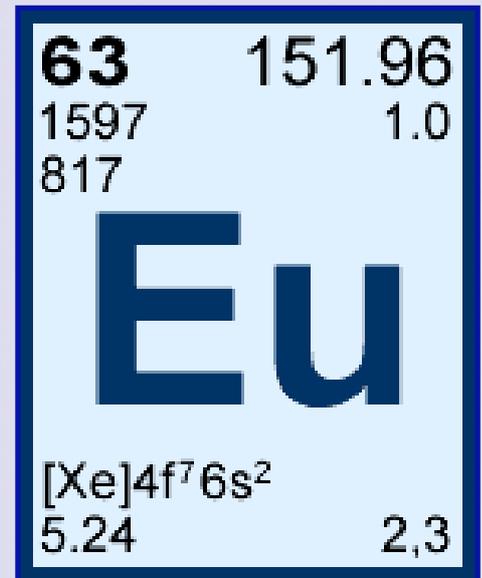
Some things in the Union will certainly have to be changed. But how? It seems to me that the crucial question is whether or not there is a clear vision of the Union's future. It reminds one of the story from Alice in Wonderland, when Alice asks the Cheshire Cat crouching on a tree next to a crossroad: "Which way should I go next?". Well, says the Cheshire Cat, it all depends on where you want to get to!

One possibility would be to create something similar to a state of Europe, which perhaps sounds horrible, but considering the political history of the human kind, from the original tribal communities, to national states to Union, it should not appear as a particularly revolutionary option.

From the perspective of Montenegro, it is instructive to study this document, for it offers us, if not a certain, than at least a probable picture of what the EU will look like when we come to knock on the doors of Brussels. It goes without a question that, if they are to let us in, they will have to push through some institutional reforms.

Although they've been scaring us by the "enlargement fatigue" lately, I believe that a bigger threat will come from the institutional reforms fatigue in EU. International legal experts could perhaps still find a way to squeeze in one more member, but that place is already occupied by Croatia, and the next on the waiting list are Macedonia and Albania.

The failure of the constitution



could be interpreted as another failure of EU to conduct a necessary reform of its institutional capacities, which throws a different light on the question whether the Constitution is "dead" or not. More than ever, more than in Amsterdam and Nice, the EU is becoming aware of its inability to respond to the challenges of wider and deeper integration and to fulfil the promises of "European perspective" for the countries of the Western Balkans, and others. If it wishes to face these challenges, EU must be institutionally reformed, and most experts would agree that the best possible solutions so far were offered precisely in the Constitution. From that perspective, it seems almost inevitable that these solutions will be accepted sooner or later, be it under the present form of a constitutional treaty, or through the back door under the name of another European city. Under the guise of a "treaty", they will perhaps appear less malevolent to those who are afraid of supranationality, and for whom the very word "Constitution" announces a "state of Europe", rather than a "Europe of states".

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POWER STILL LIES WITH THE MEMBER STATES

The plan is to replace all the previous Treaties signed during the last 50 years (8 Treaties and more than 50 protocols and annexes), with a single Constitutional Treaty (with the exception of Euroatom). It is evident that the legal basis of the Union would thus become at least a bit simpler. However, although the Constitution caused such a public upheaving, there is nothing in it that would bring a drastic change in the current competences of EU. The power still lies with the member states, despite the general impression that one would get while reading the text – discerning, in very fine print, the outline of the state of Europe. There would be some progress, too, in the matters of democratic deficit, with the inclusion of the national parliaments whose task would be to ensure implementation of the subsidiarity principle. Other mechanisms involve civil society, creating opportunities for civic initiatives, and rebalancing the institutional system. EU would gain more legitimacy, and ability to finally act as a legal entity on the international stage (the status of legal entity is at the moment reserved for European Communities). EU positions and attitudes in terms of foreign policy will become clearer, represented through a common Foreign Affairs Minister, who would, in addition to this function, also act as president of the Commission. Legislation and other activities of the Council will be more transparent and accessible for the citizens. The procedure of legislation would become more efficient, and through incorporating the Charter of Human Rights, the power of EU would extend to this area. Similarly, the European Council would have a president, although his/her powers would be heavily restricted. For the first time, the Union defines how a member state may leave "the club of privileged" voluntarily, and it also offers a possibility for cooperation on the defence capacities of EU.

As any other idea which in the past has created significant changes in EU, the idea of a Constitution needs time to ripen. Today's document is a result of decades-long effort to create an "ever closer Union", and to extent it geographically through five enlargements. Elements of federalism are mentioned for the first time already in 1984, in a report by Altiero Spinelli, a great European visionary, and ever since, from one founding Treaty to another, the area of integration and competence of EU has been steadily expanding.

LOBBYING IN EU – ABOUT 1500 INTEREST GROUPS ACTIVE IN BRUSSELS



by Vladimir Vučinić

Due to its complex structure, the functioning of European Union takes place simultaneously on a sub-national, national and supra-national level. The actors representing these different levels interact through networks, contributing to the design, implementation and monitoring of EU principles and policies.

Besides the formal, institutional actors, such as the European Commission, European Parliament and the Council, there is a variety of expert networks which supply information to those actors, participating thus in the decision-making process. This is precisely why certain analysts argue that the process of European integrations is a result of interaction between institutional actors and organised non-state actors – interest groups.

With the extending competence of EU over the years, the number of interest groups in Brussels grew accordingly. This phenomenon is best observed in the example of business interest groups which make up for 2/3 of all interest groups in EU, as a result of the fact that 75% of the economic legislation in Europe is made in Brussels. However, with EU assuming respon-

No place for the outsiders

sibilities not only for economics, but also for political forms of integration, new interest groups appeared on the EU level, representing various segments of the civil society (NGOs, associations for the protection of human rights, consumer associations, environmentalists, etc.). At the moment, the number of interest groups in Brussels is estimated at some 1 500 in total.

Interest groups use various levels and mechanisms to achieve their goal, in accordance with their purposes, and with the financial and human resources they have available. Generally speaking, there are two distinct lobbying mechanisms – the national (through bodies and institutions of the member states, using national contacts) and "the European" (through bodies and institutions of EU). Although these two mechanisms are not mutually exclusive, there is an ongoing debate on which one is the most efficient. With

the increasing competences of EU, the interest groups became more inclined to use the "European way". However, the choice of the best mechanism depends both on the issue in question, as well as on the available human and financial resources of the interest groups.

Therefore, in order to understand the importance of one or the other, and to choose the right lobbying mechanism for a given purpose, representatives of the interest groups must be thoroughly acquainted with the EU decision-making process in that particular field.

The decision-making process can be roughly divided into three phases: initiation of a policy, decision-making, and implementation. Each of them involves different institutions of the European Union which must be taken into account.

In the initial phase, the Commission plays the main role, having the exclusive right to propose

GET TO KNOW THE COMPLEXITIES OF EU NETWORKS

Speaking about policies which are in the exclusive competence of EU, most interest groups go for the "European way" – focusing on the European Commission and European Parliament in order to reach their goals. European Commission, with its exclusive right to initiate every new proposal, and the Parliament, whose powers in the decision-making process are steadily increasing, have become the best focus of the interest groups. Their policy of allowing the interest groups to provide inputs makes the business of lobbying even easier.

Therefore, to lobby successfully in Brussels, one must know all details about the decision-making process and about the institutions involved. The choice of your lobbying mechanism will depend on the issue concerned. Given the complex structure of EU, it is important to know whom to lobby and when, in order to accomplish the goals successfully. Both the structure and the manner of the decision-making process make the efficient lobbying of interest groups more difficult, but they also provide for a broad range of opportunities, offering a choice of different levels and institutions.

any act or policy. European Council has an all-encompassing control of the European agenda, but this control is limited in as much as it provides the Commission with a broad overview of the policies which should be the focus of its activities in a certain period. Bearing in mind the difference in scope and influence of each actor, the interest groups can devise their own strategy.

European Commission is generally considered an "interest-group friendly" institution. Moreover, realising that interest groups can be a useful source of information, assistance and legitimacy for the process of decision-making, the Commission itself accepted regular consultations with interest groups before the drafting of a new proposal. In this phase, the interest groups play an important role, providing the Commission with necessary expertise and establishing cooperation among themselves.

Given the relatively open attitude of European Commission towards interest groups, this phase is also a good opportunity for them to present their positions and attain certain goals. As a matter of fact, this is the best time to act; for once the proposal has moved to a higher level, it becomes more difficult to make amendments to it.

In the next phase, the phase of decision-making, the Council of Ministers plays the key role, although the European Parliament too is becoming increasingly involved in the process, increasing its competences from one Treaty to another. The focus of the interest groups thus becomes twofold, combining the national and the "European" mechanisms of influence.

With the expansion of its powers over time,

European Parliament acquired the right to make amendments to the proposals submitted by European Commission in various fields, and to co-decide with the Council on numerous issues. Similar to the European Commission in its openness towards the interest groups, EP constitutes another important institution for the lobbyists.

Unlike the Commission, however, the Parliament has no mandatory consultations with interest groups, but it does offer them a chance to register their lobbyists at this institution, in order to gain access to the Parliament sessions. In this way, it enables the interest groups to acquire the necessary information and to give their inputs and comments on the Commission proposal.

However, the Council of Ministers still has the last word in many policies, and in certain aspects it has preserved the power of independent decision-making. Unlike the Commission and the Parliament, it is considered to be the least accessible institution in EU. Moreover, in this,

final, phase of the decision-making process, it is all the more difficult to change anything, as all the issues in question have been already studied and defined in the previous phases.

The Council is made up of representatives of the EU national governments, and one way to try and influence their decisions is to lobby representatives of your own government on the national level. Interest groups can therefore try to lobby either in their own governments, or in the governments of other countries which are known to be inclined towards a certain policy, in order to oblige them to present and defend their own interests in meetings of the Council. This is particularly typical of those policy areas which are still under the competence of the member states, and where the final decision still lies with the national government (e.g. in the area of common foreign and security policy, justice and home affairs, etc.).

Those interest groups whose financial and human resources do not allow them to be present in Brussels frequently choose this way, trying to influence EU decisions through national governments and their EU missions. However, it is worth remembering that Brussels can be a "closed city", where success in lobbying can depend on a developed network of interpersonal relationships and inter-organisational connections. For an outsider, it is almost impossible to just come in for a day, accomplish his/her mission and return victorious.

Author is official of Ministry of Foreign Affairs of Montenegro and associate of the European Movement in Montenegro.



INTRODUCING THE EU INSTITUTIONS

European Court of Auditors (ECA)



European Court of Auditors

In the institutional structure of European Union, the European Court of Auditors, also known as "European financial council" occupies a very prominent place. The ECA was established by the Budgetary Treaty of 1975, which came into force two years later. Court started operating as an external Community audit body, and since the Treaty of Maastricht the ECA has been recognised as one of the EU institutions

The key role of ECA is to check that all the Union's revenue has been received and all its expenditure incurred in a lawful and regular manner and that the EU budget has been managed soundly, not only in terms of funds for the member states, but also regarding those which are distributed in the form of financial assistance to third countries. The audit control extends also to the financial management in the European Coal and Steel Community, revenues from various companies for the financing of common enterprises in the European Community for Atomic Energy, and the assets of the European Development Fund.

To carry out its tasks, the ECA investigates the paperwork of any organisation handling EU income or expenditure, in cooperation with the national audit agencies in the member states, or other competent institutions.

The ECA consists of judges-auditors, one from each of the member states. In their countries of origin, the members of the Court have all worked for an auditing institution or are

specifically qualified for that work. They are chosen for their competence and independence. Each member has to be nominated by his/her home country, and their appointment is then confirmed by the Council of EU, in a qualified majority vote with additional consultations with EP.

Members of ECA are appointed for a renewable 6-years term. Except for regular replacements or death, a member may be relieved of his/her duty by voluntary resignation, or removed by decision of ECJ, subject to regulations set in the Article 7. Members of ECA act independently, in the interest of the Community, and they must not be influenced by directions from their own governments or other national bodies. The members elect one of their number as President for a term of three years. The current president is **Juan Manuel Fabra Valles** from Spain.

The mandate of the ECA extends to all EU institutions, except for ECB and EIB.

Every year, the ECA presents the EP and EC with a report on the previous financial year. The comments it makes in this annual report play a very important role in Parliament's decision whether or not to approve the Commission's handling of the budget. If satisfied, the Court of Auditors also sends the Council and Parliament a statement of assurance that European taxpayers' money has been properly used.

Finally, the Court of Auditors gives an opinion before the EU's financial regulations are adopted. It can comment at any time on specific issues, or it can give an opinion at the request of one of the EU institutions.

More information on the European Court of Auditors can be found at: www.eca.eu.int

Petar ĐUKANOVIĆ

NON – GOVERNMENTAL ORGANISATIONS IN EUROPEAN UNION

EUROPEAN COUNCIL ON REFUGEES AND EXILES (ECRE)

ECRE is a European network of non-governmental organizations assisting refugees and exiles.

At the moment, ECRE has 80 members, non-governmental agencies working on the issues of refugees and exiles. Among them are some of the most prominent and most significant refugee-assisting organizations in Europe.

ECRE is concerned with the needs of all individuals who seek refuge and protection within Europe. The aim of ECRE is to promote the protection and integration of refugees in Europe based on the values of human dignity, human rights, and an ethic of solidarity.

ECRE seeks to achieve this aim by:

- Advocating a humane and generous European asylum policy and by promoting the development of a comprehensive and coherent response by the international community to refugee movements.
- Strengthening networking between refugee-assisting non-governmental organisations in Europe.
- Developing the institutional capacity of refugee-assisting non-governmental organisations in Europe.

Organizing its work through working groups and advising groups, ECRE strives to mobilise and involve actively all organisations belonging to its network. It aims to ensure that its ideas and positions, reflected in the promotion of humane and generous asylum policies across Europe, are achieved through exchange of information, analyses and research conducted in cooperation with other organisations in its network.

Among the activities of the organisation is monitoring of the asylum policies in EU institution. ECRE maintains an office in Brussels, which conducts initiatives aiming to influence the current asylum policies in order to improve and humanise them.

The Secretariat, which services and represents the ECRE membership, is based in London, while the office in Brussels is responsible for activities vis-à-vis the institutions of the European Union.

ECRE welcomes applications for membership from all NGOs interested in becoming a part of its network.

The Plenary Assembly of member agencies establishes the overall policies of ECRE. The Plenary elects the Executive Committee, which consists of representatives of member agencies from all European regions.

Website: www.ecre.org
E-mail: cmassey@ecre.org

SUCCESS OF THE STUDY VISIT TO EUROPEAN UNION INSTITUTIONS

Learning about EU on the spot

Centre for Civic Education, Centre for Development of Non-Governmental Organisations and European Movement in Montenegro, with support of the Royal Norwegian Embassy, organised a study visit to Brussels from 17 to 21 September, as part of the project "Learn about EU personally".

After a public call for applications, which received responses from 142 candidates, a ten-member delegation was selected, consisting of: Prof. Dr **Vjera Begović Radović** (Faculty of Law), Prof. Dr **Danijela Jaćimović** (Faculty of Economics), Prof. Dr **Maja Kostić Mandić** (Movement for Changes), **Aleksandar Damjanović** (Socialist People's Party), **Olivera Vukadinović** (RTM), **Vidak Latković** (RTM), **Ljiljana Pjerotić** (municipality of Budva, EMiM), **Damir Šehović** (Social-democrat party), **Vidosava Kaščelan** (Bureau for

Education Services, government of Montenegro) and **Srđan Šuković** (Central Bank of Montenegro).

The participants had opportunity to get to know EU institutions and representatives dealing directly with the Western Balkans, and Montenegro.

The delegation was first received by representatives of European Commission, from the Enlargement Directorate, and of European Parliament, also including the Directorate for Cooperation with the National Parliaments. They also met Mr **Marcello Vernola**, the contact person for Montenegro, as well as representatives of the Council of EU, European Economic and Social Committee, Stability Pact, permanent mission of Finland, currently presiding over EU, and of the Royal Embassy of Norway.

At the end of the study visit, the delegation was also received by Mr **Bojan Šarkić**, in the function of the head of the Montenegrin mission in EU.

The participants also had an opportunity to learn about Brussels, and to enjoy the city.

After such successful and instructive experience, but also strong interest of highly competent candidates, the organisers have announced continuation of the programme in recent future.



FOURTH MODULE OF TRAINING FOR TRAINERS IN THE MANAGEMENT OF EU FUNDED PROJECTS

Lectures by Cvetičanin

Fourth module of training for trainers in the management of EU funded projects was held in Podgorica, from 16 to 19 September. Participants in the seminar were trainers from Centre for Development of Non-Governmental Organisations, European Movement in Montenegro and Ministry of Foreign Economic Relations and European Integration. The lecturer was Mr

Predrag Cvetičanin.

The topics in this module encompassed analysis of stakeholders, analyses of the problem, goals, strategy, development of the logical framework, and project application form the budget form. The seminar is part of the project supported by the Open Society Institute – Representative Office in Montenegro.

MR MARTIN HARVEY, HEAD OF THE NEWLY ESTABLISHED OFFICE OF EUROPEAN COMMISSION IN PODGORICA, VISITED EUROPEAN MOVEMENT IN MONTENEGRO



An important role for civil society

Head of the newly established office of European Commission in Podgorica, Mr **Martin Harvey** visited European Movement in Montenegro on 22 September 2006, where he met Secretary General of EMiM, Mr **Momčilo Radulović**, Ms **Daliborka Uljarević**, executive director of Centre for Civic Education and Mr **Stevo Muk**, executive director of Centre for Development of Non-Governmental Organisations.

During the meeting, representatives of CDNGO, CGO and EMiM, introduced Mr Harvey to the wide range of their activities, with an accent on those projects which are relevant for the promotion of European Integrations in Montenegro. They also spoke about various initiatives regarding the overall democratic development of Montenegro, as well as of their own perceptions of the socio-political situation in Montenegro.

Explaining that his mandate consists of observing and supporting the process of European integrations in Montenegro, as well as monitoring the development of political and economic situation, Mr Harvey emphasised that this is a comprehensive process, which requires participation from all social sectors, with civil society having to play an important role.

FOR THIS ISSUE WE RECOMMEND:

LEAD EUROPE FELLOWS TRAINING PROGRAMME 2007, LONDON, UK

Scholarship / Financial aid: part-scholarships are available

Date: training begins in March 2007

Deadline: 30 November 2006

Open to: please visit the official website for more details

Website: www.lead.org/page/174

(source: eastchance)

10 RESEARCH FELLOWSHIPS FOR FOREIGN STUDENTS

Universita degli Studi di Padova, Italy
For the academic year 2006/2007
Universita degli Studi di Padova, Italy, offers 10 research fellowships for foreign students to attend Doctoral Schools.

All the positions will be covered by scholarships fully funded by Fondazione Cassa di Risparmio di Padova e Rovigo. During the 3-year doctoral programme (2007–2009), the successful candidates will be offered full board and lodging at the ESU – Azienda Regionale per il Diritto allo Studio Universitario.

The connected charges will be covered by Universita degli Studi di Padova through Fondazione Cassa di Risparmio di Padova e Rovigo.



Doctoral courses will last 3 years. Doctoral courses will start on 2nd January 2007 and will end on 31st December 2009.

Eligibility Criteria

Applicants are required to meet the following criteria in order to be eligible:
To have foreign (non-Italian) citizenship;
– To have foreign (non-Italian) residence. Candidates must be in possession of this requirement within the deadline date.

– To have a foreign (non-Italian) academic qualification acknowledged as equivalent to the Diploma di Laurea/ Laurea Specialistica/Magistrale (at least four years full time university education). The equivalence of the academic degree will be decided by the Council of the Doctoral School for the sole purpose of this competition.

All candidates will be admitted to the selection with due reservation.

The University can at any time exclude applicants lacking admission requirements. This measure will be communicated to the party concerned by mail with a registered letter with return receipt.

Scholarships

The amount of the scholarship is 10.561,54€ per year.

The amount of the scholarship is increased by 50% for periods of study abroad excluding the official country of residence.

For periods of study abroad students must have the approval of the Doctoral School Council.

Scholarships are paid by monthly instalments. The first instalment is paid the month following the actual beginning of the course.

Website: www.unipd.it

NYENRODE SCHOLARSHIP INITIATIVE

Nyenrode Business Universiteit, the Netherlands

At least 61 scholarships will be available at Nyenrode Business Universiteit in 2007–2008. To celebrate its 60th anniversary, Nyenrode launched the initiative to establish 60 scholarships for the 2006–2007 academic programs. As a result, one out of every three to four students received a scholarship. Thanks to the large success of this scholarships pro-



gram, Nyenrode decided to further continue the initiative for the academic year ahead, while increasing the number of scholarships.

Although sponsored scholarships are a well known phenomenon in the United States, it is still an unique approach in the Netherlands. The Nyenrode scholarships are sponsored by alumni, companies and partner organizations. Each scholarship has a value of €10,000 and is awarded to students entering one of Nyenrode's Master Programs. Part of the process, scholarship applicants will be required to write an essay on a subject chosen by the sponsoring company.

Especially these days when young talent is becoming scarce, sponsored scholarships are an excellent way to recruit committed students. And for students, a company-sponsored scholarship can be a good way to profile themselves at companies of their choice. Together with the financial aid, the sponsoring company will also provide the winning students with coaches who will support them during their study at Nyenrode.

Sponsors should contact Erik Wuite, Business Development Officer, e.wuite@nyenrode.nl or +31 (0)346 291 556.

Students may contact Simone Roesink, Senior Project Manager, s.roesink@nyenrode.nl or +31 (0)346 291 605.

Website:

www.nyenrode.nl/60scholarships

THE GATES CAMBRIDGE SCHOLARSHIPS UNIVERSITY OF CAMBRIDGE, UK

In October 2000, the Bill & Melinda Gates Foundation of Seattle, Washington, USA announced a donation to the University of Cambridge of \$210 million to establish the Gates Cambridge Trust.

This benefaction creates in perpetuity an international scholarship programme to enable outstanding graduate students from outside the United Kingdom to study at the University of Cambridge. The Trustees are required to award scholarships on the basis of a person's intellectual ability, leadership capacity and desire to use their knowledge to contribute to society throughout the world by providing service to their communities and applying their talents and knowledge to improve the lives of others.

The Trust expects there to be of the order of 230 Gates Cambridge Scholars studying at the University at any one time. Although there may be variation in the actual number of awards made each year, the Trust seeks to elect approximately 100 new scholars annually.

In selecting Gates Cambridge Scholars, the Trust looks for students of exceptional academic achievement and scholarly promise for whom advanced study at Cambridge would be particularly appropriate. The Trust expects a good match to be made between the applicant's qualifications and aspirations and what Cambridge has to offer. Successful applicants will have the ability to make a significant contribution to their discipline while in Cambridge, with a strong aptitude for research, analysis and a creative approach to defining and solving problems.

Over time, Gates Cambridge Scholars will form an integral and dynamic part of the University's influential international alumni network, bringing vision and new ideas to improving the lives of citizens throughout the world. Cambridge alumni take the lead in applying knowledge and skill to



major problems in every walk of life: Gates Cambridge Scholars are thus expected to use their education for the benefit of others and to improve the common weal. Gates Cambridge Scholarships are awarded only to students who gain admission to the University through the University's regular procedures.

A Gates Cambridge Scholarship will cover:

- University Composition Fee and College fees at the appropriate rate
- a maintenance allowance for a single student (£8,800 for 12 months for 2006-07)
- a further discretionary allowance (£2,200 per year for 2006-07)
- one economy one-way airfare from the scholar's normal country of residence to the UK at the beginning of the course of study or research; and one economy one-way airfare from the UK to the scholar's normal country of residence at the end of the course of study or research.

Website:

www.gates.scholarships.cam.ac.uk

FRANCO MODIGLIANI RESEARCH FELLOWSHIP IN ECONOMICS AND FINANCE

The Associazione Borsisti Marco Fanno awards a Research Fellowship in Economics and Finance dedicated to the memory of

Franco Modigliani and aimed to young researchers based in non-Italian institutions who wish to move to an Italian university. The competition for the award will be based on the candidates' curriculum, papers and publications.

The competition for this Research Fellowship is open to young candidates of all nationalities who (i) completed or are about to complete a Ph.D. in economics and finance in a non-Italian university, (ii) are currently performing their research and teaching activity in a non-Italian institution, and (iii) wish to perform their future activity in an Italian university.

The Fellowship will start on 1st October 2007. From that date, the winner will engage in full-time research activity at the department that has agreed to host him/her. He/she will move to the corresponding location, will reside there for the duration of the scholarship, and will not accept other paid employment contracts.

The Fellowship entitles the winner to the payment of a yearly sum of Euro 50,000, gross of all taxes and social security contributions, by Associazione Borsisti Marco Fanno. The duration of the Fellowship is two years, renewable for two more.

During this period, the Associazione Borsisti Marco Fanno can invite the winner to illustrate the state of his/her research in seminars, interviews or workshops.

By the 30th of September of each year, the winner will have to produce a report on the state of advancement of his/her research, attaching the evaluation produced by the his/her local scientific supervisor.

By the end of the second year, his/her research output will be refereed by one or more experts chosen by the award committee.

The committee will then produce an evaluation of the winner's research activity. On the basis of that evaluation the Associazione Borsisti Marco Fanno will make an unappealable decision as to whether the Fellowship is to be renewed for two more years or not.

By the end of the Fellowship's tenure, the winner will produce a final report.

Website: www.mcc.it

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