



Podgorica, 7 July 2011

THE INSTITUTE OF CIVIC INITIATIVE SHOULD BE RETURNED INTO CONSTITUTION

Centre for Civic Education (CCE) recently sent to the Government of Montenegro an initiative to open the process of changing constitutional norm that defines “the right of civic initiative“. From the Office of the Prime Minister a negative answer came with explanation: “... that for the Government, as subject proposing changes of the Constitution, at this time, are acceptable only parts directed to the need to strengthen judicial independence, and that all other initiatives towards changing the Constitution open a number of other complex issues.”

The above given answer indicates that the issue of civic initiatives is put in the same pot with all the other issues, which is unacceptable. It is obviously necessary to repeat some clear and simple arguments in favor of support of change of this bad constitutional solution. Article 93 stipulates: “The right to propose laws shall also be granted to six thousand voters, through the Member of the Parliament they authorize“. This change of context, as well as the substance, of the submission of “civic initiative” annulled already guaranteed right of citizens, by the Constitution from 1992, to initiate and, once when fulfill the conditions, to defend their cause before the Parliament of Montenegro and the public. By this definition every citizen’s initiative is turned into a party initiative, due to the fact that the initiative, whether it is in the form of a proposal or some another, will be presented by a MP of certain political groups which ultimately leads to the labeling of the initiative and the applicant.

CCE recalls that Article 2 of the Montenegrin Constitution regulates the issue of direct citizen’s democracy. And it guarantees that: “The citizen shall exercise power directly and through freely elected representatives“. In accordance with that should be also the Article 93 of the Constitution which should through the regulation of the “civic initiative” reaffirm the proclaimed constitutional principle of direct democracy, and respect the fact that the holder of sovereignty is the citizen of Montenegro.

Also, in the response of the Government it is stated that the judiciary does not have the necessary level of independence. But it is clear that the constitutional changes, though necessary in this part, will not make the judiciary independent, as is clear that the Constitution must undergo significant changes that would enable faster development of democratic institutions and strengthening of the rule of law. In that regard, **one of the necessary change is de-politicization of the civic initiative.**



Centar za građansko obrazovanje
Centre for civic education

Changes to the Constitution should not pass without changes of this category, because return of the institute of “civic initiative” would be contribution to the democratization of Montenegrin society, civil society building and further fostering of European values. Establishing opportunities for the articulation of direct democracy within Montenegrin society, which has already been defined by the Constitution from 1992, is a necessary act in the forthcoming process of decentralization and strengthening of participatory democracy, even though it is causing resistance of the existing party elites.

The constitutions of the neighboring countries (e.g. Serbia), or those who once shared our legal system, and are now in the EU (e.g. Slovenia), as well as countries with rooted democratic tradition, do not know the limit by which citizens upon submission of the draft law must be directed to the MP of certain political party.

CCE urges to the Government of Montenegro to reconsider its position on this issue, so as to the members of the Parliament who neglect this change, although it may more affect the quality of life of citizens more than some of the announced changes the Constitution.

Daliborka Uljarevic,
Executive Director