



OPEN LETTER

MPs of the 25th Plenum of the Parliament of Montenegro

Topic - Open letter of Civic Alliance to the 25th Plenum of the Parliament of Montenegro

Dear Ladies and Gentlemen,

We congratulate you on your election of MPs at the Parliament of Montenegro and we wish you successful work. We are free to speak to you with suggestions from the domain of our mission and mandate.

The role of the Parliament in the process of European integrations and strengthening the rule of law is crucial and we hope you are aware of your responsibility. You stand in front of Montenegrin citizens, public institutions and the European Union standards that will have to be implemented in our legal system, therefore, your mission is to harmonize those standards with the needs and goals of Montenegrin society.

The Parliament cannot be body for mechanic adoption of Law proposals prepared by the Government. We expect from you more active role. We hope that the best experts among you shall be in the Board for political system; judiciary and administration, so they could provide law proposals harmonized with the interests and needs of Montenegrins; besides harmonization with the EU standards. Mechanisms that are currently at disposal to boards as insufficient for their work and we invite the new assembly of the Parliament to strengthen the control mechanisms of the board, especially those related to corruption. We invite you to reach an agreement on constitutional amendments aimed at further improvement of judiciary and its depolitization; to pay attention, while adopting the budget, to the necessity on larger allocation for judiciary, and to improve control over efficient spending of these funds. We believe that the parent Board should initiate the construction of the Palace of Justice, which would relieve spatial capacities of the courts, and thus, facilitate their work.

We also invite the Parliament to improve coordination with the Ministry of justice and human rights related to proposing and adopting law documents.

We also call for you to strengthen and deepen cooperation with the civil society, so that all formal memorandums of cooperation come to practice. It is not enough only to sign documents on cooperation, have endless meetings or figure in commissions - if there is no substantial willingness for mutual respect of different opinions and if such cooperation does not lead to concrete solutions of numerous social problems. We want MPs to influence actively on promoting public debates and their control, and thus

listen the public opinion, and to pay more attention to petitions coming from the civil society. The adoption of criteria for election of NGO representatives in the bodies appointed by the Parliament is of special importance, with the aim to prevent current manipulations.

While electing the Vice-President, please follow the Rulebook and if this is impossible, than at least change it. It is particularly important to respect principles of gender equality when electing committee heads and president.

We expect all of you to contribute to increasing the level of accountability of public institutions in future, primarily through control mechanisms. In the previous Plenums, these mechanisms were insufficiently used, and besides promoting political positions - they rarely resulted in concrete solutions. We hope you will especially focus on further strengthening of control functions, in order not to allow the control and consultative hearings in boards to serve as events for promotion of activities that the Government has carried out, by reading reports. We also call on the Parliament to elect, after three years, the fifth member of the Senate of the State Audit Institution (DRI). DRI receives new powers, and on the other hand the Parliament does not contribute to the elementary level to facilitate the work of DRI, nor it uses their reports in a qualitative manner.

Previous Plenums of the Parliament did not make even minimal efforts to prevent illegal and irrational allocation of funds from the Fund for exercising and protection of minority rights, and some of MPs from the previous Plenum even supported such misuse. That Fund is conceived as the essential mechanism of support of preservation and promotion of cultural diversities and inter-ethnic harmony, on which Montenegro is proud. The Fund is surely not conceived as the place for financing ethnic entrepreneurs, who force their political and business ventures through their ethnic communities. If the current practice continues, the Fund will stay the symbol of satisfying the loudest ethnic entrepreneurs for all failures in solving social and cultural problems of communities they formally represent.

In new mandate, we expect that membership in the Board of human rights will not be left only to MPs from the minority, because the key criterion for the membership in the board should be professional experience and personal sensibility for human rights, and not belonging to minority population. The previous work may leave impression that the Parliament slurred its mandate and MPs from minority population, clearly indicating what should they primarily deal with. We hope that this Plenum of the Parliament will finally do something concrete when it comes to the area of dealing with the past and will access to establishing the Research and documentation center for collecting facts about the events from the period 1991-2001.

You should show that you are ready to play more active role on proposing changes of those solution which violate human rights and the rule of law. Among other matters, it is important to harmonize definition of a child with the Convention on rights of a child, Criminal Code with international standards, in the manner that will not violate right to privacy; Law on public gatherings, in order to provide full respect of right to peaceful gatherings as defined by the Constitution and international standards and other regulations that are not in accordance with standards. We also require significant contribution to the implementation of Law on free legal aid, Law on Protector of human rights and freedoms, Law on prohibition of discrimination, and other laws whose implementation has not started yet. Basic criteria for establishing the boards have to be primarily knowledge and professionalism of MPs in these areas. We invite the new composition of the Board for economy, finances and the

budget, to devote intensively to control of implementation of Law on energy efficiency, and further harmonization and fulfilling of goals from adopted strategic documents.

We remind you that that in the previous Plenums has not been achieved much in terms of improving media freedom, and journalist are still in a precarious position. The requirements in terms of freedom of media are one of the key priorities of the EU, but on the other hand, much more important - it's essential needs of Montenegrin society. We invite you to influence on efficient operations of the police in identifying those who threaten and attack the media and journalists, and to provide efficient court proceedings against suspects for threats and attacks, and to contribute to the protection of employees from the will of the owners of media. We request from all of you, your unique standpoint that you will be bound by the media and the Law on free access to information, and that you will not share the media to "good and" unsuitable ", but professional and non-professional. Ultimately we expect to shed light on the murder of the editor in chief of "Dan", Duško Jovanović, physical attacks on seven journalists generally critically oriented media, to find the perpetrators in the series of destruction of property of media, and threats and "warnings", as well as to clarify the circumstances of the affair "Eurotel". Assuming that the society is open and free as much the media are in the society, we invite you to take a strong stance in problems of the media, so that citizens freely report and report on pressures, human rights violations, so that, as the Constitution says, each person would be equal, and you in the MP seats should be particularly responsible for this equality.

We use this opportunity to invite you to pay attention to the problems of annual programme and financial reports of specific institutions. Adopting incomplete, unclear, and simply bad reports – gives the legitimacy to unprofessional officials and spreads in the society the culture of impunity and irresponsible execution of public functions and spending of budget means.

In this new Plenum, we expect from you to improve the level of communication because in previous Plenums it was not at satisfying level and in several cases it significantly exceeded frames proper for this institution. You have to accept your responsibilities and be promoters of good and constructive dialogue with the aim to reduce tensions. You will be expected to aim for solutions that are in the interests of citizens through overcoming personal and party interests. Especially, because in a divided society such behavior contributes to increase of the existing divisions and gives a bad example to your constituents - that this kind of behavior is acceptable or desirable as a model of communication with political opponents.

We hope that in the new Plenum, there will not be MPs who will drastically according to the intensity of their engagement, or that there will not to be members so inert that the sum of their activities is - zero. So, please pay particular attention to the fact on how long the average Montenegrin citizen spends at their job position for the average Montenegrin salary. Also, that your task is not to pass laws, but to create a legal framework that facilitates the functioning of state institutions and makes their work to be in the interest of citizens. No matter how important the European Commission reports on the work of Parliament are, please be careful about what the citizens of Montenegro think on this institution and how much they trust this institution.

Honorable Members of Parliament, we hope that you are aware - that beneath all statistical indicators of support to the EU membership is hiding a large number of people who have an idealized image of the EU as the solution to all our problems. Your task is to explain by Parliamentary debates to the citizens exactly the rights and obligations arising from the expected EU membership, as well as how

these changes will be provided through the negotiation process. And more importantly - how hard process it will be, within which we have to change our habits, which have outlived numerous attempts at social emancipation at this territory over the past 150 years.

We would like to draw your attention to the rise of cynicism that increases slowly, but surely, in the intellectual, political and civil society circles, in regards to the formal acceptance of the EU standards, which do not reflect with appropriate practical implementation. The more we talk about EU standards, the more energy we spend in exercising favorite regional sport - finding shortcuts and holes in the rules. We still have fresh memories on the initial enthusiasm of all the reforms in the previous century, and the resulting cynicism, and a final confirmation of victory of the provincial mentality over all emancipatory ideas which here have failed to graft.

You, as representatives of the people have to represent the platform of cooperation of all political tendencies within Montenegrin society, which, through constructive cooperation and dialogue has to be unified in order to address the fundamental political and socio-economic problems. If you are not ready to seek compromise and hard work on the problems that plague your voters - think how will you stand before the citizens, next time you try to explain to them they need to support you.

Civic Alliance wishes you a successful work and is available for any kind of cooperation.

Best regards,

Podgorica, 2 November 2012

Delivered to:

- media
- international organizations

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