

POLICY STUDY

ABUSE OF STATE RESOURCES IN MONTENEGRO





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Introduction

The phenomenon of abuse of state resources (ASR) for the election campaign purposes has been manifested in almost all electoral processes since the introduction of multiparty system in Montenegro. Lack of a quality methodological platform for monitoring electoral abuses has significantly determined the possibility of influencing its prevention or suppression for a long period of time. The methodology applied by Transparency Russia and the Open Society Justice Initiative during the election process in Russia served as the basis for new methodological monitoring platform that CeMI, implemented for the first time during election campaign for the early parliamentary elections in 2009. The observations and outcomes of ASR monitoring were discouraging from the very beginning. The extent of presence of ASR resulted in reducing public confidence and led to a crisis of legitimacy of the election results in 2012, 2013 and 2016, putting at risk the competitiveness and transparency of elections.

Since then, recognizing the importance and comprehensiveness of this problem and its negative impact on the democratic environment, our organization invested significant organizational efforts in advocating for the adoption of a specific law that would regulate ASR in election processes. Although policy makers have decided to apply different approach and to regulate ASR through the existing regulation on financing of political entities and electoral campaigns (2015), the fact that ASR was for the first time comprehensively regulated in Montenegro was promising. A window of opportunity that the legal framework will finally enable separation between the state and the ruling political parties was generated. Unfortunately, the practice and manifested ASR forms in recent electoral processes raise serious concerns about the stronghold this phenomenon has in Montenegro.

However, almost 12 years later, and despite significant legislative improvements, we draw similar conclusions about the state of ASR in Montenegro. This is an indicator that in the meantime, there was neither genuine political will, nor sufficient institutional readiness to prevent or eradicate the ASR phenomenon that still threatens the legitimacy and democracy of electoral processes. Electoral processes since 2009 have been marked by widespread use of state resources by the former ruling majority party (DPS) and its junior coalition partners. Although expectations following the democratic change of power in 2020 were high, the current ruling majority and new government's attitude towards the use of state resources for election campaign purposes has unfortunately not been changed. Legal framework and the efforts of the competent state authorities to prevent the occurrence of ASR remain limited.

Against this backdrop, this policy study intends to present the result of monitoring of abuse of state resources during the last Parliamentary elections (2020) and local elections in Niksic in Herceg Novi (2021). Monitoring activities have been conducted as part of the ECAC project - Supporting Stakeholders in Implementing Anti-Corruption Standards, which CeMI is implementing in cooperation with International Foundation for Electoral Systems (IFES) & CEELI Institute. The study is divided into three chapters.

- Chapter I provides a brief description of state resources and ASR, as well as the forms of ASR.
- Chapter II contains information on most relevant international documents that regulate the area of ASR, as well as an overview of the legal framework governing abuse of state resources in Montenegro.
- Chapter III contains information on the methodology used to monitor ASR during elections, and detailed information on CeMI's findings. The last chapter contains the conclusions and recommendations.

I Abuse of State Resources (ASR) During the Election Campaign

- Definition and Forms of ASR

1.1. Defining the abuse of state resources during the election campaign

To better understand what abuse of state resources is, it is necessary to first define what state resources are. Venice Commission in its Report on the Misuse of Administrative Resources during Electoral Processes highlights importance of proper definition of the term “administrative/state resources”. According to the Commission’s interpretation, following definition of administrative resources can be retained: *Administrative resources are human, financial, material, in natura and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support.*¹

There is no universally accepted definition of abuse of state resources (ASR) either in Montenegrin legislation or international law. However, numerous countries, as well as international institutions and organizations recognize the importance of this subject matter, which is why the abuse of state resources has been addressed in numerous foreign national and international documents. Therefore, there is a common approach that explains this phenomenon, and several attempts of defining abuse of state resources that can be mentioned. One possible definition of abuse of state resources employed by an IFES representative is „any use of state resources to support or undermine any political actor (*such as a political party or coalition or a candidate for public office*)“.² Abuse of state resources can also be defined in line with the Center for Anti-Corruption Research’s conception of the phenomenon - *as a form of political corruption in which individuals, parties or other groups that control the resources of the state and public sector („current political forces“)* use these resources to increase their chances of either electing or re-electing other individuals or groups they favor.³ The Organization for Security and Co-operation in Europe (OSCE) offers yet an additional definition of ASR, as „*the undue advantages obtained by certain parties or candidates, through use of their official positions or connections to governmental institutions, to influence the outcome of elections.*“⁴

From the aforementioned, it can be concluded that (ASR) is a form of political corruption dominantly present during the electoral campaigns, characterized by an increased degree of an unfair electoral advantage the ruling majority political parties drag out through unlawful use of state resources. The ASR is recognized as the unethical, and sometimes even unlawful behavior of civil servants, incumbent political candidates and parties to use their official positions or connections to government institutions aimed at influencing the outcome of elections. In its essence, the ASR alters power balances amongst political actors, which and may have a decisive impact on the electoral results. Equality of electoral contestants (“level playing field”) in the election period is considered by some authors to be one of the key elements of democracy, i.e. the element that distinguishes a democratic society from the so-called *competitive authoritarian regimes* which emerged after the Cold War.⁵

¹ Venice Commission Report, CDL-AD(2013)033 paragraph 12

² Magnus Ohman, The Abuse of State Resources, Washington, D.C., IFES, 2011

³ Center for Anti-Corruption Research, Final Report on Monitoring the Misuse of State Resources during election campaign for the December 2003 Russian Federal State Duma Elections, Moscow, 2004, p. 13

⁴ OSCE/ODIHR, Handbook for the Observation of Campaign Finance, 2015, p. 22

⁵ Levitsky & Way, Competitive Authoritarianism, Hybrid Regimes After Cold War, Cambridge, Cambridge University, 2010, p. 7

Linking the notion of abuse of state resources with the election campaign specifies the essence and the time component of this phenomenon. Of course, state resources can also be abused outside the election campaign, but in that case, it usually represents ordinary corruption whose aim is personal enrichment of individuals or political/material benefits of the parties in power, although it is possible to abuse state resources for the purpose of reelection even outside of the official campaign. Therefore, the necessary prerequisites for the existence of abuse of state resources are:

- **The object of abuse** (financial, institutional, human, media, regulatory, and other state resources);
- **The agent carrying out the abuse** - political entities, politicians, state/local institutions; and
- **The motive for abuse** - gaining an electoral advantage for the political party or candidate who the subject supports, staying in power etc.⁶

This study will rely on categories defined by the International Foundation for Electoral Systems IFES. State resources, according to the IFES model⁷ can be divided into four categories:

1. **Financial resources:** monetary assets (normally through the budget of various levels of government as well as publicly owned and/or managed institutions);
2. **Institutional resources:** non-monetary material and personnel resources available to the state, including publicly owned media and other communication tools;
3. **Regulatory resources:** the mandate to pass laws and regulations that control allowed and prohibited behavior in the polity. This regulatory prerogative regard anything from the criminal code to the order in which candidates should appear on the ballot paper;
4. **Enforcement resources:** the use of security and law enforcement institutions to implement laws and rules set up using regulatory resources. This is related to the state having a monopoly on the legitimate use of violence.

Ideally, state resources would serve only to achieve and promote public interests. They are an integral part of every state apparatus, without which its functioning is inconceivable. However, in countries in transition, the use of state resources by political subjects for the purpose of achieving personal or party goals and interests is a common occurrence, which can be detrimental to the legitimacy of the electoral process and ultimately to democracy.

1.2. Emerging forms of ASR during the election campaign

ASR during electoral processes is one of the most common challenges that electoral observation mission's highlight in their observation reports. At the phenomenological level, there is almost no government or ruling majority party that has not – purposefully or inadvertently – used available state resources in a manner that could impact electoral result. Therefore, this phenomenon should be constantly observed and actions towards its prevention should be carried out to limit abuse. States have a broad spectrum of available policy options for preventing ASR in the electoral processes. A necessary prerequisite, of course, is to have an unequivocal political will and accountability of political actors to ensure respect for the standards of free and fair elections. Otherwise, widespread ASR may seriously compromise the democratic legitimacy of the election results.

⁶ Vlado Dedovic, *Upotreba državnih resursa u toku izborne kampanje*, Centre for Monitoring and Research, Podgorica, 2009, p. 6

⁷ Magnus Ohman, *op.cit.*

The Venice Commission, in its Report on the Misuse of Administrative Recourses During Electoral Processes⁸ distinguishes the terms “use” and “abuse” in the context of how state resources are employed in elections, highlighting that “use” of resources is in its essence permitted by law and it implies a lawful possibility of using administrative resources during electoral processes for the proper functioning of the institutions and providing that such a use is not devoted to campaigning purposes. On the contrary, the misuse of administrative resources, according to Venice Commission Report *should be sanctioned by law due to the unlawful use of public resources by incumbents and civil servants for campaigning purposes*. However, drawing a clear line between lawful disposal of state resources and ASR is sometimes challenging as it is not always possible to legally define practices and behaviors that might constitute illegal actions or “abuses”. Sometimes, for example, it is difficult to prescribe what public officials can or cannot do outside working hours during an election campaign, or to determine the real purpose of social benefits to vulnerable categories during the election campaign.

Based on prior experience, we can identify several manifestations of ASR that have occurred in previous election cycles in Montenegro:

1. Abuse of institutional resources;
2. Abuse of financial resources and
3. Abuse of public media resources.

Abuses of public media resources are briefly explained in this section, but were not the subject of CeMI’s monitoring in the 2020 elections.

1.2.1. Abuse of institutional resources

As previously stated, institutional resources refer to: a) non-monetary material and b) personnel resources available to the state.

- a. When it comes to non-monetary material, this includes state-owned office spaces and office equipment, public transport, and other state-owned vehicles, as well as other public premises. Political subjects can use these resources in numerous ways for the purposes of gaining an advantage over opposition during election campaigns. This includes: organizing pre-election gatherings using public premises; using offices and office equipment for arranging meetings with voters; printing campaign material; transport of citizens to political meetings via public transport, etc.
- b. Personnel resources are public employees, i.e. personnel employed in various state institutions and authorities – both at central and local levels. Civil servants and , state and local officials can be engaged by the ruling party to participate in pre-election activities, with the explicit goal of gaining a political advantage. These activities include: gathering signatures of support for the political party inside various state-owned offices; direct participation of public employees in campaign events; conducting of election research for a political subject; preparing and distributing propaganda material of a political subject; public official campaign etc. The main criteria for labelling these activities as ASR is the time when the activity took place, i.e. the abuse exists if a state employee engaged in these activities during business hours and/or in the official capacity as a state employee.

One of the more common forms of institutional ASR in Montenegro, which requires further

⁸ Venice Commission Report, CDL-AD(2013)033 paragraph 10

clarification, is the aforementioned public official campaign. This type of ASR occurs when government and public officials engage in active campaigning during business hours. This form of abuse usually takes the form of business travels and official visits to various parts of the country, or to the municipality where local elections will take place, during which the officials meet with citizens and appear in the media to discuss future activities, projects, investments etc. Public official campaign blurs the boundaries between the party and the state, negatively affecting the public perception about fair electoral performance. Therefore, public officials must refrain from conducting campaign activities aimed at promoting political parties in power, thus abusing public functions for the purely political/electoral purposes. Public officials should be aware that they carry out their official duties on behalf of all citizens. In that regard, they have to perform their functions in a politically neutral and accountable manner. Officials who want to take an active part in campaign activities should freeze their public functions during election campaigns, thus contributing to creating an atmosphere of free and fair election competition.

When it comes to public official campaign, we have observed this behavior during the Local elections in Niksic and Herceg Novi in 2021.

An example of explicit abuse of institutional resources in the form of public official campaign is the visit of the new President of the Parliament, Aleksa Becic, to Niksic municipality on 10 March 2021, during the local election campaign in this town. Becic is also the president of Democrats, which is one of the members of the ruling coalition, as well as one of the parties competing in those elections. During his visit, Becic joined the “Caravan of Peace”, which was a campaign activity of Democrats, and actively campaigned for his own political party (see Annex). This event was a clear violation of Article 44 para. 4 of LFPPEEC, that prohibits public officials from engaging in active campaigning during business hours.

1.2.2. Abuse of financial resources



Abuse of financial resources refers to spending of state or municipal budgets and other public funds to finance various aspects of the election campaign. Financial resources can be abused directly and indirectly. Financial resources can be abused via direct financial incentives to potential voters. The most extreme example of direct abuse of financial resources is the use of state budget funds for covert or partially covert vote buying. A very present form of abuse of state financial resources is the use of state budgetary funds for campaign financing, or so-called flow of money from the state account to the accounts of ruling majority political parties. Indirectly, financial resources can be abused via different forms of state/local budgetary expenditures on services and/or infrastructure projects during the election campaign, as such expenditures can also be used to influence voters.

Public funds can also be used to increase salaries and/or pension, for granting various student loans and stipends, paying off debts for potential voters. As is often the case in Montenegro, state funds can also be used to provide social welfare payments and other forms of social benefits to potential supporters in advance of elections, altering voting patterns (see page 35).

As stated previously, indirectly, this type of abuse takes the form of various state or municipal infrastructure projects, during election campaigns, which are financed from the state/municipal budget. They tend to be followed by promises of economic growth and creating new job opportunities. The announcement of such projects is often used as political propaganda by the ruling majority. Examples from Montenegro include: building or reconstruction of bridges, highways, factories, hotels and public spaces (parks, playgrounds, fountains etc.), building and renovation of schools and hospitals and organizing of various sport, cultural or artistic events during electoral campaigns. In Montenegro, this type of abuse is typically intertwined with institutional abuse, i.e. with the public official campaign.

A clear example of this is a visit of the former Prime Minister's working visit to Zabljak municipality during the Parliamentary and Local elections 2020,⁹ during which he first emphasized that the government has fulfilled all of its promises and that Zabljak has seen a rebirth in the infrastructural sense. Further emphasis was on the fact that during the government's term, to achieve the development vision of Zabljak, Public Works Administration has invested 11 million euros in Zabljak infrastructure projects, and the Ministry of Agriculture and Rural Development has invested 2.6 million euros. During his visit, Prime Minister visited several infrastructure projects and sites, including the construction site of "Durmitor Hotel & Villas", once again emphasizing the monetary value of the project, as well as announcing that it will create 104 jobs.

More examples of this type of ASR during Parliamentary and Local elections in 2020, as well as Local elections in Niksic and Herceg Novi 2021 are presented in the Annex.

1.2.3. Abuse of public media resources

The media also have a significant role in the election. In addition to reporting on various subjects of interest to the general public, the media can be used to educate voters on their rights, and, ideally, provide equal representation to all political entities competing in the election.

Political entities can benefit from increased visibility and positive image in the media. This is especially true when it comes to state and local-owned media, i.e. public media. State media must provide impartial, accurate, timely, comprehensible and balanced information on domestic and international developments of public interest.¹⁰ This responsibility is of particular importance during elections, which is why public media outlets must continuously maintain public trust.

There are two ways in which this type of abuse manifests:

1. Through unequal representation of electoral lists and/or candidates on state or locally owned media during the election campaign; and
2. Through airing of content that favors the ruling political option or its candidates in the state and/or locally owned media programming.

⁹ Source: <https://tinyurl.com/zke9ecyb>

¹⁰ Article 9, para. 3 point 12 of the Law on National Public Broadcaster Radio and Television Montenegro („Official Gazette of Montenegro“, no. 80/2020)

Unequal representation of electoral lists or candidates is self-explanatory. It manifests simply in more content and time being devoted to the ruling party on state or locally owned media compared to the opposition. The second form of abuse is more insidious, as favoring one party over another can take many forms, from a more common type of positive reporting on the ruling party and their candidates, which can be very subtle, to censorship or negative campaign against opposition.

II International Standards and National Legal and Institutional Framework

2.1. International Standard

Even though there is no single set of international legal standards dedicated to the subject of abuse of state resources, there are several international documents that address ASR, such as:

1. **Venice Commission Code of Good Practice in Electoral Matters**¹¹, which states that *equality of opportunity must be guaranteed for parties and candidates alike. This implies a neutral attitude by state authorities, in particular with regard to: i. the election campaign; ii. coverage by the media, in particular by the publicly owned media; iii. public funding of parties and campaigns;*
2. **Venice Commission Code of Good Practice in the Field of Political Parties**¹², which states that *apart from different forms of funding provided for by law, any party must refrain from receiving assistance, financial or in kind, from any public authorities, particularly those directed by its members”, and “no party may receive clandestine or fraudulently obtained financial aid;*
3. **Venice Commission and OSCE/ODIHR Joint Guidelines “Preventing and responding to the misuse of administrative resources during electoral processes”**¹³, which states that *the legal framework should provide for a general prohibition of the misuse of administrative resources during electoral processes. The prohibition has to be established in a clear and predictable manner. Sanctions for misuse of administrative resources have to be provided for and implemented. Such sanctions need to be enforceable, proportionate and dissuasive;*
4. **Council of Europe Committee of Ministers Recommendation Rec(2003)4**¹⁴, which states that *objective, fair and reasonable criteria should be applied regarding the distribution of state support, and states should prohibit legal entities under the control of the state or of other public authorities from making donations to political parties;*
5. **United Nations Convention Against Corruption (UNCAC)**¹⁵, which states that *each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position;*
6. **Copenhagen Document**¹⁶, which states that *the participating states...solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following: ...a clear separation between the State and political parties; in particular, political parties will not be merged with the State, and to ensure that the will of the people serves as the basis of the authority of government, the participating States will... provide such political parties and orga-*

¹¹ Venice Commission, Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report, Strasbourg, 2002, p. 7, available at: <https://tinyurl.com/32ews83n>

¹² Venice Commission, Code of Good Practice in the Field of Political Parties, Strasbourg, 2009, p. 8-9, available at: <https://tinyurl.com/eb-jw59uc>

¹³ Venice Commission and OSCE/ODIHR, Preventing and responding to the misuse of administrative resources during electoral processes, Joint Guidelines, Venice, 2016, p. 7, available at: <https://tinyurl.com/3hnasszn>

¹⁴ Council of Europe Committee of Ministers, Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, available at: <https://tinyurl.com/yjp6c27j>

¹⁵ United Nations Office on Drugs and Crime, United Nations Convention Against Corruption, New York, 2004, p. 18, available at: <https://tinyurl.com/33xyj7kv>

¹⁶ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 1990, available at: <https://tinyurl.com/9d2se9xn>

nizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

7. **Venice Commission and OSCE/ODIHR Guidelines on Media Analysis During Election Observation Missions**¹⁷, which states that: *While all media are expected to offer responsible and fair coverage, it is particularly incumbent upon state/public media to uphold more rigorous standards since they belong to all citizens. Using state/public media to promote a certain political party or candidate is therefore an illegitimate manipulation of the public*” and *“publicly funded broadcasters should provide a complete and impartial picture of the entire political spectrum in their coverage of an election, given that they are obliged to serve the public and offer a diverse, pluralistic, and wide range of views.*

Apart from these international documents, there are several relevant good practice documents in the area of abuse of state resources, such as:

1. **Unfair Advantage: The Abuse of State Resources in Elections (IFES, March 2017)**¹⁸

- Provisions in the legal framework may restrict public employees from contributing to election campaigns while on duty, or from participating in certain types of activities after hours (for example, making campaign speeches at partisan gatherings, or taking an active part in managing a political campaign or group);
- Certain officials may be restricted from participating in electoral campaign activities, both on and off the job, based on their position;
- Countries could consider banning the use of the government’s physical resources in election campaigns or restricting use to only those resources that can be procured without additional cost to the government. If use of the government’s physical resources is permitted for campaigning purposes, the legal framework should provide for equal opportunity and a clear procedure for equitably allocating such resources to parties and candidates;
- Political parties and candidates may be required to provide information on their personal and election-related expenses to identify instances where administrative resources have been abused;
- Legal provisions may restrict the advertising the activities of state agencies during the campaign period, in order to prevent an incumbent from abusing the government’s communication resources to gain an electoral advantage;
- Countries may also include provisions in the legal framework placing restrictions on the use of government funds to print or distribute communication during the electoral campaign period (for example, prohibiting mass mailings paid with official government funds or official publications that “prominently feature” a public official from being sent during the 30 days before an election).

2. **Handbook for the Observation of Campaign Finance (OSCE/ODIHR, 2015)**¹⁹

- State resources should not be diverted or misused for campaign purposes. All state resources used for campaign purposes, such as media, buildings and event venues, must be made available to all electoral contestants on the basis of equal treatment, and disclosed or reported accordingly;
- The precise nature of any prohibited source of contribution should be clearly identified in the law, and rules should be established for handling contributions from illegal or unidenti

¹⁷ Venice Commission and OSCE/ODIHR, Guidelines on Media Analysis During Election Observation Missions, Venice, 2009, p. 7, available at: <https://tinyurl.com/yhcuz6b2>

¹⁸ Available at: <https://tinyurl.com/8867ky55>

¹⁹ Available at: <https://tinyurl.com/3cjmjzn6>

- fiable sources. This may include returning a donation, transferring it to the state budget or allocating it to a humanitarian organization of the party's choice;
- Legislation should regulate in-kind contributions, such as subsidized advertising and printing, office and equipment rental. Good practice is followed if legislation defines how in-kind contributions are valued, for example based on market prices. Additionally, if an individual or legal entity forgives an out-standing debt for goods or services, this should be considered an in-kind contribution, subject to the limitations that apply to contributions and, where applicable, counting towards expenditure limits;
- Legislation can also regulate whether candidates and parties are entitled to spend their own private funds, and set a limit. In some states this issue is not addressed, while in others private funds are subject to the same rules that govern other donations;
- It is good practice to permit only bank loans and credit-card debts, and not loans from other corporations or from individuals. Indeed, any debtor-creditor relationship involving legal entities and individuals bears the risk of creating dependency and having legislators or other office-holders dependent on their creditors;
- It is imperative that the law clearly define what constitutes a campaign expenditure. This enables candidates and parties to classify their expenses in reports and ensure that their expenditures are in compliance with the spending limits. In-kind contributions should count towards the expenditure ceiling according to their market value; otherwise these ceilings may be circumvented;
- It is necessary that the law define the time period during which electoral contestants have to abide by regulations governing campaign finance expenditures;
- It is important that citizen observers, media and the general public have timely and sufficient access to campaign finance reports. Reports should be made publicly available without unnecessary delay, and be easy to understand. It is important that the law establish clear and timely deadlines for oversight bodies to publish reports and ensures that they are easily accessible to the public for an extended period of time. It is an increasingly good practice to publish reports on the Internet in a standardized and searchable format, as well as through newspapers with a high circulation. Electoral contestants may also publish their reports directly as an additional measure of transparency;
- Whichever body is tasked to monitor campaign finance, effective measures should be taken in legislation and practice to ensure its independence and commitment to impartiality. In particular, it is important that appointment and dismissal procedures be carefully drafted to avoid political influence over members. Appointees should be guaranteed security of tenure;
- Independence from political influence is crucial for the credibility and effectiveness of oversight bodies; otherwise, a partisan regulator could pressure the opposition and favor government parties and candidates. Even if there is no actual bias, an independent composition of the regulator can help avoid perceived partiality and, thus foster trust in the oversight body. Appointments to the regulator should be independent from political pressure, and should include checks to increase its impartiality, neutrality and financial independence. If more than one institution is involved, there should be a clear designation of responsibilities to avoid uncertainty, confusion or overlapping jurisdictions.

2.2. National Legal Framework

As previously highlighted, the states are granted with a broad spectrum of available policy options as regards the possibility to tackle the misuse of administrative resources. Montenegro is one of the rare countries in Europe that has decided to comprehensively regulate area of electoral abuses. Based on experiences gathered through electoral cycles in which the integrity of the electoral results was seriously questioned (in the period 2012-2014) Montenegro has decided to take this step and to provide detail regulation of different forms of electoral abuses

through different legal documents. Different forms of ASR are regulated in Montenegro by a set of legislative acts, the most important of which are the Law on Financing of Political Entities and Election Campaigns and the Law on Election of Councilors and MPs. Aside from these laws, the Law on Election of the President of Montenegro, the Law on Public Administration, the Law on Civil Servants and Employees, the Law on Internal Affairs, the Law on Army of Montenegro, the Criminal Code of Montenegro, as well as the Code of Ethics of Civil Servants and Employees, which also contain provisions that regulate against abuse of state resources. At the level of secondary legislation, it is important to mention the Rulebook on the Manner of Controlling the Application of the Provisions of Articles 33 to 45 of the LFPEEC and the Manner of Exercising Control and Supervision during the Election Campaign, which, prescribes the manner of control of the abuse of state resources by the Agency for Prevention of Corruption.²⁰

2.2.1. The Law on Financing of Political Entities and Election Campaigns

Montenegro adopted the new ²¹ Law on Financing of Political Entities and Election Campaigns (hereinafter: LFPEEC) in 2020. This law regulates the manner of acquiring and providing financial resources for regular work, as well as for conducting election campaigns of political entities. The law also regulates prohibitions and restrictions on the disposal of state assets, funds, and public competences during the campaign, as well as control, supervision, and audit of funding and financial operations of political entities.

The Law consists of 77 articles divided into following 10 chapters, as per the table below:

Chapters of the LFPEEC	Relevant articles
I Basic Provisions	1- 11
II Financing the Regular Work of Political Entities	12 - 15
III Financing of Electoral Campaign for the Election of Councilors and MPs	16 - 27
IV Financing of Electoral Campaign of the Candidate for the Election for President of Montenegro	28 - 32
V Prohibitions and Restrictions	33 - 46
VI Financial Operations of a Political Entity	47 - 49
VII Submission and Publication of Reports	50 - 54
VIII Supervision	55 - 63
IX Penal Provisions	64 - 71
X Transitional and Final Provisions	72 - 77

²⁰ Available at: <https://tinyurl.com/a92k58h4>

²¹ Law on Financing of Political Entities and Election Campaigns, ("Official Gazette of Montenegro", no. 3/2020 and 38/2020)

The most crucial part of the Law, related to a set of obligations, restrictions and prohibitions for state authorities, political entities and entities providing media advertising services during the election campaign are defined under Chapter V Prohibitions and Restrictions, by the articles 33-46 of the LFPEEC. Based on negative experiences and practice identified during previous electoral processes, the legislature has decided to incorporate different forms of prohibitions and restrictions in the Law, with an intention to address key shortcomings and forms of ASR in Montenegro. By introducing these provisions, Montenegro has entered the circle of countries that regulate use of state resources for the election campaign proposes, within the framework of electoral legislation. The Law, however, does not define abuse of state resources as such, but various forms of ASR are covered in the articles 33-44²²:

1. Prohibition of financing (Art. 33 and 34);
2. Prohibition of exerting pressure (Art. 35);
3. Prohibition of use of state funds and distribution of advertising materials and collection of support signatures for submission of electoral list and candidacy (Art. 36);
4. Prohibition of advertisement (Art. 37);
5. Restriction of the use of state funds (Art. 38);
6. Prohibition of use of state-owned machinery and equipment (Art. 39);
7. Transparency of social welfare payments (Art. 40);
8. Transparency of budget expenditures (Art. 41);
9. Prohibition of writing-off of debts (Art. 42);
10. Use of official cars (Art. 43);
11. Employment and hiring of employees (in the period of the electoral campaign) (Art. 44);

These articles regulate more than ASR, i.e. some paragraphs of these articles cover other aspects of financing of political entities and election campaigns (for example, article 33 para. 1 prohibits political entities from receiving material and financial assistance and in-kind contributions from a variety of different subjects, but only contributions made by public institutions, legal entities and companies with a share of state-owned capital would represent ASR).

Sanctions for violation of these articles have been introduced (examples listed in the Table 1 below) in relevant penal provisions. The Law also prescribes obligations to state authorities to meet certain deadlines for publishing and submitting to the Agency reports from the accounts in their possession, statements from the state treasury and analytical statements on budget reserve spending, data on distribution of social benefits, employment decisions and other documents in order to achieve transparency in the use of public resources during the election campaign. Further, state authorities are obliged to submit all employment decisions made in accordance with the Labor Law and related regulations, as well as all supporting documentation to the Agency, within three days from the date of the decision.

²² Even though articles 45 and 46 are a part of this chapter, these two articles do not regulate individual forms of ASR, but rather the conditions for application and control of application of articles 33-44.

In **Table 1** below, only relevant paragraphs of articles 33-44 are presented and categorized according to the form of ASR that they regulate.

ABUSE OF STATE RESOURCES			
Prohibition/Restriction	Article of the Law	Description	Prescribed penalty (Art. 64-70)
ABUSE OF INSTITUTIONAL RESOURCES			
Prohibition on use of state premises	Article 36 para. 1	The law prohibits the use of state body premises, as well as premises of state administration bodies, local self-governing bodies, local administration bodies, public enterprises, public institutions and state funds and companies founded and/or owned in major part or partly by the state or local self-governing unit, for the preparation and implementation of the campaigning activities, unless the same conditions are provided for all participants in the election process.	5,000-20,000 EUR fine imposed for a misdemeanor offense on a political entity. 500-2,000 EUR fine imposed for a misdemeanor offense on a responsible person in the political entity.
Prohibition on distribution of propaganda material and collecting of signatures of support for electoral lists	Article 36 para. 2	The use of these premises is forbidden for the purposes of distributing of propaganda material and collecting support for submission of a political entity's electoral list and submission of a candidate's candidacy for the election of the President of Montenegro.	5,000-20,000 EUR fine imposed for a misdemeanor offense on a political entity. 500-2,000 EUR fine imposed for a misdemeanor offense on a responsible person in the political entity.

<p>Prohibition on use of state-owned machinery and equipment</p>	<p>Article 39 para. 1</p>	<p>Businesses founded or majority-owned by the state or a local self-government are prohibited from giving their machinery and equipment to third parties for use without special decision and without a compensation contract, within six months before the planned deadline for holding elections (the planned deadline for holding elections is the date on which the elections were held in the current term of office), except in cases of the need to repair damage caused by natural disasters, fires or prevention of spreading of an communicable disease epidemic.</p>	<p>200-2,000 EUR fine imposed on a responsible person.</p>
<p>Prohibition on use of official cars</p>	<p>Article 43 para. 1</p>	<p>Public officials are prohibited from using official cars during the election campaign, except in cases of official need.²³</p>	<p>No prescribed penalty.</p>
<p>Restrictions on hiring</p>	<p>Article 44 para. 1</p>	<p>In state bodies, state administration bodies, local self-government bodies, local administration bodies, public institutions and state funds, in the period from the day of announcing the election to the day of elections, persons may be employed on a temporary basis only, i.e. to conclude a contract for temporary and occasional work, in order to ensure the smooth and regular conduct and functioning of the work process of these bodies, based on the decision of the competent body of these entities, only if it is provided for in the act of systematization of jobs.</p>	<p>200-2,000 EUR fine imposed on the responsible person; 5,000-20,000 EUR fine imposed for a misdemeanor offense on a legal entity.</p>

²³ This restriction does not apply to "protected persons". According to article 22 of the Law on Internal Affairs ("Official Gazette of Montenegro, no. 44/2012, 36/2013, 1/2015 and 87/2018), the Government had adopted a Decision on Determination of Persons and Facilities secured by the Police Administration, which contains a list of protected persons. These persons can use the official car 24/7. The Decision is available at: <https://tinyurl.com/ym4xc4kd>

Prohibition of public official campaign	Article 44 para. 4	Public officials (except MPs and councilors), as well as employees in state bodies, state administration bodies, local self-government bodies, local government bodies, public companies, public institutions, and state funds, are prohibited from engaging, during working hours, in election campaign activities.	500-2,000 fine for the misdemeanor offense imposed on a natural person.
ABUSE OF FINANCIAL RESOURCES			
Prohibitions on financing	Article 33 para. 1	Political entities are prohibited from receiving material and financial assistance and in-kind contributions from: other states, companies and legal entities outside the territory of Montenegro; natural persons and entrepreneurs without voting rights in Montenegro; anonymous donors; public institutions, legal entities and companies with a share of state-owned capital; trade unions, religious communities and organizations, non-governmental organizations; casinos, bookmakers, and other providers of games of chance.	10,000-20,000 EUR fine imposed for a misdemeanor offense on a political entity. 500-2,000 fine for the misdemeanor offense imposed on a responsible person in a political entity.
	Article 33 para. 5	Legal entities, companies and entrepreneurs and related natural persons which, based on a contract with the competent bodies and in accordance with the Law, performed activities of public interest or concluded a contract through the public procurement procedure, in the period of two years preceding the conclusion of the contract, for the duration of the business relationship, as well as two years after the termination of the business relationship are prohibited from giving contributions to political entities.	500-2,000 EUR fine imposed for a misdemeanor offense on a natural person.

	Article 34 para. 1	It is prohibited to make promises or political and any other counter favor, privilege, or personal benefit to a natural or legal person for the purpose of obtaining financial, material, or non-financial support for a political entity.	10,000-20,000 EUR fine imposed for a misdemeanor offense on a political entity; 500-2,000 fine for the misdemeanor offense imposed on a responsible person in a political entity.
Prohibition on paid advertisement	Article 37	Paid advertising of state bodies and local self-governing bodies, public companies, public institutions, and state funds in Montenegro, which could in any way place into a favored position the political entities or their representatives during the election campaign, is prohibited.	200-2,000 EUR fine imposed on a responsible person.
Restrictions and prohibitions on use of state funds	Article 38 para. 1	Unless in case of an emergency, State, and local budget spending units (except SEC and MEC), as well as legal entities exercising public authority based on contracts with the competent authority and companies owned by the state or local self-government in accordance with the Law on the Prevention of Corruption, monthly spending higher than the average monthly spending in the previous six months from the day of calling until the day of the election is prohibited.	200-2,000 EUR fine imposed on a responsible person.
	Article 38 para. 2	If the elections are held in the first half of the year, the monthly spending higher than certain amounts determined by the monthly spending plan prescribed by the Ministry or the local government body at the beginning of the fiscal year are prohibited.	200-2,000 EUR fine imposed on a responsible person.

	Article 38 para. 4	State institutions for social and child protection and state and local bodies responsible for agricultural affairs are prohibited from spending more than the average monthly spending in the last six months of the previous year.	200-2,000 EUR fine imposed on a responsible person.
	Article 40 para. 3 and 4	Allocation of social benefits from the current state and local level budget reserve in the year in which local or parliamentary elections are held is prohibited. In case of early elections, the ban is valid for six months from the day the elections are called.	200-2,000 EUR fine imposed on a responsible person.
Transparency of social welfare payments	Article 40 para. 1 and 2	The state and local budget spending units are prohibited from paying or providing one-time financial assistance, in accordance with the law governing the entitlements and activities of social and child protection, except in the case of the death of a family member, a serious illness that causes a permanent disability exceeding 50% or damage to a housing or property due to fire or natural disaster. Additionally, local budget spending units are prohibited from monthly payments of material benefits from social protection under the jurisdiction of the local government unit, higher than 20% of average monthly spending for these benefits in the third quarter of the previous budget year, in accordance with the law governing the rights and activities of social and child protection.	200-2,000 EUR fine imposed on a responsible person.

Prohibition on writing-off debts	Article 42 para. 1	Legal entities whose founder, partial or majority owner is the state or a local self-government unit, are forbidden from writing off citizens' debts, including electricity, water, and other public service bills, from the day of calling the election until a month after the election.	5,000-20,000 EUR fine imposed for a misdemeanor offense on a legal entity; 500-2,000 fine for the misdemeanor offense on a natural person.
	Article 42 para. 3	In the period from the announcement of the elections to two months after the determination of the final election results, the competent state and local authorities are prohibited from writing off obligations based on the exemption of VAT, other taxes and parafiscal duties.	5,000-20,000 EUR fine imposed for a misdemeanor offense on a legal entity;
Prohibition on introducing new or one-time subsidy	Article 42 para. 2	In the year when elections are being held, and in the case of early elections from the day of their announcement until two months after the determination of final results, it is forbidden to introduce new or one-time subsidies for electricity, as well as subsidies for payments of communal services performed by companies founded by, or fully or partially owned by the state or local self-government unit.	200-2,000 EUR fine imposed on a responsible person.
ABUSE OF ENFORCEMENT RESOURCES			
Prohibition on exerting pressure	Article 35	Political entities, legal and natural persons are prohibited from exerting any form of pressure on legal entities, companies, and natural persons in the course of raising contributions or any other activity related to the election campaign and financing of political entities.	No prescribed penalty.

In practice, enforcement policy remains limited. Although the Law prescribes clear descriptions of restrictions and sanctions, practice of establishing violations on the basis of ASR has yet to be established. In the rare cases where violations of the law are determined, the imposed sanctions are too lenient and do not contribute to more effective prevention of ASR. According to the Agency, certain law provisions are still unenforceable. The inefficiency of determining and sanctioning ASR is best illustrated by the fact that out of 61 initiated misdemeanor proceedings in 2020, only five proceedings have been initiated for violations of provisions related to ASR. Namely, four proceedings were initiated for violation of restriction on social welfare payments and one proceeding was for violation of the restriction on hiring. Only two of the proceedings for violation of restriction on social welfare payments have been completed, and the total amount of fines imposed was 266 EUR²⁴

2.2.2. The Law on Election of Councilors and MPs

The **2016 Law on Election of Councilors and MPs**²⁵ in Chapter VII (Presentation of Submitters of Electoral Lists and Candidates of Electoral Lists) contains several provisions against abuse of state resources. Specifically, it prohibits state institutions and other public bodies from interfering in the election process and using state-owned assets for electoral campaign purposes. It also contains a provision requiring state institutions to guarantee equal treatment of all political subjects competing in the elections. The Law provides that assets (money, technical devices, premises, equipment, and the like) of state bodies, public companies, public institutions and funds, local government units, or companies in which the state has an ownership stake may not be used for candidate list presentation purposes (Article 50/4). Moreover, the Law stipulates that public officials that are appointed by the government of Montenegro or local self-government, civil servants and employees cannot participate in the election campaign, or publicly voice their political beliefs during business hours i.e. while they are on duty (Article 50a).

Police officers and members of the National Security Agency cannot participate in the election campaign in any capacity. Furthermore, the Law envisages that during elections state and local government officials shall be prohibited from misusing their job-related media for advertising a candidate list and/or its electoral program. The prescribed penalty policy ranges from 500 to 2,000 EUR for natural persons and 2,000 – 20,000 EUR for legal entities (articles 116, 117). Article 114 of the Law provides that state bodies and local government bodies shall make available their premises, other devices, means and equipment for conducting electoral campaigns and shall enable equal conditions for their use to all candidate list submitting entities.

Penal provisions of the Law contain prohibition of abuse of state military and law enforcement resources (Article 115). The Law prohibits the ordering of use, as well as the actual use of military, police, judicial and other state bodies and their equipment, for the purpose of representing, popularizing or attacking a candidate list. The prescribed penalty is a prison sentence for up to three years. This penalty will also be imposed on employees of these bodies, as well as their associates, if they act upon such orders. If the criminal offence is committed by the president of Montenegro, Parliament Speaker, prime minister and members of the Government, Constitutional Court president and judges, Supreme Court president and judges, state prosecutor and head of the State Prosecutor's Office, they shall be punished by a prison sentence of up to five years.

²⁴ Report on the Work of the Agency for the Prevention of Corruption in 2020. Available at: <https://tinyurl.com/2cym8zxe>

²⁵ Law on Election of Councilors and MPs ('Official Gazette of Montenegro', no. 16/2000, 9/2001, 41/2002, 46/2002, 45/2004 - Constitutional Court [CC] decision, 48/2006, 56/2006 - CC decision and 'Official Gazette of Montenegro', no. 46/2011, 14/2014, 47/2014 - CC decision, 12/2016 - CC decision, 60/2017 - CC decision and 10/2018 - CC decision)

The Law also provides regulations against abuse of media resources, i.e. regulations which provide equal representation in state or locally owned media outlets during the election campaign. In Article 53 the Law obliges national, regional and local public radio and TV broadcasters to ensure free and equal broadcasting of announcements of all promotional rallies of candidate list submitting entities. Broadcasts are to be made on a daily basis, last for equal duration, and air within the same timeslots to support equal distribution. Further, Article 53a obliges the aforementioned media entities (who must have coverage in the entire territory of Montenegro) to ensure broadcasting time free of charge to all validated candidate list submitting entities, in equal and daily manner, within the appropriate commercial marketing blocks on the TV channel or radio, for:

- Political-propaganda TV and audio recordings, in all marketing blocks, to the extent not less than 200 seconds per day, depending on the planned number of political marketing blocks;
- Three-minute reports from promotional rallies, twice per day, in timeslots immediately after central evening news on TV and radio channels.

Violation of these regulations will result in fines ranging between 2,000-20,000 EUR (Article 117).

2.2.3. Other relevant laws and regulations

The Criminal Code of Montenegro²⁶, in article 193a²⁷ contains a provision against unauthorized use of state assets for election purposes. The article stipulates that *an official who uses or enables the use of the property of state bodies, public institutions, public companies and funds, local self-government units and companies in which the state has an ownership share to present the electoral list, shall be punished by imprisonment for six months to five years.* Also, **article 193b para. 2** provides that *an official who, by threat or force or in any other unlawful manner, influences giving of monetary, non-monetary or other funds for financing of a political party or political subjects...shall be punished by imprisonment from three months up to five years.*

The Law on Election of President of Montenegro²⁸ stipulates, in **article 9**, that regulations from the Law on Election of Councilors and MPs on: suffrage; determining and announcing the list of candidates; candidate representation; the manner of organizing elections; the form and content of the ballot; voting at the polling station and outside the polling station and on the protection of the right to vote, shall apply accordingly to the election of the President of Montenegro. This includes the aforementioned regulations against ASR in the Law on Election of Councilors and MPs. **Article 22** stipulates that a candidate for President may not use facilities, funds, vehicles, technical equipment, and other state property for campaign purposes. Despite being a penal provision, the law does not specify the penalty for its violation.

The Law on State Administration²⁹ in article 4 contains a provision that regulates against abuse of state resources, by providing that *state administration bodies perform their duties according to the rules of the profession, impartially and politically neutral. State administration bodies are obliged to treat natural and legal persons in the same way and without discrimination. Political*

²⁶ Criminal Code of Montenegro ("Official Gazette of Montenegro", no. 70/2003, 13/2004 - correction and 47/2006 and "Official Gazette of Montenegro", no. 40/2008, 25/2010, 32/2011, 64/2011 - other law, 40/2013, 56/2013 - correction, 14/2015, 42/2015, 58/2015 - other law, 44/2017, 49/2018 and 3/2020)

²⁷ This article was introduced in 2017 through the amendments of the CC, and so far, there have been no court cases regarding the violation of this article.

²⁸ Law on Election of President of Montenegro ("Official Gazette of Montenegro", no. 017/07 of 31.12.2007, 008/09 from 04.02.2009, 012/16 of 23.02.2016, 073/18 of 19.11.2018)

²⁹ Law on State Administration ("Official Gazette of Montenegro", no. 78/2018 of 4.12.2018)

organization and activities of political organizations in state administration bodies are prohibited.

The Law on Civil Servants and Employees³⁰, which applies to all civil servants and employees in state institutions, public companies, and public institutions, prohibits abuse of state resources through regulations that prohibit interference of state bodies and its employees in the election process. **Article 9** of the Law stipulates that when conducting his official duties, a civil servant or employee performs his duties politically neutral and unbiased, in accordance with public interest, and is obliged to refrain from publicly expressing his/her political beliefs. Expressing such beliefs is considered a serious violation of official duty (**article 95**), for which the prescribed penalty is a fine between 20-40% of the salary for the duration of 2-6 months, or discontinuation of employment (**article 96**). Civil servants are not prohibited from expressing their political views and from participating in campaigning outside business hours. In addition, there are no legal restrictions on their eventual participation in election administration bodies, and they are often engaged as members of polling boards on behalf of the political parties or submitted candidate lists.

Indirectly, this law also regulates against abuse of institutional resources by providing equal availability of job openings (**article 10**), i.e. the article implies unbiased hiring policy, although in practice this is often not the case, and politically motivated hiring during election campaigns in Montenegro is a documented phenomenon.

The Ethical Code of Civil Servants and Employees³¹, provides ethical standards and rules of behavior of all civil servants and employees, including prohibition of expressing political affiliation that could call into question his/her impartiality and neutrality when performing his duties (**article 10**).

The Law on Internal Affairs³² provides a prohibition to police officers from being members of political parties, act politically and from running for office on state or local elections (**Article 154**). The law also explicitly forbids the Director of the Police from being a member of a political party and from engaging in political activities during his term and five years before submitting his candidacy for the position of the Director of the Police (**Article 15**).

The Law on Army of Montenegro³³ contains similar regulations. Namely, a person serving in the Army is obliged to perform his/her service politically neutrally and impartially, in accordance with the public interest and is obliged to refrain from publicly expressing his/her political beliefs. Further, he/she cannot be a member of a political organization (**Article 18**). Also, **article 60** dictates the wearing of army uniform. According to this article, a military person is prohibited from wearing a military uniform or parts of a military uniform when attending protests or political rallies and other activities that are not related to performing service in the Army, as well as when participating in a strike outside a military facility.

³⁰ Law on Civil Servants and Employees ("Official Gazette of Montenegro", no. 2/2018, 34/2019 and 8/2021)

³¹ Ethical Code of Civil Servants and Employees ("Official Gazette of Montenegro", no. 050/18 of 20.07.2018)

³² The Law on Internal Affairs („Official Gazette of Montenegro”, no. 070/21 of 25.06.2021)³³ Law on Army of Montenegro („Official Gazette of Montenegro”, no. 51/2017 and 34/2019)

³³ Law on Army of Montenegro („Official Gazette of Montenegro”, no. 51/2017 and 34/2019)

2.3. Institutional framework

The Agency for Prevention of Corruption (hereinafter: the Agency) is the state institution responsible for control of financing of political entities and election campaigns, and therefore for the fight against ASR. The Agency, and its main competencies are established in the Law on Prevention of Corruption,³⁴ but its specific competencies in the field of ASR are prescribed in the Law on Financing of Political Entities and Election Campaigns.

The Agency's supervisory role entails the supervision of the implementation of obligations prescribed in the LFPEEC. In addition, the Agency exercises control over the activities of – and funds collected and spent by political entities in the course of the campaign.

The control, according to the Agency's plan of control and supervision³⁵ consists of monitoring and controlling the work of political entities, especially their declared expenses and their obligation to conduct payments from a separate account for the election campaign purposes; collection of documents relevant for conducting the control of aforementioned activities of political entities, including invoices, contracts, advertisement samples etc. This includes control of documentation of service providers, political subjects who received those services during field inspections. Control and supervision performed by the Agency is set up so that, during an election campaign, political entities must keep and regularly update their records of funds raised from private sources, their expenditures. The Agency regularly collects the resulting data. The Agency also performs control and supervision over the calculation of in-kind contributions, paid media advertising, prohibitions of financing or running campaigns on the behalf of political entities, and other prohibitions and restrictions prescribed by the Law.

The Agency also provides continuous guidelines and opinions regarding the application of the law to taxpayers, and in case of violation it initiates prescribed procedures (administrative procedure/investigation or initiation of a misdemeanor procedure before the competent court). The Agency can initiate the procedure ex officio, based on its own findings or based on a third party report. The procedure is conducted by the Director of the Agency through an authorized officer within the Agency.

The Agency will issue a warning to the political subject if, during control it finds irregularities that can be resolved, and it will submit a request for initiating a misdemeanor proceeding before the competent court if the political subject fails to adhere to the warning issued by the Agency, or the violation of the law is such that it cannot be resolved.

If the Agency finds a potential irregularity or a violation of the law during election campaign, it is obliged to submit a report or a motion within the competent body within 15 days from the day when the violation was found. This refers to the Agency's obligation to submit a request for initiating a misdemeanor proceeding before the competent court (Misdemeanor Court), as well as the Agency's obligation to refer the case to the competent prosecutor's office if it suspects that a criminal offense has been committed. However, since its inception, the Agency has referred only four such cases to the prosecutor's office, all of which have occurred in 2016, and all were related to documentation collected from political entities during control of their regular work.

In case of a violation related to financing of the election campaign or financing of regular work of

³⁴ Law on Prevention of Corruption („Official Gazette of Montenegro”, no. 053/14 of 19.12.2014, 042/17 of 30.06.2017 – CC decision)

³⁵ Plan of control and supervision for the election campaign for the elections that will be held on 30 August 2020, available at: http://www.antikorupcija.me/media/documents/Plan_kontrole_i_nadzora-2020.pdf

a political entity, the Agency can impose measures of total or partial loss of the right to transfer budget funds for financing of the election campaign or suspend the transfer of budget funds.

Unfortunately, the Agency lacks repressive and investigative competencies and tools to trace money and identify all sources of illegal financing of political entities. Even though one of its core competencies and goals is the control of financing of political entities, the Agency can only conduct the control of collected financial resources of political entities through their accounts. The Agency also determines the accuracy of campaign spending.

In addition, the Agency conducts control over a substantial number of entities, limiting its impact. Several notable events illustrate the importance of providing the Agency with tools and skill building opportunities to enhance state investigation of financing of political entities. The latest European Commission Annual report on Montenegro (2020)³⁶ highlighted that the institutional capacity of the Agency has been strengthened through capacity building activities and technical assistance. However, the same document noted that challenges related to the Agency's independence, priority-setting, strategic approach to monitoring, and quality of decisions-making persist. Furthermore, it is concluded in the Report that the Agency is yet to demonstrate a proactive approach to fulfilling its mandate, including in offering protections to whistle-blowers, and control of party and campaign finance.

In the last couple of years, the Agency has intensified efforts to control for ASR during electoral campaigns. The European Union & Council of Europe have conducted joint training activities to build internal capacity for investigations, and to support further development of the Agency's procedures for monitoring political finance and abuse of state resources.

Based on the Agency's 2020 Annual Report³⁷ the Agency performed the following:

Number of performed controls of political entities	43
Number of performed controls of bank accounts	36
Number of controlled reports submitted by the political entities	251
Number of conducted inspections of political parties	4,402 (2,325 related to public procurement procedures and contracts with service providers, 4 related to field control of performance of political parties during the electoral campaign)
Number of issued warnings to political parties	74
Number of supervised activities for service providers	295
Number of service providers to political parties supervised	155
Value of supervised activities of service providers	1,348,143 EUR
Number of central and local level entities who submitted reports and other required documentation to the Agency	1,105
Number of submitted reports by public entities	26,576
Number of observed and corrected irregularities in submitted reports	888

³⁶ European Commission, Commission Staff Working Document, Montenegro 2020 Report, p. 5.

³⁷ Available at https://www.antikorupcija.me/media/documents/Izvje%C5%A1taj_o_radu_ASK_u_2020.pdf

Despite these numbers, as we will see in the next chapter, the actual results when it comes to finding and processing the cases of ASR are lacking, which illustrates the Agency's inability to conduct thorough investigations as regards ASR. A significant part of this is simply due to the sheer number of documents that the Agency has to analyze. There are also legislative deficiencies which result in the lack of collaboration in the area of control between the Agency and other administrative bodies like the Public Procurement Administration. In this regard, we must mention that the Public Procurement Administration has received from the Agency a request for control of campaign donors. However, the Public Procurement Administration has not conducted the control, opting instead to simply deliver 2,325 public procurement contracts to the Agency for further control and analysis. The COVID-19 pandemic has also contributed to reduction of field controls.

We must also mention the lack of proactivity and awareness of other important actors who could contribute to reducing the occurrence of ASR during election campaigns. Namely the media, who despite reporting on activities of public officials during the election campaign, never emphasized that their behavior might have constituted public official campaign (this form of ASR is addressed in greater detail in the next chapter). We must also mention the citizens. This is because considering the fact that Montenegro is a small country, it is not difficult for citizens to possess relevant information regarding certain forms of ASR that they could share with competent bodies and institutions. A brief example of that would be a known issue that persists to this day, which is that political parties gather signatures of support from civil servants and employees inside various state and/or municipal-owned offices. Yet despite the prevalence of this practice, there are no official reports or statements confirming the practice which could lead to an investigation, there are only anecdotes from second-hand sources. On one hand, this is indicative of lack of awareness of citizens that this is a form of ASR, but it is also indicative of civil servants and employees perhaps feeling pressured to provide their support to the ruling political party in their area, thus adding another layer of abuse. Another potentially contributing factor is the Agency's poor reputation with regard to whistleblower protection.

III Abuse of State Resources (ASR) in Montenegro

Abuse of state resources (ASR) is a phenomenon manifested in almost all electoral processes since the introduction of multiparty system in Montenegro. As an organization which has been committed to monitoring of democratization process in Montenegro over the past 20 years, CeMI identified a challenge that has persisted since the 1990s: the unlawful appropriation, use and disposal of state property by governing political entities in Montenegro. At first, this problem seemed harmless, but it marked the beginning of our long-term research on ASR, which was a little explored topic at the time. CeMI found that buildings and resources that were formerly property of the Communist Union, Socialist Union of Working People and Socialist Youth Union were inherited by new political parties, and used to generate profits pulled from state budgets. As an example, CeMI found that the former ruling party (the Democratic Party of Socialists, or DPS) had inherited government buildings from the former Communist Union. Following elections in 1992, DPS was renting these buildings back to the government it controlled for use as office space, generating a profit for its own party.

This case has revealed two problems. First, it was very difficult to distinguish between the DPS as a political party, and the Montenegrin government. These entities have operated so closely that ordinary citizens were unable to distinguish between state property and political party property. Secondly, the DPS and other parties were not competing on a 'level playing field' in Montenegrin elections. The resources the DPS had inherited from its predecessors and its control over government resources gave it an edge at the polls. Recognizing that charging the government rent for DPS owned buildings was just the tip of the iceberg, CeMI actively engaged in deeper analysis of ASR in Montenegro.

As a result of our research (which we have carried out in cooperation with Transparency Russia and the Open Society Justice Initiative) CeMI developed a methodology for ASR monitoring which was first implemented in 2009. Our findings from the first use of this tool were grim: *The electoral campaign has shown that the abuse of state administrative resources exists and it threatens the democracy and legitimacy of the electoral process in Montenegro.*³⁸

The OSCE/ODIHR Limited Election Observation Mission (LEOM) Final Report on 2012 early parliamentary elections highlighted that *allegations of electoral irregularities and discrepancies in the voter register emerged as prominent campaign issues, adding that reported violations of the public sector recruitment ban during the campaign blurred the line between state activities and the campaign of the ruling coalition.*³⁹ Moreover, the Council of Europe Parliamentary Assembly (PACE) reported misuse of administrative resources and pressure and intimidations on civil servants to vote in favor of ruling political forces.⁴⁰

OSCE/ODIHR LEOM Final Report for 2013 Presidential elections⁴¹ has referred to several aspects of ASR during the election campaign including the *"Audio recording affair"* which has included allegations on vote buying by former ruling DPS officials which have been revealed by leaking of tape recordings from DPS meetings, held in preparation for the 2012 early parliamentary elections. Furthermore, the Report highlighted that the *campaign environment was highly polarized and allegations of widespread favoritism of ruling party members by the state,*

³⁸ See more: <https://cemi.org.me/wp-content/uploads/2017/01/IZVJESTAJ-O-FINANSIRANJU-KAMPANJE-2009..pdf>

³⁹ See more: <https://www.osce.org/files/f/documents/b/0/97940.pdf>

⁴⁰ Council of Europe, PACE, Observation of the early parliamentary elections in Montenegro (14 October 2012), Election observation report; Available at: <https://tinyurl.com/w86stkr9>

⁴¹ Available at: <https://www.osce.org/files/f/documents/3/f/103093.pdf>

which is the predominant employer, as well as the misuse of state resources and vote buying persisted throughout the campaign. According to OSCE/ODIHR LEOM's, in order to further enhance public confidence in the electoral process and to ensure an open campaign, environment, relevant authorities should undertake greater initiatives to properly investigate allegations of the misuse of state resources, intimidation of employees, and vote buying, and to take appropriate actions should any violations be proven. To date, this case has not been resolved. In the last European Commission's Annual report, it is underlined that there were no new developments in the political and judicial follow-up of the alleged misuse of public funds for party political purposes that took place in 2012 (the "audio recordings affair").

In its Final Report for the 2016 Parliamentary elections OSCE/ODIHR Election Observation Mission (EOM) concluded that although allegations of misuse of state resources have not been prominently present during this campaign and no formal complaints were to the relevant authorities, irrespective of the veracity of such allegations, their pervasiveness likely diminished confidence in the fairness of the overall electoral process and raised concerns about voters' ability to cast their vote "free of fear of retribution".⁴² However, CeMI's Final Report on 2016 elections presented that our long-term observers (LTOs) received numerous allegations about political campaigning through different forms of employing people, the writing off of debts and realization of infrastructural projects. For example, in Plav, the use of official vehicles for political parties' purposes was noted. In the northern region (Plav, Rozaje, Berane and Gusinje), there were allegations of employment promises to the people who were voluntarily engaged in public health and education institutions during the campaign. Furthermore, roads were reconstructed in Gusinje, Andrijevica and Bijelo Polje and the water supply was brought to certain rural areas. In Bijelo Polje and Andrijevica there were allegations about the electricity supply not being turned off to certain households, despite them having electricity bills amounting to as much as several thousand Euros.⁴³ Presidential elections in 2018 were also marked by opposition allegations about the misuse of state resources in the campaign of the ruling majority candidate and current President of Montenegro. For example, as stated in CeMI's final Report on elections, the opposition and part of the non-governmental sector criticized the organization of a rally by DPS candidate in the one of the educational institutions in Kotor municipality.

Significant incidents of ASR were recorded during parliamentary and local elections in 2020. OSCE/ODIHR LEOM's final Report noted that the ruling party gained an undue advantage through various forms of **misuse of office and state resources**, such as offering temporary employment in the public sector, and distributing extraordinary welfare benefits to 'vulnerable' groups based on unclear criteria.⁴⁴

Furthermore, in one of the conclusions of the first-time international observation mission of ENEMO in Montenegro it is noted that:

*An increase in the number of official visits carried out by incumbents throughout the country during the last weeks of campaigning, i.e. partisan political activity by public officials while on duty, **raises the question of separation of party and State...** Visits and inaugurations by the President, Prime Minister, and local self-government body representatives in their capacities as state officials during the campaign can be assessed as **blurring the line between parties and the state...***⁴⁵

⁴² OSCE ODIHR EOM Final Report, 2016, see more: <https://www.osce.org/files/f/documents/3/d/295511.pdf>

⁴³ See more: Centre for Monitoring and Research CeMI, Civic Monitoring of the Parliamentary and Local Elections – Montenegro 2016, available at: <https://cemi.org.me/wp-content/uploads/2017/06/Final-Report.pdf>

⁴⁴ OSCE/ODIHR, International Election Observation Mission Montenegro – Parliamentary Elections, 30 August 2020, Statement of Preliminary Findings and Conclusions, p. 2

⁴⁵ ENEMO, International Election Observation Mission Parliamentary Elections, 30 August 2020 -Montenegro, Statement of Preliminary Findings and Conclusions, p. 11-12

Our organization monitored ASR during the recent parliamentary and local elections in seven municipalities (Budva, Tivat, Kotor, Andrijevica, Gusinje, Niksic and Herceg Novi). In the following chapters of this study, readers may find presentation of methodology and some of the most remarkable examples of ASR recorded during the three electoral processes.

3.1. Methodology

Based on experience from previous electoral cycles, CeMI developed an ASR monitoring methodology for monitoring abuse of state resources during the parliamentary and local elections which took place on 30 August 2020, with emphasis on most disputed and risk areas. Furthermore, we also decided to monitor these abuses during local elections in Niksic and Herceg Novi in 2021, due to the unique political circumstances following unprecedented change of the government after the August 2020 Parliamentary elections. In line with developed methodology, we have monitored the abuses related to the following provisions of the LFPEEC:

1. **Article 38:** Spending by state and local budget spending units in any month during the campaign that would exceed the average monthly spending during the six months prior to the campaign (or if elections are held in the first half of the year, spending plans established by the Ministry of Finance or local administration).
2. **Article 40:** Use of social welfare payments;
3. **Article 44:** Hiring of persons by public institutions, companies and state funds unless provided for in the entity's act on job descriptions;
4. **Article 44 paragraph 4:** Engagement by public officials (except MPs and councilors) and employees in state/local government bodies/administration, public companies/institutions, and state funds in election campaign activities during working hours.

Official findings of the Agency for Prevention of Corruption will also be presented in this section.

Violation of article 38 could imply the abuse of financial resources. The monitoring of this abuse was done via collection and analysis of the documentation published by budget spending units on the Agency's website and subsequent procedures regarding found violations, as well as monitoring of media articles regarding budget spending, and collection of relevant documents through the requests for government information. The goal of the monitoring was to observe not only how many budget spending units would violate the provision of this article, but also the amount exceeded, as well as the Agency's reaction and the potential resulting procedures initiated against budget spending units for violation of article 38, as well as the resulting penalties imposed.

Use of social welfare payments (article 40) has gained a certain level of notoriety in Montenegro. Former opposition parties have often accused the ruling party of abusing the social welfare system for electoral gain, i.e. for vote buying, and distribution of funds to political parties through persons who should not be recipients of social welfare. Monitoring of this type of abuse was done through collection and analysis of each individual decision of social welfare to natural persons by municipal governments, published on the Agency's website and the Agency's conduct in this area. It was especially important to monitor use of social welfare, considering the recent amendments to the LFPEEC, that have allowed the use of budget reserve for social welfare payments during an epidemic or a communicable disease pandemic.

Hiring by state/municipal bodies and state/municipally-owned institutions during election campaign is also a long-standing issue in Montenegro, followed by political affairs and accusa-

ing existing employees during the election campaign for the purpose of securing votes. Monitoring of this type of abuse was done through careful analysis of all the employment contracts by all the relevant subjects who have the legal obligation to publish hiring decisions during the election campaign. The main focus of the monitoring was actually on the timeframe. Since not all hirings during election campaign are illegal, we have decided to put an emphasis on when those hirings took place, in order to see if the number was more or less equal during the entire election campaign, or if there has been a significant spike in hirings as the Election Day was approaching, which would indicate a potential political motivation and therefore an abuse.

Monitoring of engagement of public officials in the election campaign contrary to the law, i.e. public official campaign was conducted through daily monitoring of online news articles and social media, as well as the Agency's reaction regarding the violation of article 44 para. 4. This type of abuse was selected because it is perhaps the most widespread form of abuse, exacerbated by the fact that it is done in public. This means that the monitoring of this abuse also gives us an insight, not only into the Agency's conduct regarding this type of ASR, but also into how the media reacts to this type of abuse, as well as citizens who often comment on online news articles and social media.

3.2. Parliamentary and Local Elections 2020

3.2.1. Use of Budget

A sudden increase in public spending during elections would call into question the justification of said spending and could be indicative of abuse of financial resources for the purpose of gaining an electoral advantage, either through indirect voter influence or vote buying. For this reason, it is important to limit public spending during the election campaign. Article 38 provides that State and local budgetary spending units, except for the State Election Commission and the municipal election commissions, shall be prohibited from monthly spending higher than the average monthly spending in the previous six months from the day of calling of the elections until the day of holding of the elections, except in cases of emergency, in accordance with the Law. If the elections are held in the first half of the year, budgetary spending units shall be prohibited from monthly spending exceeding the amounts specified by monthly spending plans established by the Ministry or a local administration body at the beginning of the fiscal year. This prohibition shall also apply to legal entities exercising public authorizations or activities of public interest on the basis of a contract with the competent authority, as well as to business organizations owned by the state or local self-governing unit in accordance with the law governing prevention of corruption. Monthly spending higher than the average monthly spending in the last six months of the previous year shall be prohibited for state institutions for social and child protection and for state and local authorities competent for agriculture. This article also prescribes an obligation to all budgetary spending units at state and local level, to collect weekly analytical statements from all the accounts in their possession, from the day of calling until the day of holding of the election and submit them to the Agency for Prevention of Corruption.

During the parliamentary and local elections of 2020, there were a total of 452 budgetary units on state and local level who had to adhere to this article of the Law.⁴⁶ Of that number, 76 budgetary units were in five municipalities where local elections took place (Andrijevica, Budva, Gusinje, Kotor and Tivat). The Agency has sent a total of 266 requests/warnings for delivery

⁴⁶ Agency for Prevention of Corruption, Report on Conducted Control During Election Campaign for the Elections held on 30 August 2020, available at: <https://tinyurl.com/5bjh8k99>

of documentations and data for the purpose of control of spending according to article 38, and through subsequent control it found 75 cases of budgetary spending limit being exceeded, in July and August. In those months, the Agency has initiated 27 procedures for delivery of reports for reason of exceeding of the monthly spending limit. During the election campaign, 56 complaints were issued for violation of article 38.⁴⁷ When it comes to analytical statements, the Agency has sent 125 warnings due to observed irregularities in the form and data in the analytical statements, as well as their untimely delivery. All irregularities were resolved, and when it comes to the content of the analytical statements, aside from 12 warnings issued due to some discrepancies, the Agency has found no cases of violation of the Law.

Analytical statements are documents that must contain precise and complete information on at least the following categories: budget line, transaction number, recipient/payer, as well as registration number in the case of a legal entity (tax ID number – PIB) amount and date.

One of the most prominent media outlets in Montenegro (Vijesti) reported that the Ministry of Sports had 136 transactions in June and July 2020, in the amount of close to 100,000 EUR. Information obtained by NGO Network for Affirmation of the NGO Sector (MANS) from the Ministry of Finance showed that these payments were made in three days under the budgetary line “other transfers to individuals”. Furthermore, MANS has published an information to which Ministry of Culture and Ministry of Economy have hidden transactions to individuals, thus grossly violating the LFPEEC.⁴⁸

Another gross violation of the LFPEEC has been discovered more than six months after the election. Media outlet Vijesti has revealed that before the parliamentary and local elections in 2020, the Ministry of Economy has spent 280,000 EUR from the budget reserve on 5,100 food packages in Rozaje and Gusinje, which represents around 80% of households in those two municipalities.⁴⁹ The entire process was completed in a few days, in an urgent procedure, without announcing a public procurement call for tender, using the pandemic as an excuse. The process was given the secrecy level “internal”, which, according to article 12 of the Law on Secrecy of Data,⁵⁰ is used for data whose disclosure could have harmful consequences for the exercise of the function of the institution. The official cause of secrecy label was “importance for security and defense, foreign, monetary and economic policy of Montenegro”. It is still unknown if and how these packages were delivered, since according to the employees in the municipal service of Rozaje, they did not submit any request for assistance to the Ministry of Economy, and while there is information about distribution of packages on the website of Gusinje, they have said that they did not receive assistance from the Ministry of Economy.

3.2.2. Use of Social Welfare Payments

Article 40 provides prohibitions of one-time financial assistance, as well as prohibition to local budget spending units from monthly spending on social welfare benefits under the jurisdiction of the local government unit. It was also prohibited to use the current budget reserve at the national and local level to allocate social benefits in the year in which local or parliamentary elections are held. However, due to COVID-19, the Parliament adopted an amendment to the article 40 para. 3 of the LFPEEC, making an exception regarding the social welfare payments ban in the

⁴⁷ Ibid

⁴⁸ Source: <https://www.vijesti.me/vijesti/drustvo/463205/ministarstva-sakrila-uplate-pojedincima>

⁴⁹ Source: <https://www.vijesti.me/vijesti/drustvo/546901/ministarstvo-ekonomije-pakete-nosilo-po-kucama-tajna-pomoc-uoci-izbora>

⁵⁰ Law on Secrecy of Data („Official Gazette of Montenegro”, no. 14/2008, 76/2009, 41/2010, 40/2011 – other law, 38/2012, 44/2012, 14/2013, 18/2014, 48/2015 and 74/2020)

year of the local and parliamentary election, by prescribing that such payments are possible in cases of **war, emergency, epidemic or pandemic of infectious diseases**. With COVID-19 pandemic spreading throughout the country, this amendment can be understood as a method to abuse regulatory resources for the purpose of electoral process. Former opposition parties criticized adoption of this amendment, stating that it would lead to abuses in the election year, and adding that the goal of the proposed amendment is vote buying. SDP submitted an amendment trying to ensure that social benefits from the budget reserve are given by a special body, which would consist not only of government employees, but also the opposition and the civil sector. However, its amendment was not accepted.⁵¹

It is worth noting that during the campaign, a significant amount of funds were distributed as one-time social benefit payments, and mostly through the “third package of the Government’s measures to mitigate the effects of COVID-19 pandemic.” Several examples of public officials’ activities related to promotion of economic and financial measures of the Government for the purpose of promotion of the former ruling party (DPS) were reported. In April 2020, even before the official election campaign has started, former Deputy Speaker of the Parliament Gvozdenovic (DPS), has visited village Crmnica and talked with local inhabitants about “additional assistance packages to the vulnerable population”. Former opposition assessed this as a typical misuse of COVID-19 economic crisis for the purposes of upcoming election campaign.⁵²

Parliament had a marginal role in control of the government’s allocation of social benefits for the purpose of election campaign. In July 2020, former ruling majority MPs did not support proposal to discuss the allocation of social benefits from the 2020 budgetary reserve at the level of Anti-Corruption Parliamentary committee. Furthermore, broader supervision mechanisms to control social benefits by the NGOs have not been established. The government was in a position to discreetly and non-transparently dispose of funds from the 2020 budget reserve, thus contributing to the establishing a perception on possible misuse of social benefits for the purpose of the election campaign.

Despite the substantial number of one-time social benefits in smaller municipalities, one of which was a municipality where local elections were also held (Andrijevica), the Agency for the Prevention of Corruption did not request clarification from these municipalities, and no control was performed. At the working group meeting with CSO representatives, it was noted that one person in the municipality of Andrijevica has received social welfare payments five times within five weeks. The amount received was low (20 EUR each time), but this case is notable since this is a municipality where local elections took place.

The following is the total amount of one-time social benefits from local budget reserves, which includes financial donations to **natural persons only** in all municipalities from 21 June to 30 August 2020.

⁵¹ Source: <https://tinyurl.com/ckzzjrvn>

⁵² See more: <https://www.vijesti.me/vijesti/politika/430160/dps-u-kampanji-i-tokom-korone-iz-pandemije-u-izbore>

Table 2: One-time payments to natural persons in all municipalities in Montenegro during the parliamentary and local election 2020:

MUNICIPALITY	POPULATION ⁵³	NO. OF PAYMENTS	AMOUNT IN EUR
Andrijevića	4,532	211	17,819.00
Bar	44,057	3	5,300.00
Berane	26,393	64	5,620.00
Bijelo Polje	41,642	7	8,000.00
Budva	22,387	0	0
Cetinje	15,046	9	2,560.00
Danilovgrad	18,287	0	0
Gusinje	3,995	NO DATA	NO DATA
Herceg Novi	30,480	0	0
Kolasin	7,132	15	2,450.00
Kotor	22,793	95	9,700.00
Mojkovac	7,415	10	2,092.72
Nikšić	68,736	23	2,750.00
Petnjica	5,245	0	0
Plav	8,287	0	0
Pluzine ⁵⁴	2,551	363	22,585.00
Pljevlja	26,556	82	12,650.00
Podgorica	190,488	48	8,690.00
Rozaje	22,982	8	2,100.00
Savnik	1,527	3	147.65
Tivat	15,205	0	0
Tuzi	12,389	0	0
Ulcinj	20,128	0	0
Zabljak	3,053	0	0
TOTAL	621,306	941	102,464.37

The data is extracted from documents delivered by local self-government bodies to the Agency on a weekly basis. Data for Gusinje is missing due to COVID-19 which prevented them from working and delivering the data to the Agency,⁵⁵ and no payments were possible in Budva due to a blocked bank account of this municipality by the Commercial Court in May of 2020.

Aside from one-time social benefits from local self-government bodies, the Ministry of Social Welfare spent **9,996,256.78 EUR** on social welfare, and **1,713,511.82 EUR** on one-time social

⁵³ Based on projection of the population count in the first 6 months of 2020, available at: <https://tinyurl.com/wtfm7r42>

⁵⁴ Some of the one-time social benefits were paid in bulk to multiple people. For instance, in Pluzine, a single decision by the local self-government body is about one-time social benefit payment in the amount of 7,100 EUR to 142 persons. Because we are calculating payments made to natural persons, the table reflects payments per person, not per decision of the local self-government body.

⁵⁵ See more: <https://tinyurl.com/39y2252h>

benefits through **87** individual payments, ranging between **50-1,000 EUR** per payment in the total amount of **9,111.82 EUR** and **1,704,400.00 EUR** one-time financial assistance for users of material support in accordance with the Government Conclusion 07-3287, so **1,713,511.82 EUR** in total. This number is derived from a separate list of social benefit payments available on the Agency's website. This list is titled "Transparency of social benefit payments (article 40)",⁵⁶ and it contains the data on social benefits gathered directly from websites of municipalities who have a legal obligation to publish this data on a weekly basis. It is unclear why this list differs from the previously presented data, and whether the numbers overlap. However, since this list contains data on social benefit payments not on the previous list, it is important to present this data as well. Interestingly, the one-time financial assistance in the amount of **1,704,400.00 EUR** was presented in the same category as other social payments to recipients of material support, instead of a separate category or a one-time social benefit. It seems somewhat manipulative not to count this type of assistance as what it ultimately is – a one-time payment.

Compared with the presidential elections of 2018,⁵⁷ we can see that the total amount of social welfare in 2018 was **9,535,277.28 EUR**, slightly less than in 2020. However, the number of one-time social benefits in 2018 was **67,838.10 EUR**, compared with **1,713,511.82 EUR** in 2020, if we count the previously mentioned one-time payments, meaning that one-time social benefits in 2020 have increased exponentially.

Still, it is worth nothing that considering the situation with COVID-19, this does not necessarily mean that this increase constitutes ASR, since there is a real need to provide additional support to the most vulnerable group of citizens. However, an argument could also be made that COVID-19 pandemic was used as an excuse for politically motivated government spending, especially taking into account the aforementioned changes to the law, the lack of political will for further amendments that would see the establishment of a special body which would be responsible for ensuring that payments are made in a transparent way that ensures no abuse of state resources, and the reports of government officials promoting the assistance for political gain.

⁵⁶ Source: https://www.antikorupcija.me/media/documents/Socijalna_davanja.xls.pdf

⁵⁷ Source: https://www.antikorupcija.me/media/documents/Socijalna_davanja_presjek_20.03.2018..pdf

Table 3: One-time payments according to “Transparency of social benefit payments list” during parliamentary election in Montenegro

MUNICIPALITY	POPULATION	NO. OF PAYMENTS	AMOUNT IN EUR
Andrijevisa	4,532	3	800.00
Bar	44,057	49	6,020.00
Berane	26,393	5	1,700.00
Cetinje	15,046	25	14,770.00
Danilovgrad	18,287	2	250.00
Gusinje	3,995	1	100.00
Herceg Novi	30,480	30	3,584.04
Kotor	22,793	1	250.00
Mojkovac	7,415	12	4,035.50
Niksic	68,736	11	38,831.75
Pljevlja	26,556	40	1,190.00
Tuzi	12,389	42	8,100.00
Ulcinj	20,128	27	4,960.00
Savnik	1,527	5	1,500.00
Zabljak	3,053	11	2,312.24
TOTAL		264	88,403.53

The Agency has initiated four misdemeanor proceedings for violation of prohibition of social benefit payments against four municipalities: Danilovgrad, Herceg Novi, Pljevlja and Ulcinj. The Agency has also found 15 recipients of material support who donated money to political parties, but it did not reveal to which political entity these funds were donated.⁵⁸ Either these persons should not be on the list as material support recipients, or they have been used to circumvent the legal limit for personal campaign donations.

3.2.3. Employment

The problem of politically motivated employment is one of the sources of public mistrust in the election process in Montenegro. The “Audio recordings affair” from 2012 has revealed that the members of DPS, during party meetings, discussed hiring people during the election campaign based on their party affiliation, and for the purposes of gaining votes.⁵⁹ This affair, like many others, never received an institutional epilogue, which further deteriorates public trust in judicial and prosecutorial institutions. The prosecution office has never conducted an adequate criminal investigation. Simple notification of the prosecution service that “the analysis” of the recordings showed that no criminal acts were committed still raises doubts about the politically motivated and irresponsible actions of the prosecution. The affair was investigated by the ad-hoc Parliamentary inquiry committee, which did not confirm whether or not there was

⁵⁸ Report on the Work of the Agency for the Prevention of Corruption in 2020, op. cit.

⁵⁹ Source: <https://www.slobodnaevropa.org/a/afera-snimak-ko-je-smjestio-milu-djukanovicu/25157499.html>

Key sentence from the “Audio recordings” affair: “Through these projects, we will try to employ exclusively our people, members of the DPS. One employee, that is four votes. If we manage to hire our man, we have reduced one vote for them, and increased it for us”.

an abuse of state resources by the DPS in the run up of 2012 elections. In that way, this affair was left without a legal and/or political outcomes. However, the EU still demands “the political and judicial follow-up” of this affair as one of the most remarkable examples of misuse of state resources for political party purposes by hitherto ruling DPS.

Another, similar recording was released during the election campaign for the parliamentary elections of 2020, alleging that being a party supporter, if not a member, is still a necessity for employment and career advancement in certain areas. In the recording, a member of DPS tells the person seeking promotion in the Army of Montenegro that she must be a party sympathizer to get a promotion.⁶⁰

Article 44 of the LFPEEC prohibits state administration bodies, local self-government bodies, local administration bodies, public companies, public institutions, and state funds, from hiring new employees, from the day of announcing the election until the election day, unless it is necessary for ensuring smooth and regular functioning, and **only for a fixed-term or under temporary service contract, if it has been planned by the act on systematization and job descriptions**. The Law omits, however, business entities founded and/or majority or partially owned by the state or local self-government from this ban, opening the possibility of abuse. On 4 July, CeMI asked the members of the Parliament to draft and adopt amendments to article 44 para. 1 of the Law through urgent procedure, to avoid the possibility of this type of abuse, but the Parliament did not act upon CeMI’s request. Because of this, CeMI requested information from the Agency for Prevention of Corruption on whether large business entities founded and/or owned by the state reported the number of new employments in the period of election campaign. The Agency requested data from seven such companies, including the Airports of Montenegro, which is the only company on the list that declined to act on Agency’s request, after which the Agency has initiated a misdemeanor proceeding against the responsible person.⁶¹ The other companies on the list are: “Morsko Dobro”, which hired two persons for an indefinite period; Railway Infrastructure, which hired 11 new employees and signed 21 new contracts with previous employees; National Parks hired two new employees; The Montenegrin Electricity Transmission system hired two new employees. The data was also requested from the Post Office of Montenegro and Port Bar, but they had hired no new employees during the period of the election campaign.

According to the Agency’s data published on its website,⁶² from the day when elections were called until 25 September 2020, there were **788** employments. Of that number, **485** were employed through a temporary work contract, **203** through an indefinite work contract, **82** under the agreement on temporary and periodic work, and **18** people were selected to perform a duty until the expiry of their term. Most employments occurred in local administration and local self-government bodies, as well as in educational institutions. A smaller number of employments were in state bodies, ministries, and courts.

Considering the public perception, as well as the recording from the “Audio recording” affair, which makes it clear that politically motivated employments are meant to influence not only

⁶⁰ Source: <https://www.vijesti.me/vijesti/politika/461357/dobar-dan-dobar-dan-da-li-je-taj-i-taj-jeste-clan-je-dolazi-u-mjesnu-taj-je-crnogorac>

⁶¹ Centre for Monitoring and Research, Civic Monitoring of Parliamentary Elections Montenegro 2020 Final Report, p. 50

⁶² Available at: http://www.antikorupcija.me/media/documents/zaposljavanje_za_sajt_finalno.pdf

the person who is being employed, but also his adult family members, it seems appropriate to present the number of employments during the parliamentary and local election campaign of 2020, relative to the number of households in each municipality.

Table 4: Distribution and percentage of employments in every municipality

MUNICIPALITY	NO. OF HOUSEHOLDS ⁶³	NO. OF EMPLOYMENTS
Andrijevica	1,666	5
Bar	13,789	19
Berane	9,637	27
Bijelo Polje	13,082	17
Budva	7,042	63
Danilovgrad	5,697	22
Cetinje	5,477	58
Gusinje	508	0
Herceg Novi	11,090	28
Kolasin	2,836	11
Kotor	7,604	32
Mojkovac	2,775	2
Niksic	21,538	102
Petnjica	127	2
Plav	3,093	10
Pluzine	10,627	10
Pljevlja	1,137	30
Podgorica	55,734	281
Rozaje	5,455	14
Savnik	690	0
Tivat	4,834	21
Tuzi	1,113	19
Ulcinj	5,440	9
Zabljak	1,251	6
TOTAL	192,242	788

Without further analysis, this number does not tell us much. But if we look at the number of employments per month, we can start to get a better picture of the likelihood that some of these employments were politically motivated.

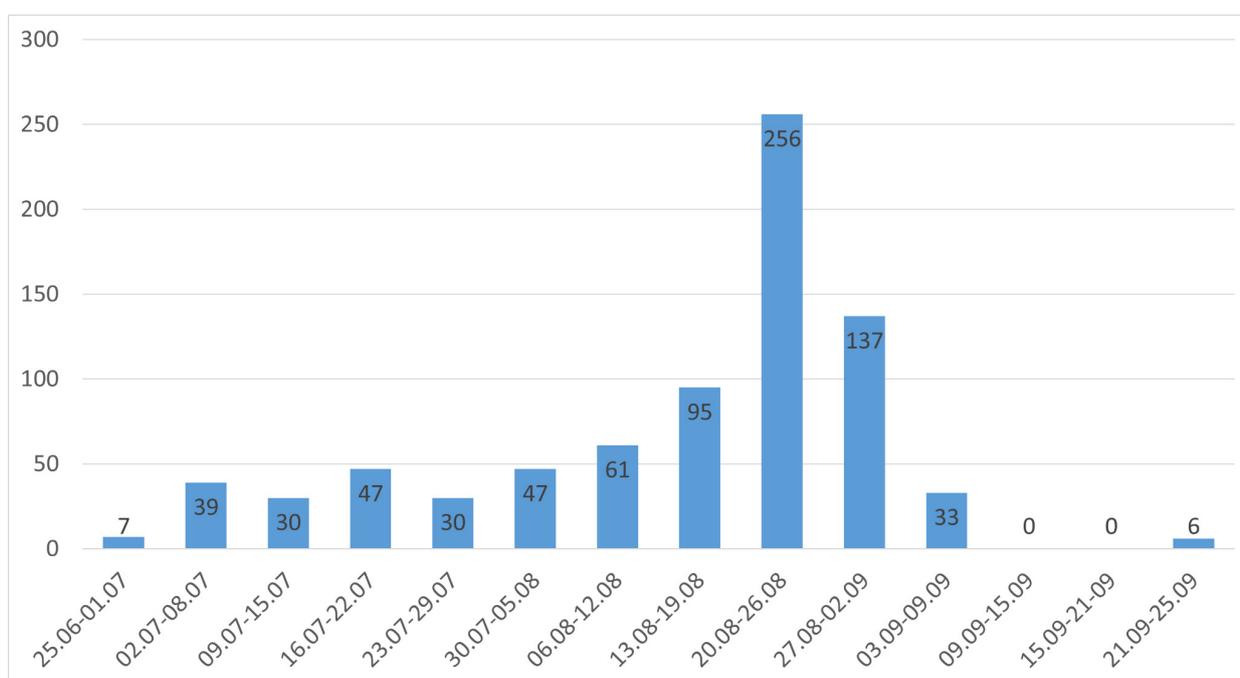
⁶³ Number of households is derived from the 2011 Census, dataset available at: <https://tinyurl.com/d3sr8wb9>

Table 5: Number of employment contracts delivered to the APC per month:

MONTH	NO. OF EMPLOYMENT CONTRACTS	%
June	6	0.76
July	165	20.94
August	567	71.95
September	50	6.35
TOTAL	788	100.00

As we can see, more than **2/3** of employment contracts that the Agency received occurred in August, the month of the election. We can further analyze this list and observe these numbers on a seven-day basis, to get an even more accurate picture of when these employments took place, which could be indicative of abuse of institutional resources.

Graph 1: Number of employment contracts delivered to the APC from 25 June to 25 September 2020 (divided into seven-day periods)



As presented in the graph, in the last two weeks before the election day, there was a surge of employments. Namely **393** employments, or **49,87%** of the total number. If we were to ignore the employments that took place after the election day, this number would represent more than half of all employments, or more accurately **52,47%** of **749**.

3.2.4. Public official campaign

Public official campaign is perhaps the most widespread form of abuse of state resources in Montenegro. It is also the most recognizable and easiest for identification. This form of abuse is defined in the Article 44 paragraph 4 of the LFPEEC, which stipulates that “public officials, except for the MPs and councilors, and employees in state bodies, state administration bodies,

local self-government bodies, local administration bodies, public companies, public institutions and state funds are prohibited from engaging, during working hours, in the activities of the election campaign.”

This provision has not been implemented so far. Unfortunately, senior state officials, including prime ministers, parliament’s speakers (in the former and new convocations) and other high state civil servants (ministers etc.) have not openly provided information on their practices, nor fully respected the legal provisions. In the online space for instance (social media, online portals), articles portraying public officials at the site of an infrastructure project during the election campaign, are usually met with two types of comments: comments from supporters of the official and his/her political option, which tend to focus on the positive aspects of the project, and comments from the opposition mocking the event as another failed promise that should have been fulfilled before the election. The second group recognizes the political motivation behind the public official campaign, but they do not recognize it as abuse. The reason officials ignore this regulation is most likely the fact that it is legally unenforceable. Ambiguity of the provision in the article 44 prevents the Agency from reacting to cases of public official campaign. According to the Agency, the public official campaign is insufficiently clearly and precisely defined, and changes and improvements to the relevant laws are necessary in this area.⁶⁴

This allows public campaign officials to commit this form of ASR uninterrupted. Monitoring of public official campaign has revealed a pattern of behavior that constitutes ASR, mostly in August – the month of the election. The public official who engaged in this activity the most was the former Prime Minister Dusko Markovic, who has, on multiple occasion traveled to different parts of the country in order to promote the government’s accomplishments in the previous four years, discuss investment projects with various local officials and businesses (especially emphasizing the value of those projects), and their positive impact on the economy, as well as to promise new investments and job opportunities in the second term after the election (see Annex).

Monitoring has also revealed the lack of real reporting on this type of ASR by the media, which indicates the general lack of awareness of this issue. The media can and should play a larger role in combatting this type of ASR. As it is right now, they are actively contributing to it, since without dissemination in the media, the negative impact of this form of ASR would be impeded.

3.3. Local Elections in Niksic and Herceg Novi 2021

Local elections in 2021 were held in Niksic (14 March) and in Herceg Novi (9 May). Both electoral processes were perceived as particularly important for all political actors, as they have been held following the unprecedented change of the government on parliamentary elections in 2020. Both election campaigns were marked by frequent appearance and active participation of public officials from the national level in the campaign activities. New government and highest state officials (President of the Parliament, the Prime Minister and the Deputy Prime Minister), have continued with the practice of the former government through their extensive involvement in the campaign, which go against principles of fair conduct in election campaigns and legal provisions stipulated by the LFPEEC. The relationship between the ruling parties and the state has been blurred again. While they were in the opposition, this form of ASR was sharply criticized by current President of the Parliament and the Deputy Prime Minister. Nonetheless, from the position of power so far, both of them have not shown readiness to set an example for

⁶⁴ Source: <https://tinyurl.com/8at8zrbr>

the strict application of legal provision preventing public official campaign and most importantly, to set a clear division between the state and the party function. The president also took an active part in the campaign on the side of his, at the moment, opposition party. Furthermore, cases of abuse of administrative resources at the local level have been reported, such as the case when mayor Budva hosted and promoted during working hours the holder of the electoral list of the coalition “For the Future of Niksic” in the official premises of municipality.⁶⁵

Furthermore, cases of misuse of projects to be financed from the state budget, local government budget or by the largest state-owned companies in order to promote the political parties at the local level have been reported as well. During the prime-minister’s hour session, held two weeks before the elections in Herceg Novi, asked by the Democrats Head of MP group, Prime Minister has announced in the Parliament that the Government will abolish tolls on the road connecting Herceg Novi with the border crossing to Bosnia and Herzegovina. Earlier, Herceg Novi municipality led by Democrats official, has sent an initiative to the Government for the recoument of a concession agreement for the road between Herceg Novi and Trebinje for which a toll is paid for only 12 kilometers of road. The Prime Minister has confirmed that, the municipality of Herceg Novi is expected to pay 4 million EUR from its budget to the concessionaire in January 2022. On 11 May, only two days after the elections, the road was re-open in presence of Montenegrin Prime Minister and President of Republika Srpska entity in Bosnia and Herzegovina.⁶⁶ The second remarkable example of misuse of funds and projects implemented through large, state owned companies is a visit of newly appointed President of the Board of Directors of Montenegrin Electric Enterprise (EPCG) and former DF member of the Parliament to Herceg Novi, in the final week before the elections. During his visit to Herceg Novi, he called on citizens to vote for the DF coalition. During the meeting with the holder of the DF list, President of the Board of Directors of EPCG announced a series of investments including “tens of millions in environmental and green projects”.⁶⁷ Despite the Agency’s claims that the article 44 para. 4 of LFPEEC is unenforceable due to being insufficiently clear and imprecise, these cases represent textbook examples of campaigning contrary to article 44 para. 4 of the law, and the Agency should have taken measures to sanction this behavior. Other cases that represent an obvious violation of the aforementioned article are presented in the Annex.

According to the Agency, for the local elections in Niksic 77 procedures were initiated for the use of state resources in the election campaign, 44 of which were related to restrictions of monthly expenditure,⁶⁸ but no violations were found. On the other hand, during the local elections in Herceg Novi, the Agency initiated 37 procedures related to abuse of state funds in the election campaign. Of that number, 32 procedures were about control of restrictions on monthly expenditure, three were about writing-off debt, one for payment of one-time social benefit and one for employment during the election campaign. When it comes to social welfare payments, despite the claims of the then opposition that social welfare benefits in the election year are meant to buy votes, the new ruling majority did not initiate proceedings for amendments to the law. In fact, at a political talk show “Nacisto”, during the local election campaign in Niksic, the Minister of Finance and Social Welfare, Milojko Spajic stated that they can give social welfare in the election year because they are an expert government and they have no role in the campaign.⁶⁹ It is worth noting that just a few weeks before he gave this statement, he officially endorsed

⁶⁵ Centre for Monitoring and Research CeMI, Report on Preliminary Conclusions and Findings, available at: <https://cemi.org.me/wp-content/uploads/2021/03/Report-on-Pre-liminary-Conclusions-and-Findings-Niksic-2021.pdf>

⁶⁶ Source: <https://www.vijesti.me/vijesti/ekonomija/538017/krivokapic-i-cvijanovic-ozvanicili-ukidanje-putarine-na-putu-heceg-novi-trebinje>

⁶⁷ Source: <https://www.vijesti.me/vijesti/politika/535359/djukanovic-razgovarao-sa-otovicem-i-najavio-investicije-epcg-u-herceg-novom>

⁶⁸ Source: <https://tinyurl.com/sy6pz82w>

⁶⁹ Source: <https://www.youtube.com/watch?v=rKtRSLaxmX> (from minute 09:55 to 11:33)

⁷⁰ Source: <https://twitter.com/MickeySpajic/status/1370477678348935172>

Momo Koprivica, the holder of the electoral list “Peace is Our Nation” in Niksic.⁷⁰ The Ministry of Finance and Social Welfare has paid **1,178,718.92 EUR** in social welfare in Niksic during the local election campaign in that municipality, and **709,981.65 EUR** in Herceg Novi during that town’s local election campaign.

According to the data gathered from documentation submitted to the Agency, there were a total of **178** one-time social benefit payments to natural persons in the total amount of **36,750 EUR** during the local election campaign in Niksic. Similar to parliamentary elections, there is no such documentation for Herceg Novi. According to the “Transparency of social benefits (article 40)” table for Niksic,⁷¹ there were only **10** one-time social benefit payments made by the local self-government, in the amount of **3,000 EUR**, and in Herceg Novi there were 25 one-time social benefit payments by the local self-government, in the total amount of **3,840 EUR**.⁷²

There was a total of **413** employments since the announcement of local elections in Niksic.⁷³ Out of that number **266** were employed through temporary work contract, **78** through supplementary employment contract, **54** through indefinite work contract, **6** through service agreement, **3** under the agreement on temporary and periodic work, **3** under vocational training contract, **2** until the expiry of their term.⁷⁴

Table 6: Number of employment contracts delivered to the APC per month (local election Niksic):

MONTH	NO. OF EMPLOYMENT CONTRACTS	%
January	40	9.69
February	217	52.54
March	156	37.77
TOTAL	413	100.00

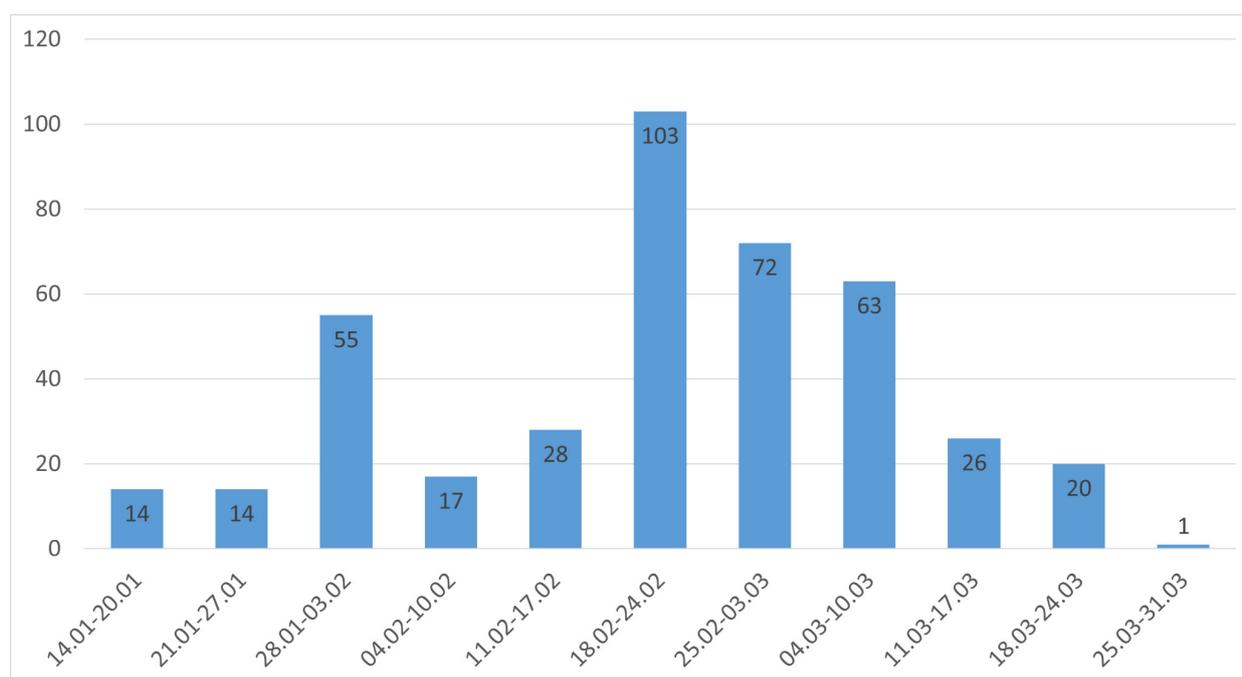
⁷¹ Source: <https://tinyurl.com/jz4zvmw>

⁷² Source: <https://tinyurl.com/22698rcs>

⁷³ Source: <https://tinyurl.com/m3wyjsfn>

⁷⁴ For one employment in the State Prosecutor’s Office in Niksic there is no contract since the employment was based on the decision of the Supreme Prosecutor’s Office in Podgorica. This person was hired as an intern: <https://tinyurl.com/wxxbmud6>

Graph 2: Number of employment contracts in Niksic, delivered to the APC from 14 January to 31 March 2021 (divided into seven-day periods)



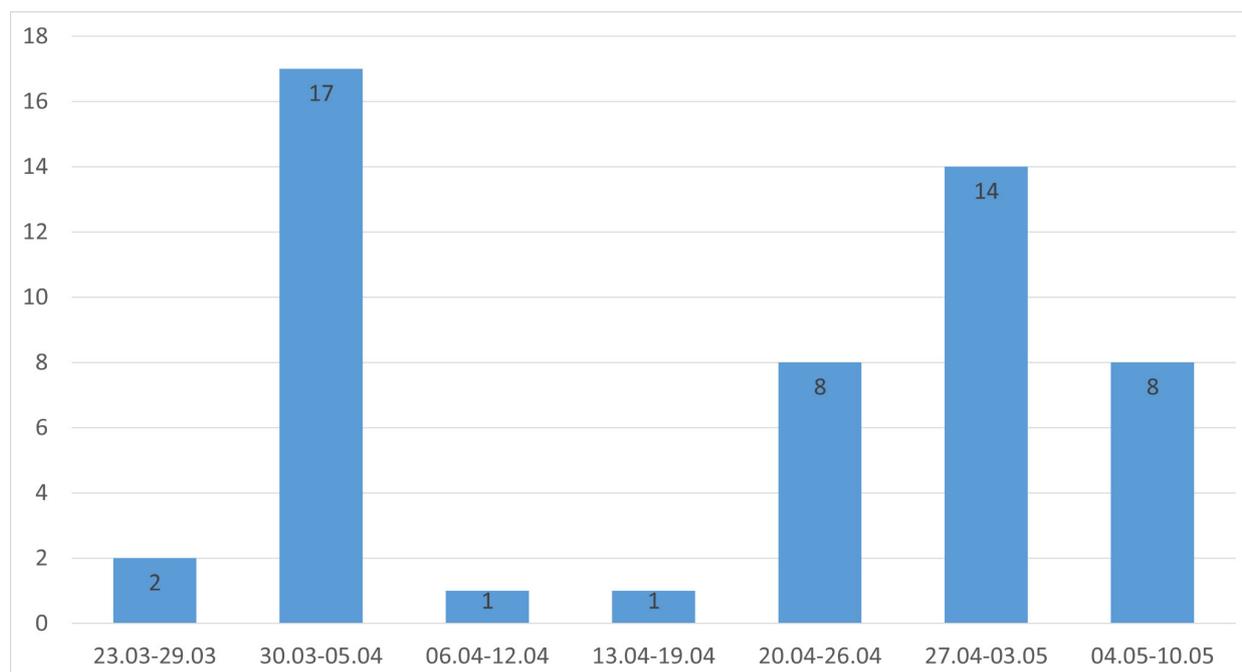
Once again, we can see a large number of employments in the weeks prior to election day, and a sudden drop of new employments after election day.

When it comes to local elections in Herceg Novi, there were a total of **51** employments since the announcement of local elections. Out of that number **28** were employed through temporary work contract, **14** through supplementary employment contract, **5** through indefinite work contract, **3** through service agreement and **1** under vocational training contract.

Table 7: Number of employment contracts delivered to the APC per month (local election Herceg Novi):

MONTH	NO. OF EMPLOYMENT CONTRACTS	%
March	2	3.92
April	41	80.4
May	8	15.68
TOTAL	51	100

Graph 3: Number of employment contracts in Herceg Novi, delivered to the APC from 23 March to 10 May 2021 (divided into seven-day periods)



Even though the number of employments in Herceg Novi is not as high as it was in Niksic, we can see a cluster of employments in the last three weeks before the election day.

IV Conclusions and Recommendations

Despite numerous legislative changes and improvements, political entities and high-ranking state officials continue to abuse state resources for the election campaign purposes. Although current ruling majority parties have criticized the former ruling party for widespread ASR, they are now violating same articles of the Law and repeating similar unacceptable manners of political behaviors in the electoral campaigns. From the other side, the current opposition has been criticizing the new ruling majority for ASR they previously were engaged in. By consciously engaging in activities that both sides correctly recognize as abuse of state resources, political elites demonstrate lack of willingness to prevent ASR and continue to ignore the law with aim to improve their political chances in the elections. By doing so, current political elites grossly expose the deficiencies in the legislative framework, and reveal incompetence of institutions to prevent, control and sanction engaging of politicians in abuse of state resources.

One of the most important aspects when discussing abuse of state resources is the body responsible for monitoring, controlling, and preventing this type of abuse. In Montenegro, that role is entrusted to the Agency for Prevention of Corruption. However, the APC has a predominantly preventive role and underdeveloped capacities. It is dependent on the budget funds provided by the executive branch, and it lacks a system that should be a working principle of such an institution (four-step procedure: monitoring, investigation, prevention, and elimination). For the Agency to truly fight against abuse of state resources, it must not operate on a preventive level only, and it should also actively fight against corruption.

POLICYMAKERS

1. The Parliament needs to establish more efficient oversight role over government's expenditures from the budgetary reserve, especially during election period. It is therefore recommendable establish ad-hoc parliamentary committee, composed of the ruling majority and opposition MPs on a parity basis, in charge to control using of funds from the budget reserve from the day of announcing to the day of holding the elections.;
2. The Government needs to improve transparency of the procedure of social benefits during and outside of the electoral processes. As a matter of principle, the Government should refrain from declaring expenses as secret during the election campaign. Clear rules and by-laws have to be developed with aim to define principles of transparency of public financing in the election period, including definition of situations in which the Government can and cannot declare expenses as secret during election period;
3. Increasing Parliament's capacity for effective control of social welfare payments should be a matter of priority. Establishment of a specific inter-institutional body in charge to ensure a greater level of transparency of social benefits during the election process should be examined;
4. It is necessary to amend the Article 44 of the LFPEEC to clearly prohibit employments (for a definite and indefinite period) and to forbid amendments of the organizational systematization acts at the level of all state institutions during the election year. Possible exceptions should be prescribed, such as in cases of emergency. The exceptions should also be prescribed clearly, to avoid abuses;

5. Article 44 para. 4. of the LFPEEC should be amended with aim to provide clear definition of a “public official campaign”;
6. The capacity of law enforcement agencies (police, prosecution) needs to be enhanced in order to adequately conduct criminal investigations and suppression of ASRs during election campaigns. A stricter penal policy is necessary to ensure the adequate level of deterrence.

THE AGENCY FOR PREVENTION OF CORRUPTION

7. Providing the APC with the possibility of conducting thorough investigations and through stronger institutional connections with the Prosecutor’s Office, would give the APC a proactive character that it currently lacks. This is of particular importance when it comes to the Agency’s capabilities to uncover illegal contributions to politicians and political entities, which the Agency should be able to do continuously, not only during the election campaign;
8. The APC should be provided with the possibility of entering official premises, the power to seize documents against the will of the authorities and the power initiate disciplinary proceedings;
9. Enhancing the Agency’s ability to conduct thorough investigations continuously should be supplemented with its obligation to continuously publish all documents and findings that it is currently obliged to publish only in the election period;
10. In order to enhance the Agency’s ability to conduct control of all the submitted documents, the LFPEEC should be amended to ensure a functional level of collaboration with other relevant bodies and institutions with the Agency;
11. The Agency must be competent for continuous, comprehensive monitoring of social welfare in Montenegro, with quarterly sections as well as the ability to monitor and control the flow of money;
12. The Agency must continuously monitor the employment system and it must strengthen its capacities in this area;
13. The Agency must have clearly defined repressive mechanisms in case the subjects of control refuse to comply with APC’s request for documentation. It must be given full authority to impose stricter penalties for failure to act on its requests, up to the level of dismissal and ban on holding a public office for a specified period;
14. The Agency must improve and promote its role in whistleblower protection, in order to motivate potential whistleblowers to report more serious cases of ASR.

CIVIL SOCIETY ORGANIZATIONS, THE MEDIA AND GENERAL PUBLIC

15. Overall awareness of the general public to recognize different forms of ASR during and outside of electoral campaign should be improved. Conducting citizen awareness campaigns is a matter of priority. NGOs active in the field of election monitoring (at the national and local level) should establish various channels of communication with citizens, including legal advice, in order to improve the level of monitoring and reporting of ASR cases during the election campaign;

16. The capacity of the media and journalists to recognize and report ASR should be improved without further delay. In this context, it is very important to educate not only national media with coverage, but also local media and journalists, who will be able to contribute to the monitoring of ASR during election campaigns at the local level (with specific focus on reporting on forms of “public official campaign”);
17. Consideration should be given to introducing Electoral Law as a specific course within the Faculty of Law curriculum, which would include ASR as a specific subject, in order to create a substantial number of law graduates who are aware and familiar with the phenomenon which, despite being so widespread, is also largely unknown and misunderstood;
18. It is necessary to strengthen the professionalism and independence of civil servants and employees and to raise their awareness of ASR, in order to reduce institutional resource abuses that occur in state and municipal bodies and institutions.

ANNEX: Public official campaign during Parliamentary and Local Elections 2020 and Local Elections in Niksic and Herceg Novi 2021

Table 8: Public official campaign during parliamentary and local election 2020

DATE	DESCRIPTION
04.08.2020	<p>Prime minister Dusko Markovic visited Zabljak, where he talked to the mayor and emphasized that the government has fulfilled every promise, including the 11 million EUR worth projects implemented by the Public Works Administration and 2.6 million EUR from the Ministry of Agriculture and Rural Development. He also visited the construction site of a hotel which is an investment worth 19.5 million EUR and noted that the opening of this hotel will result in creating 104 new jobs. He also announced new investments.</p> <p>Source: https://tinyurl.com/zke9ecyb</p>
05.08.2020	<p>Prime minister Dusko Markovic opened a new highway from Bistrica to Podvrh in Bijelo Polje, worth 4.2 million EUR, and noted that another highway worth 5 million EUR is being constructed. He also noted that the Public Works Administration has signed contracts worth 56 million EUR, and that up until that moment 32 million has been spent.</p> <p>Source: https://tinyurl.com/5sdcvccd</p>
06.07.2020	<p>Prime minister Dusko Markovic visited a construction site for a new highway from Podgorica to Danilovgrad, which represents an investment of 24 million EUR. He claimed that the investment is one of many that are in progress, and that will help solve tough economic problems related to the economic crisis in the country.</p> <p>Source: https://tinyurl.com/d8s4nnny</p>
06.08.2020	<p>Prime minister Dusko Markovic visited Plav to open the new square plaza worth almost half a million EUR, and to announce the beginning of construction of a highway worth between 15-20 million EUR.</p> <p>Source: https://tinyurl.com/y83nb88t</p>
16.07.2020	<p>Prime minister Dusko Markovic visited Kotor, a municipality where elections were being held, and which is under control of the opposing political option. He emphasized that more than 10.5 million EUR was invested in various infrastructure projects that he had visited that day.</p> <p>Source: https://tinyurl.com/4767n2xk</p>
29.07.2020	<p>Prime minister Dusko Markovic visited Mojkovac to mark the beginning of construction of a ski resort, as well as visit other construction sites in the municipality. He emphasized that 60 million EUR was spent on capital and communal infrastructure in this municipality.</p> <p>Source: https://tinyurl.com/rptca8jj</p>

12.08.2020	<p>Prime minister Dusko Markovic visited Tivat where he talked to representatives of the municipal government about current and future infrastructure and investment projects. He also opened the Daily Center for Children with Disabilities, worth 600,000 EUR.</p> <p>Source: https://tinyurl.com/3r4f2mep</p>
11.08.2020	<p>Prime minister Dusko Markovic visited Budva, where he talked to the president of the municipality and members of the municipal government about the negative aspects of the previous municipal government led by his political opponents. He emphasized the positive aspects of the new municipal government and announced plans for future long-term consolidation of finances. Other than the prime minister, other public officials were also present at the meeting, such as the minister of finance Darko Radunovic and several other public officials.</p> <p>Source: https://tinyurl.com/39x74nc9</p>
10.08.2020	<p>Prime minister Dusko Markovic visited Ulcinj and the newly renovated Hotel PIO whose renovation is worth 2.6 million EUR, as well as a construction site of a tourist complex. He also talked with local business owners and announced several infrastructure projects.</p> <p>Source: https://tinyurl.com/p74jdexj</p>
07.08.2020	<p>Prime minister Dusko Markovic visited Murino, in the municipality Plav, where he announced investments in the local community.</p> <p>Source: https://tinyurl.com/483ksr86</p>
07.08.2020	<p>Prime minister Dusko Markovic visited Andrijevica, and he talked to the president of the municipality and representatives of municipal government about development projects throughout the entire northern region, including Andrijevica. He emphasized that in the last three years more than 2.5 million EUR was invested in this municipality.</p> <p>Source: https://tinyurl.com/2rv4ccz6</p>
14.08.2020	<p>As part of a work visit, prime minister Dusko Markovic visited Kolasin, the construction site of a tourist complex Breza and ski centers Kolasin 1450 and 1600. He said that the government has invested almost 50 million EUR from the capital budget in Kolasin 1450 and Kolasin 1600 projects.</p> <p>Source: https://tinyurl.com/7k38e6ym</p>
21.08.2020	<p>Prime minister Dusko Markovic and Minister of Culture Aleksandar Bogdanovic visited Bar. During their meeting with the mayor, it was announced that 24.5 million EUR was invested in various projects in Bar. The prime minister and the mayor opened the first Creative Hub in Montenegro, which is an investment project worth 257,000 EUR. Also, together with the director of Public Company Morsko Dobro, the prime minister marked the start of the construction of a square plaza and promenade in Sutomore, worth almost 1 million EUR. Markovic also stated that the government has provided around 13 million EUR for various infrastructure projects in Bar. He also visited several other locations.</p> <p>Source: https://tinyurl.com/ep459z6r</p>
18.08.2020	<p>Prime minister Dusko Markovic marked the opening of a new factory in Podgorica, stating that it will employ 70 workers and that the investment is worth around 15 million EUR.</p> <p>Source: https://tinyurl.com/4sws6zmk</p>

12.08.2020	<p>Prime minister Dusko Markovic visited a substation Lastva Grbaljska in Kotor, a project worth 35 million EUR.</p> <p>Source: https://tinyurl.com/42ske7yf</p>
26.08.2020	<p>Prime minister Dusko Markovic marked the start of a new department in the Clinical Center of Montenegro in Podgorica, worth 240,000 EUR. He also stated that additional 17 million EUR have been allocated for the Clinical Center and its clinics and that a new Emergency Room will be built during the next term.</p> <p>Source: https://tinyurl.com/32z9ejsj</p>
25.08.2020	<p>Prime minister Dusko Markovic visited Kotor where he talked to the mayor about a 9 million EUR grant for development of sewage, construction of a 3 million EUR pipeline and other infrastructure projects.</p> <p>Source: https://tinyurl.com/nv8cfh4h</p>
25.08.2020	<p>Meeting with the mayor of Danilovgrad Zorica Kovacevic and the president of the Chamber of Commerce Vlastimir Golubovic, the prime minister discussed future infrastructure projects and previous investments from private entities, worth almost 13 million EUR. Minister of Economy Dragica Sekulic stated that the government will, through the program for development of competition, have 10 million EUR available by the end of the year.</p> <p>Source: https://tinyurl.com/24nndhs9</p>
24.08.2020	<p>Prime minister Dusko Markovic during his visit to Pljevlja, announced infrastructure projects aimed at reconstructing all the roads to Pljevlja, worth 34.5 million EUR. He emphasized that the energy complex in Pljevlja made 22 million profit and that it employs over 820 well paid workers. He also announced the reconstruction of the thermal power plant, worth more than 54 million EUR.</p> <p>Source: https://tinyurl.com/2rfb64b6</p>
28.08.2020	<p>Prime minister Dusko Markovic visited a suburb in Bijelo Polje, where he put into operation the waterworks, as part of a project worth 600,000 EUR.</p> <p>Source: https://tinyurl.com/5h8n8tv2</p>
27.08.2020	<p>Prime minister Dusko Markovic visited Danilovgrad to mark the beginning of the construction project of a road, worth more than 3 million EUR. He also used this opportunity to announce that similar projects worth hundreds of millions of EUR are being implemented in other municipalities in Montenegro.</p> <p>Source: https://tinyurl.com/6rhp8k7b</p>

Table 9: Public official campaign during local election in Niksic and Herceg Novi 2021

DATE	DESCRIPTION
LOCAL ELECTIONS NIKSIC 2021	
03.02.2021	<p>President of the Parliament of Montenegro, and the leader of the Democrats political party Aleksa Becic, visited Niksic and owners of the MINIKO company, where he talked about the infrastructure issues that need to be solved.</p> <p>Source: https://tinyurl.com/swkxszey</p>
03.02.2021	<p>During his visit to Niksic, Becic visited one of the Health Centers. During his visit he emphasized that improving the working conditions and material position of health workers must be a priority of the new government. He also mentioned the projects „Children's Parliament” and “Democratic Workshops” that are being implemented by the Parliament of Montenegro.</p> <p>Source: https://tinyurl.com/ytwmmt7j</p>
22.02.2021	<p>Prime minister Zdravko Krivokapic and President of the Parliament Aleksa Becic, visited the Ostrog Temple, where they talked to the episcope Joanikije, where they talked about the poor condition of the temple, claiming that it is due to a troubled relationship with the previous government, thus alluding to a future reconstruction project that would be financed by the new government.</p> <p>Source: https://tinyurl.com/2p43m78y</p>
23.02.2021	<p>Holder of the electoral list “For the future of Niksic” Marko Kovacevic visited the municipality of Budva as part of the electoral campaign. President of the municipality of Budva, Marko Carevic, welcomed him in his office during working hours and invited citizens to vote for the coalition “For the future of Niksic”. The video of the meeting and promotion of this electoral list in the official municipal premises during working hours was shared on social media.</p> <p>Source: https://tinyurl.com/2wjz5daf</p>
07.03.2021	<p>Deputy Prime Minister and the leader of URA, Dritan Abazovic, visited Niksic and actively campaigned for the coalition “Black on White”, which URA is the leading member of.</p> <p>Source: https://tinyurl.com/ypzcmxd9</p>
10.03.2021	<p>President of the Parliament of Montenegro and leader of Democrats, Aleksa Becic visited Niksic, and alongside members of the electoral list „Peace is Our Nation”, which Democrats are the leading member of, actively engaged in campaigning for the benefit of this electoral list.</p> <p>Source: https://tinyurl.com/4bxn2txv</p>
LOCAL ELECTIONS HERCEG NOVI 2021	
02.04.2021	<p>Deputy Prime Minister Abazovic visited Herceg Novi and discussed infrastructure investments with representatives of the local self-government.</p> <p>Source: https://tinyurl.com/4r8658ru</p>

25.04.2021	<p>Aleksa Becic, the President of the Parliament of Montenegro and the leader of Democrats, visited Herceg Novi and took active part in the election campaign of the coalition „Not left, no Right. Straight Novi“, which is a coalition whose largest entity is the Democrats. He gave a speech outlining his party's accomplishments in Herceg Novi and called on voters to support the coalition in the elections on 9 May.</p> <p>Source: https://tinyurl.com/kdrd7mff</p>
26.04.2021	<p>Deputy Prime Minister Dritan Abazovic visited Herceg Novi and took active role in the election campaign of the coalition “Black on White – Boka Can”, calling on voters to vote for it on election day.</p> <p>Source: https://tinyurl.com/y2b4k6nb</p>
27.04.2021	<p>President of the Parliament of Montenegro, Aleksa Becic, visited Herceg Novi where he actively campaigned for the coalition whose largest member is his political party. During his visit he called on voters to support the coalition “Not left, nor Right. Straight Novi”, and he emphasized previous accomplishments of his political party in Herceg Novi.</p> <p>Source: https://tinyurl.com/y2b4k6nb</p>
02.05.2021	<p>President of the Governing Board of EPCG and a member of the Democratic Front, Milutin Djukanovic, used his official position to call on voters to vote for the coalition „For the Future of Herceg Novi and Boka“, and to announce a set of infrastructure investment projects in Herceg Novi, thus putting the public company in the function of the election campaign of an electoral list.</p> <p>Source: https://tinyurl.com/thwvkprm</p>
04.05.2021	<p>Prime Minister, Zdravko Krivokapic and the Minister of Ecology, Spatial Planning and Urbanization, Ratko Mitrovic, visited a shipyard in Herceg Novi to announce a project of land cleaning in the Bay of Kotor, financed by loan from the World Bank in the amount of 23 million EUR.</p> <p>Source: https://tinyurl.com/3nk29ufu</p>
05.05.2021	<p>President of Montenegro Milo Djukanovic visited Herceg Novi and actively campaigned for “European Team in Herceg Novi”, by participating in its final meeting.</p> <p>Source: https://tinyurl.com/thdnmzfm</p>
07.05.2021	<p>Deputy Prime Minister Abazovic called on voters in Herceg Novi to support the coalition “Black on White – Boka Can” in the local elections on 9 May.</p> <p>Source: https://tinyurl.com/26kk6sw7</p>

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