



NEW CHALLENGES FOR A NEW MANDATE

**ANALYSIS AND RECOMMENDATIONS FOR A STRATEGY TO DEVELOP
A KEY PILLAR OF MONTENEGRO'S DEMOCRACY:**

THE PARLIAMENT OF THE REPUBLIC OF MONTENEGRO

-- FINAL VERSION INCLUDING DRAFT ACTION PLAN --

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I. EXECUTIVE SUMMARY

With the decision of the EU Council of Ministers on July 24, 2006 to establish a separate mandate for negotiations with the Republic of Montenegro of a Stabilization and Association Agreement, the Montenegrin governing institutions have embarked on a process to become a member of the European Union (EU) that requires strengthening its ability to meet the conditions required in the process of European integration. Montenegro must prove itself to be a democratic and economically efficient state. Therefore, developing the Parliament of the Republic of Montenegro in terms of its representative, legislative, and oversight functions is necessary to fulfill the strategic goal of harmonizing Montenegrin legislation with the EU legal system and, simultaneously, strengthening democratic parliamentary practice.

There is a high degree of consensus about the need to make the operations of the Montenegrin Parliament more effective. Such wide political support on that issue and a myriad of other challenges confronting Montenegro will be essential. The period from 2006 to 2010 – coinciding with the new mandate of the Montenegrin Parliament and, somewhat, with the current mandate of the European Commission – will be of key importance for beginning EU integration. Whether or not Montenegro falls into the group of states that will be included in the next enlargement depends, to a large extent, on the development of institutions, which, in addition to the executive and judiciary, include the development of the Montenegrin Parliament as the legislative component of government, as well as the strengthening of its representative and oversight functions.

Having worked with the Montenegrin Parliament since 2001, the National Democratic Institute (NDI) has prepared the following report analyzing the key challenges of Parliament and offering concrete recommendations aimed at enhancing the role of Parliament as a key institution of Montenegro's democracy and its effort to become a member of the European Union in the shortest time possible. In addition to NDI's multi-year experience with the Montenegrin Parliament, this report significantly benefits from an assessment visit conducted during the first week of July 2006 in which a team of five met with more than 40 representatives of the parliamentary leadership, the parliamentary parties, the parliamentary staff, Government, NGOs, and international aid agencies. The NDI Parliamentary Assessment Team (hereinafter, the Assessment Team) would like to thank all those with whom it met for the substantive discussions, their openness in conveying their attitudes, and the excellent suggestions made. The meetings enabled the NDI team to get a thorough impression of the current situation in the Montenegrin Parliament and changes needed to improve its functioning.

Two experts from the Republic of Slovenia participated in the assessment visit and produced a first draft of the following report. These experts were:

- **Milan Martin Cviki**, a former Minister for European Issues in the Government of the Republic of Slovenia and currently an opposition MP in the Parliament of the Republic of Slovenia; and,
- **Jožica Velišček**, former secretary general of the Parliament of the Republic of Slovenia and currently legislative secretary in the Slovene government service.

NDI staff in Montenegro – Senior Director Lisa C. McLean, Deputy Director for Parliamentary Program Nataša Bulatović, and Program Coordinator Jelena Mrdak – also participated in the assessment meetings and contributed extensively to this report. The Assessment Team shared this report shortly after the September parliamentary elections with the parliamentary leadership, representatives of governing and opposition parties, and government officials from the former parliamentary mandate. Reaction to the report’s recommendations were overwhelmingly positive. NDI’s interlocutors only asked that NDI also prepare a suggested plan of action as an additional part of this report. That draft action plan was prepared in October and incorporated into this report as Appendix 1. The report will now be delivered to all MPs in the new parliament, the new government, the media and international assistance agencies so that all these institutions can work together to improve the functioning of this important pillar of democracy.

This report is made possible with the support of the American people through the U.S. Agency for International Development (USAID). Although this document is based on the experiences that members of the Assessment Team gained working at the listed institutions and meetings it had during the assessment visit, the opinions expressed herein are those of the authors and of NDI and do not necessarily reflect the views of USAID, the U.S. Government, or the parliament or government of the Republic of Slovenia.

Key Conclusions and Recommendations: The results of the May 2006 referendum on state status demonstrated that the population is politically polarized, yet public opinion polls consistently show that there is enormous support (80 percent) for EU accession. With the issue of state status resolved, the focus of the policy agenda will shift to economic, social, and legal issues. Thus, there is a significant need to establish a consensus between governing and opposition parties around strategic development issues in Montenegro – and the place to do that is in the Parliament.

Given the parliamentary elections on September 10, the analysis and recommendations of this report should represent a “passing of the baton” from the current to the new parliamentary mandate in the sense that the leadership of the new mandate – with the support of governing and opposition parties – will have to adopt a plan to implement the proposed measures.

Based on the challenges identified during the assessment mission, the NDI Assessment Team offers the following key recommendations, which are elaborated more fully in the body of this report.

First, there is a need to introduce an **efficient legislative process**, which requires:

- Making the position of MP professional;
- Making a firm political commitment to respect the Rules of Procedure;
- Planning and organizing Parliament’s work by establishing an annual work plan and standardized schedule, as well as a detailed two-month work plan, that is shared with MPs and the public;
- Giving Parliament’s standing committees a stronger role and establishing a division of labor between plenary sittings and committee meetings; and,

- Giving Parliament and party caucuses the expert and administrative assistance needed to fulfill their roles and responsibilities.

Second, there is a need to improve the **representative and oversight functions** of Parliament, which requires:

- Strengthening the operation of party caucuses;
- Establishing MP offices throughout Montenegro;
- Improving the legal framework for effective control of state and independent institutions funded by the state budget;
- Employing effectively the oversight functions provided by the new Rules of Procedure; and,
- Improving the transparency of parliamentary operations.

Third, there is a need to develop the **human and capital resources of Parliament**, which necessitates:

- Establishing the regulatory, financial, administrative, and security autonomy of Parliament;
- Hiring new employees and providing training for MPs and staff, alike; and,
- Providing sufficient working conditions for MPs and staff.

Two basic requirements that run through all of these recommendations are the need to:

- Consider additional changes to the Rules of Procedure and other legal acts; and,
- Crucially, increase the budget of the Montenegrin Parliament.

Finally, with the key goal of helping to build governing institutions in Montenegro, the European Agency for Reconstruction should define a special €1-1.5 million Twinning Program between the Montenegrin Parliament and one of the parliaments of a new EU member state that would oblige Parliament to hire additional staff, would oblige the EU to provide funds for education of MPs and staff, and would oblige both institutions to secure over time the necessary operating and capital costs for enhancing Parliament's ability to fulfill its constitutional role.

II. NECESSARY FACTORS FOR PARLIAMENTARY DEMOCRACY

In a parliamentary democracy, parliament represents a central organ of power. Elected MPs are representatives of the citizens. They make decisions based on their own judgments and cannot be recalled. Democracy bestows power on citizens, exercised directly and through freely elected MPs, and, importantly, creates a **system of checks and balances** among different branches of power, as well as among other political and social institutions.

The system of internal checks and established balances requires parliamentary oversight of the executive, the existence of a political opposition, an independent judiciary, independent work of the Constitutional Court and the ombudsperson, and

autonomy of the media and civil society. Such a system prevents domination of one branch or political group over the others. In other words, a system of checks and balances renders impossible the establishment of an autocratic system. In such a system, a parliament is more than just an instrument for legalizing deals made outside the institution.

Representative democracy implies that political elites – very often in cooperation with other elites – make the important societal decisions, such as the formation of the government, economic management, provision of health services and pensions, and other issues. Although MPs have a free mandate and although parliament itself – as the framer of the Constitution and legislation – is the organ with the highest degree of autonomy and legal force, MPs from the parliamentary majority usually confirm government-proposed decisions and opposition MPs oppose them. This type of behavior signals that MPs believe in and, in general, support the program goals of their party – although sometimes it can go even farther such that MPs rarely decide on important issues in a manner contrary to the position of the party to which they belong.

Given the political reality of party discipline in democratic states, modern democracies have the system of checks and balances. Thus, before the governing parliamentary majority adopts decisions, the opposition is given the opportunity to criticize the solution and present an alternative to the public. The media can play an important role by influencing public opinion through the direct or indirect broadcast of the debate on these decisions – and, importantly, through investigative reporting on issues on the parliamentary agenda. With the help of the media, the opposition and public can insist on more transparency of political processes. As such, parliament can become a powerful institution and the key venue for political elites to pursue and achieve their political goals. When the system does not work, political elites from the opposition will find themselves on the streets, instead of in committee and plenary sessions, while the governing majority will make agreements behind closed doors.

The following individuals and institutions are responsible for effective, high quality work of a parliament:

- Leadership of parliament (President and Vice Presidents)
- Presidents of party caucuses and the party caucuses themselves
- Each MP individually
- Chairs, deputy chairs, and members of committees
- Parliamentary service
- Government (by working to define mechanisms for cooperation with parliament)

The Rules of Procedure of a parliament – as the basic act that defines the organization and work of a parliament, the rights and duties of MPs, and other subjects participating in the legislative and other parliamentary processes – outline (1) an efficient (rational) legislative procedure, (2) a division of labor between plenary sittings and committee meetings and a strong role for committees, and (3) a plan and organization of work. Procedure is the queen of democracy, and the Rules of Procedure oblige all above-mentioned actors to respect the valid provisions of the Rules of Procedure – even if they do not go in their favor in certain situations. In

most cases, bad provisions of the Rules do not cause procedural problems and intolerance – rather, the cause is more likely to be the lack of political and legal culture.

Given the basic constitutional principle of division of power among legislative, executive and judicial branches, parliaments must be guaranteed **parliamentary autonomy** – the independent status to determine their regulatory (i.e., procedural), financial, administrative, and security activities. Thus, a parliament sets its own working rules, establishes its own budget, has an independent administrative service, and organizes its own security service.

The **integration of European states** into the supranational organization – the European Union – signifies the internationalization of their decision-making processes. States that want to become EU members, based on their national interests, agree to transfer a part of their sovereign rights to the supranational level. As such, international cooperation becomes domestic politics with the boomerang effect on foreign policy. The internationalization of domestic politics brings changes to the decision-making process and the institutions.

In the transition to a multi-party democracy, parliaments undergo enormous alterations. They change their procedures in order to be able to ‘check the system’ through meaningful parliamentary debates involving both the governing majority and the opposition. Parliament becomes the center of debate about where the country is headed, where formerly policy debates were held behind closed doors or out in the streets. Gradually, parliament asserts its autonomy vis-à-vis the executive on which it previously relied. All of these processes are long-underway in the Montenegrin parliament. With the issue of Montenegro’s state status resolved and almost unanimous public and political support for European integration, the Parliament of the Republic of Montenegro (hereinafter, Parliament) as a key institution in the integration process requires a new, serious phase of reform that will enable it to meet the challenges of joining the EU.

III. ANALYSIS AND RECOMMENDATIONS

Taking into consideration the findings of the NDI Parliamentary Assessment Team and based on experiences of other countries, this section offers concrete recommendations for improving the work of the Parliament of the Republic of Montenegro. A draft plan of action for implementation of these recommendations can be found in Appendix 1.

A. EFFECTIVE WORK OF PARLIAMENT

1. Professionalization of the Role of MPs

Among both governing and opposition MPs, there exists widespread support for **making the position of MP professional** and understanding that such a change will enhance the authority of the parliament. A full complement of professional MPs would lead to more responsible, high quality and better organized work and would

prevent or, at least, limit the emergence of conflicts of interest.¹ As professional MPs, members would not perform other jobs during their parliamentary mandate except in limited cases when some employment in the area of scientific, research, educational or similar areas could be permitted. Parliaments often stipulate that, for example, the additional employment cannot take up more than one-third or one-fifth of an MP's full-time work. Once the position of MP is defined as professional, Parliament will also want to introduce measures to hold MPs accountable for unexcused absences from plenary or committee sessions. Since it is an important political decision, the debate about professionalization of the MP function should find a place in the discussion of the new Constitution of the Republic of Montenegro and in the first amendments to the new Rules of Procedure.

Recommendation: In the debate on the Constitution or in amending the Rules of Procedure, make the position of MP professional and introduce measures to sanction unexcused absences.

2. Parliamentary Work Plan

In order to fulfill their triple functions of representation, legislation and oversight effectively, parliaments have the following internal organs:

- President
- Vice Presidents
- Collective management body²
- Committees
- Party caucuses
- Constituency offices
- Parliamentary administration

These organs must have adequate conditions in order to perform their duties effectively and in accordance with the Constitution, the Rules of Procedure, and other laws and acts. Above all, organization and planning are one of the important conditions that enable transparent, effective, abundant and, finally, good quality work. It is very important to know when and in what order the debate in parliament will take place. For MPs, it is important because they must have the opportunity to acquaint themselves and decide on the issues, while experts – specifically interested individuals from outside Parliament – and the public at large want to know so that they can have the same chance to participate in the debate with their objections and opinions or, simply, to follow the procedure and debate. Finally, journalists and editors want to know so that they can plan their coverage and even research on upcoming agenda items.

For these reasons, Parliament needs to establish a plan of work that is publicly available. Often, an annual plan of work for the coming year is adopted at the end of

¹ As noted by Transparency International, the current Montenegrin Law on Conflict of Interests already opens the door to conflicts of interests among members of parliament.

² Called Collegium, Bureau, Gremium or any number of other names, the collective management body is usually made up, at a minimum, of the president and vice president(s) of parliament, leaders of the party caucuses, and, usually as a non-voting member, the Secretary General.

previous year's session. The annual plan of work precisely determines the days in a month intended for plenary, for committee work, for work of MPs in party caucuses, and for MP work with constituents in the field. In addition to the annual plan, a basic plan, at least two months in advance, should be approved that precisely defines in which order proposed acts will be discussed and in which committees. Both of these plans should be made available to MPs, staff, and the public through the website.

Recommendation: Parliament should establish both a general and a detailed plan of work that is made available to MPs, staff, and the public at large; most likely, this task is within the purview of the Collegium.

3. Efficient Legislative Procedure

Rules of Procedure: The new parliamentary Rules of Procedure were prepared based on a host of comparative materials from other countries, thorough discussions, and a high level of cooperation among MPs from the parliamentary majority and opposition. These Rules were adopted almost unanimously in July and will be applied with the new composition of Parliament after the September elections. Their adoption with the support of governing and opposition MPs was a positive signal to the European Union about Montenegro's commitment to reform and her ability to find inter-party consensus.

New provisions in the Rules represent a significant step forward concerning the legislative process, work of committees, oversight instruments, party caucuses, and norms related to the opposition. They also introduce new solutions regarding the organization and management of the work: a vice president from the opposition and establishment of a Collegium of the President of Parliament. Still, like the old Rules, the new Rules can only be effective if respected by all sides. MPs must now commit to respect fully the new Rules so that the legislative procedure can truly become more efficient.

Further, despite the many improvements in the new Rules and recognizing that the Rules were the result of significant political compromise among the parliamentary majority and opposition, the NDI Assessment Team would urge Parliament to consider adopting amendments as it implements the new Rules. Before practical application of the new Rules of Procedure, Parliament may want to consider performing a simulation of its provisions and, thus, clarifying any possible ambiguities and problems that would make implementation easier. In addition, the new Rules assign the Legislative Committee the task of following the rules. This body should follow how fluidly the new Rules are put into practice and be prepared to offer amendments (perhaps, in the middle of the mandate) to the Rules that could make the legal procedure even more effective.

In this regard, the Assessment Team believes that Parliament should consider the introduction of the principle: **“Never debate about the same thing more than once!”** The new Rules do not seem to fully prevent the repetition of discussion at several stages during the debate. Each reading in committee and plenary session should have a clearly determined function with the goal of not going over the same issues again.

In such a procedure, the first reading introduces MPs to an act in general. Only, at the request of a certain number of MPs does debate take place at a plenary session, resulting in a conclusion on the readiness to move a proposed act ahead for further procedure. The second reading opens discussion and allows votes on certain articles and proposed amendments, while the third reading deals with amendments submitted in order to correct possible errors made by passing amendments during the second reading. Implementation of this sort of system used in many European parliaments would greatly enhance the efficiency of plenary debate.

Recommendations: With regard to the Rules of Procedure, there are three concrete recommendations.

- At the beginning of the new mandate, all parliamentary parties should make a public commitment to respect fully the Rules of Procedure – even if their imposition does not always go in their favor – as a valid legal act.³
- Be prepared to offer amendments to the Rules of Procedure (perhaps, in the middle of the mandate) based on the actual practice of implementation.
- Introduce the principle of “**Never debating about the same thing more than once!**” by amending the Rules to improve the three-readings procedure.

Committees: An effective legislative procedure implies a strong role for parliamentary committees, especially standing committees. Unfortunately, Parliament’s standing committees do not serve as the primary venue for substantive debate on legislation, policies, or government programs. Since they are broadcast live, much more emphasis is placed on plenary sessions as a way to communicate directly to voters. As such, the fundamental specialized discussion on laws and policies that is so essential to the role of the legislature and that should take place in committees is bypassed. Unjustifiable use of urgent procedure provisions in the Rules also frequently results in circumvention of the committee process.

When committees did meet, they rarely debated substantive policy directions; instead, policy debates that do occur take place in private party or inter-party meetings or in plenary sessions. Without the necessary resources and administrative support, the opposition faces the additional obstacle of being unable to contribute to the legislative process and to exercise its fundamental role of oversight.

Many parliaments have found that the power of committees comes from their active role in all parliamentary activities, above all in reviewing legislation, in shaping certain policies, and in overseeing the work of the executive and other organs. Committees have the luxury of holding debate on issues within their jurisdiction without time limits – and, in most parliaments, the crucial debate on legislation occurs here. With the support of representatives of state organs, experts and interested public, committees can consider all disputable issues about a proposed act. The politically responsible ministers can also defend their policy positions before

³ While it may be unusual to suggest that MPs pledge to respect a valid legal act, experience from the current parliamentary mandate showed that MPs often considered the Rules of Procedure to be a legal act that applied to all MPs except themselves and willfully violated, or forced the presiding officer to disregard, provisions in the Rules. Granting exceptions leads to abandoning the whole purpose of the Rules as a framework for making decisions while respecting the rights of the majority and the minority – and leads to inefficiency in the legislative procedure.

committees. By inviting civil servants to discuss government programs and their results, committees can debate policy – and, importantly, remind civil servants about their nonpartisan responsibility to the people’s representatives and not solely to the head of their ministry or agency.

Other interested committees must also be given the chance to consider a proposed act within their competence, to prepare opinions, and to submit them to the assigned committee, which will consider them during its debate. But, it is only the assigned committee that sends a report on the proposed act to the plenary session. Plenary debates only those issues not solved in committee.

Parliament needs a well-organized plan of work that provides enough time for committee work and the preparation of quality reports on proposed acts. As provided by the new rules, plenary debate on an item should not begin until its report is prepared. Further, the frequently-used practice of moving legislation forward by abusing the shortened (urgent) procedure provisions of the Rules must cease if Parliament is to be anything more than just an instrument for legalizing deals made outside the institution.⁴ Government and Parliament must work together to organize their schedules and priorities, and Parliament should use this coordination process in its effort to prepare not only an annual plan, but the more detailed plan to advise MPs and the public about the issues on the agenda in the coming two-month period.

All MPs are proportionally represented in the composition of committees. Equally, parliamentary delegations to international organizations and those targeted at specific committees should be composed of representatives of both the governing majority and the opposition. Such practice is a basic international, democratic standard.

Recommendations: With regard to committees, there are five concrete recommendations.

- MPs should use all opportunities provided by committees to consider legislation, shape policy and oversee state bodies on a political and professional level.
- As stipulated in the new Rules of Procedure, the committee with primary responsibility for the related legislation should prepare the committee report to plenary, which should contain the comments of other interested committees.
- Provisions in the new Rules of Procedure that prohibit plenary debate on an item in the absence of the committee report need to be strictly enforced.
- Parliament should approve a parliamentary plan of work that sets aside enough time for committees to work on a regular basis to consider legislation, prepare reports, and review policy implementation and its effect.
- As committee composition is proportional, so should the composition of parliamentary delegations.

⁴ According to Article 151 in the new Rules of Procedure, “Only a law that must regulate matters and relations begun because of circumstances that could not be predicted may be passed by shortened procedure, provided that harmful consequences might occur if the law were not passed by shortened procedure.”

4. Unique Challenge of EU Integration

On the specific issue of EU integration, parliaments often have difficulty defining and understanding the division of labor between the executive and legislative branches (in particular, the committee dealing with European integration). Given its constitutional and legal status, as well as its expert potential, the Government of Montenegro should be responsible for the process of preparing the harmonization of Montenegrin legislation with *acquis communautaire* (the EU legal system). In that sense, Government and its respective ministers are responsible for making sure that proposed laws submitted to Parliament are harmonized with relevant EU directives. Government's Rules of Procedure stipulate that each proposed law should include an assessment on harmonization with *acquis*, for which Government itself is responsible. Based on that, Parliament and its committees conduct political oversight over the work of Government.

In the process of EU integration, Parliament must be cognizant of the fact that issues decided in EU institutions, which are to be harmonized with national legislation, are not foreign policy issues since they will become part of the national legal system. Thus, in the EU association process, the standing and duties of Parliament in the EU association process, in negotiating procedures and, later, in EU membership conditions must be defined clearly.

Considering the current position of Parliament, its future Committee for International Affairs and European Integration has the following defined responsibilities with regard to EU integration:

- To follow and, when needed, initiate harmonization of the legal system of the Republic with European law;
- To examine programs of international assistance and cooperation with the European Union.

In addition to these responsibilities, the Committee should consider amendments to the Rules of Procedure that would augment the responsibilities of the Committee to include the following that are common to those countries that recently acceded to the EU:

- To consider general issues that refer to Montenegro's EU accession
- To supervise the strategy of Montenegro's EU accession and inform Parliament about its progress
- To analyze the consequences of Montenegro's EU accession and prepare general reports
- To propose measures for accelerating the harmonization procedure and give opinions, suggestions and warnings with regard to EU accession issues to the respective committees
- To oversee activities of Government and other state organs in relation to EU accession
- To propose and conduct activities to inform the public about these issues
- To cooperate with similar committees from other states, EU members (or EU 27)

Parliament's general responsibility is to monitor the strategy and programs of Montenegro's EU accession and to oversee implementation of the harmonization process based on Government reports. Parliament, its party caucuses, and its MPs need not be experts on the entire EU integration process. Equally, the EU Integration Committee need not review all legislation; it simply tracks the accession process. It is the responsible committee on a specific issue that will review a proposed law related to harmonization of national legislation in its respective field of interest. That same parliamentary committee should participate actively in shaping Government's negotiating positions on EU issues. In the process of EU accession, Parliament will find itself making numerous adaptations to the way it works legally, institutionally, procedurally, organizationally, and culturally.

The high level support of citizens for EU accession, together with the commitment of state organs, obliges all political options represented in Parliament to be responsible for reaching the widest consensus possible on EU issues. If a central pillar of every party is European integration, these issues are not the ones to be used for gaining political points.

Recommendations: With regard to the topic of EU integration, there are three recommendations.

- Define clearly the position and duties of Parliament in the EU accession process by amending the Rules of Procedure to augment the responsibilities of the committee dealing with this issue.
- Ensure that all committees remain engaged in the EU integration process because harmonization will impact the domestic population in areas under the jurisdiction of each respective committee.
- Given the political responsibility that parliamentary parties have towards the overwhelming majority of the population that supports EU accession, political parties should commit to making every effort to reach the widest possible consensus on any EU-related issue.

5. Supportive Parliamentary Service

For the work of MPs and Parliament as a whole, it is necessary to have a high quality Parliamentary Service that can provide MPs expert, administrative and technical support in an unbiased professional way. MPs are elected representatives who represent all categories of citizens; they should not strive to be experts on all topics that concern citizens. Instead, they should be given adequate assistance that is provided and organized through parliament's central services and the services of the party caucuses.⁵ As a body with legislative authority, Parliament should pay special attention to legal support in the decision-making process. Much more will be said about the topic of staff services later.

⁵ Throughout this document, central services refers to full-time, permanent, nonpartisan staff in parliament, while party caucus services refers to the temporary, partisan staff hired by party caucuses. Together, these two services make up the Parliamentary Service.

Recommendation: Every effort should be made as soon as possible and within the limits of parliament's resources to establish adequate partisan and nonpartisan expert, administrative and technical support for MPs.

B. PARTY CAUCUSES AND CONSTITUENCY RELATIONS

1. Current State of Affairs

MPs have limited independence to exercise their mandates within Parliament, the party caucus, the political party, and, most important, with voters. The proportional representation (PR) election system based on a single national list weakens the direct connection between MPs and voters, strengthening the connection between MPs and party leaders. Still, the nature of Montenegrin society is that MPs are associated with a municipality or region – even if not directly elected from there.

Currently, party caucus work is unplanned and conducted in an *ad hoc*, disorganized manner. One reason for this state of affairs is the lack of a defined work schedule for the entire Parliament with precisely defined hours for committee work, plenary sittings, party caucus meetings, or constituency work.

Another reason for this situation is the lack of expert and administrative assistance for the work of party caucuses and their MPs. As it is now, no administrative assistance is provided to party caucuses. While MPs can seek assistance from the Parliamentary Service, it is overstretched, and its assistance is limited to nonpartisan legal and technical advice. MPs need partisan expert advice to help make arguments that correspond with their party programs.

The new Rules of Procedure contain a provision giving each party caucus a secretary at the expense of the Parliament. A party caucus with more than five MPs can engage an expert consultant (as an employee of the caucus), and, for every 15 MPs, it can hire another expert consultant. Although this new solution should be welcomed, it is by no means sufficient.

In terms of constituency relations, the work of MPs in municipalities is done at various events or accidental meetings – and, above all, prior to an election. There are no offices in the municipalities for MP offices and, according to the work schedule of Parliament, there are no predetermined hours for MPs to meet with voters. Thus, citizens cannot plan their appointments with MPs.

2. Improving the Work of Party Caucuses

As mentioned already several times, a fundamental condition is to adopt an annual work schedule for Parliament in the coming year with precisely scheduled days in a month intended for work of certain parliamentary organs. In addition to an annual plan, a more detailed plan defining the order for considering upcoming proposed acts and which committees are to discuss these acts should be developed and approved for a two-month period in coordination with Government.

For effective, high quality work of party caucuses, each party caucus should define formal working rules that would define issues regarding organization and method of

work in the party caucus, rights and duties of members of the caucus (i.e., MPs), rules for obtaining expert assistance and other important issues. In addition, the minimal technical and expert assistance provided by the new Rules of Procedure should be expanded.

The long-term goal should be to provide each party caucus with budget resources equivalent to the salary of one expert assistant per MP that a caucus can use for technical and expert staff, as well as for commissioning research, legal drafting, economic analysis, or any other legal and economic assistance. Eventually, resources should also be provided for at least one more administrative assistant per party caucus and, if the caucus is large, an additional administrative assistant for every additional 10 MPs.⁶

Since the party caucus itself selects its staff, it is not politically independent. Thus, these staff should be hired on a temporary basis that coincides with the mandate of Parliament, i.e., the mandate of the party caucus, in order to ensure that this partisan staff does not remain in Parliament after the party caucus leaves. Of course, senior staff of the President of Parliament – selected by the President – should also be hired on a temporary basis. It is reasonable to expect that this partisan staff would be slightly better paid than the permanent staff of Parliament since there is some instability in the political nature of their task, which may require providing a monetary incentive.

A final word of caution: Funds for assistance to party caucuses come from Montenegrin taxpayers, which puts a special onus on party caucuses to spend these funds responsibly. In order that all party caucuses have a similar understanding of ‘responsible expenditure,’ the Parliamentary Service should develop rules on allowable and non-allowable expenses and on how to report the expenses. Then, at the proposal of the Collegium, the Administrative Committee could consider and adopt these rules.

3. Improving Constituency Relations

For work with constituents in the municipalities, it is necessary to organize MP offices. Parliament should allocate a pre-determined sum of money for renting offices and minimal administrative assistance. In a rich country and an ideal situation, each MP would have their own office opened during well-advertised periods with staff that MPs hire on their own. Most likely, such a solution is unrealistic in Montenegro at this time. Still, Parliament needs to consider allocating funds to allow MPs to contact constituents on a regular basis. Parliament may consider providing party caucuses with pre-determined funds that the parliamentary budget can support to open offices in several municipalities of their choosing. At the end of the day, a basic job responsibility of any MP is to *represent* the voters, and, therefore, money for this purpose should be found in the state budget (possibly by reallocating the abundant

⁶ The parliament should also distinguish between the party caucuses and the political parties. As noted above, a party caucus is an institution within parliament; while a political party exists outside of parliament. As an institution within parliament, the state budget should provide support for its functioning that is expressed separately in the budget from support to the political party. In the section on the parliamentary budget, one can see how the two items are presented in the Slovenian parliamentary budget.

funds dedicated to financing political parties), and the parliamentary leadership needs to allocate time for this purpose. At the same time, the parliamentary leadership needs to define measures to ensure that the taxpayers' money is spent in a responsible and transparent manner.

4. Improving Knowledge and Skills of MPs

Immediately upon convening a new mandate of parliament, MPs should be trained to perform their duties in a high quality and efficient manner. Such training should include a tour of Parliament to acquaint MPs with the building of Parliament, a meeting with the Parliamentary Service, detailed explanation of the Rules of Procedure and other important documents related to parliamentary work, as well as an explanation about their rights and duties. During the mandate, training should continue with policy seminars on any number of topics related to issues of relevance, language courses, computer courses and advanced information system courses, protocol training, and a host of other topics that MPs themselves could help define. Parliament should consider formally adopting – perhaps, through the Collegium or Administrative Committee – a plan on training resources that defines courses and budget funds available, as well as the rules on making these resources available to all MPs equally.⁷

Recommendations: In order to support party caucuses and their relationship with citizens, there are six specific recommendations.

- Parliament should establish both a general and a detailed plan of work that establishes time for party caucuses to meet and for MPs to meet with citizens.
- Party caucuses should establish clear rules of procedures for their internal party relations.
- Parliament should provide each party caucus with resources to engage expert staff and/or to commission expert analyses.
- Parliament should define clear rules for responsible use of resources dedicated to party caucuses and reporting requirements.
- Parliament should provide funds for opening constituency offices.
- Parliament should develop and adopt a formal plan on training and resources for training of MPs and staff on both technical and policy issues.

C. PARLIAMENT'S OVERSIGHT FUNCTION

The parliamentary leadership and each MP is responsible for ensuring efficient and effective exercise of Parliament's constitutional role, especially parliamentary oversight over the institutions that answer to Parliament for their work in compliance with the Constitution and laws, as well as oversight over the general social processes in the country. At present, Parliament does not exercise its oversight function adequately. Political appointees at the highest level of Government (i.e., ministers) often do not come to parliamentary sittings and rarely answer MP questions publicly or in a timely manner. Instead, ministers send their deputies as replacements and

⁷ In Slovenia, the Act on Skills Development of MPs – adopted by the Mandate and Immunity Committee based on provisions of the Law on MPs and the Law on Labor Relations – clearly regulates this issue.

often respond to MP questions only after long delays. Answers – when they are provided – are not publicly available.

In the absence of strong participation of the opposition in committees, the oversight role of committees is limited. Provisions of the new Rules of Procedure that require the deputy chair of a committee to be from the opposition if the chair is from the governing majority (and vice versa) should lead to more opposition committee chairs and a more active role of the opposition, in general.

Increasingly and based on new reform laws, Parliament receives reports from state organs, which are reviewed and debated. In addition, Parliament has the authority to appoint state prosecutors, judges, the ombudsperson, and other leading figures. In some cases, the responsibility of Parliament in reviewing reports or approving nominations is not clearly established. This problem is particularly acute in the relationship of Parliament to the judicial branch, which, hopefully, the new Constitution will address.

For oversight to function effectively, the legal relationship of Parliament to the supervisory institutions and the institutions that are accountable to Parliament must be defined, which requires the following:

- Through the Constitution, to establish the responsibility of Government to Parliament, along with the instruments for oversight of its work (MP questions, interpellations, votes of confidence, and other instruments);⁸
- Through the Rules of Procedure that would have the force of law, to define the relationship between Parliament and Government in detail with regard to the following issues: reciprocal notification of activities and preparation of necessary documents; requesting Government to submit information, such as a report on a specific issue; presence of Government in Parliament with emphasis on the level of Government representative who may and must take the floor in Parliament;⁹ procedure for MP questions, interpellations, votes of no confidence, resignation and dismissals;
- To form committees (or subcommittees) to exercise parliamentary control and to define clearly their competences, method of work, composition, as well as the role of the opposition in them;¹⁰
- By using instruments provided by the new Rules of Procedure (namely, consultative hearings, oversight hearings, and parliamentary inquiry), to “activate” the oversight function of all committees in their specific areas of responsibility, including overseeing the state institutions related to their areas of responsibility;

⁸ Government’s responsibility to Parliament can also be defined in the Government’s Rules of Procedure as is the case in Germany and Great Britain, among other countries.

⁹ In most cases, the individuals accountable to Parliament are those with **political** responsibility, meaning exclusively ministers and, in some cases, their deputies.

¹⁰ The influence of the opposition in control committees (e.g., committees for oversight of public finances including the state budget and for oversight of security and intelligence services) can be achieved in several ways: 1) appointing a member of the opposition as committee chair; 2) having a majority of the members from the opposition; and, 3) defining clearly the rights of the minority in such a body by establishing rules, for example, in which one-third of committee members can call for an extraordinary committee meeting or ask for data and documents from state organs.

- To establish a procedure for debating reports on the work of institutions that are obliged by law to submit reports to Parliament regularly or upon request (e.g., the state prosecutor, the ombudsperson, the Central Bank and others); and,
- To consider the possibility of introducing provisions on parliamentary inquiry and parliament's authority in these matters into the Constitution or the adoption of special legal provisions related to certain investigative activities of a parliamentary inquiry and the work of parliamentary oversight committees.

1. Oversight of Security and Intelligence Services

Parliamentary control over the security and intelligence services needs to be concentrated in a separate committee – as it is now. The Law on Police and the Law on the Agency for National Security both refer to Parliament's oversight role, but without sufficient detail to allow genuine parliamentary oversight of these services. Parliament should consider adopting a special law on parliamentary control over these services that would define the competences and authorities of the special committee, as well as its relation to the services. Issues to be regulated include: over which services Parliament exercises control, what the control implies, the authority to request reports from the services and to undertake certain measures in concrete situations, the authority of this committee to call before it private or public individuals and to subpoena documents from private or public institutions, reporting work and findings to plenary session, protection of secret or sensitive information, and other issues.

It is necessary to emphasize the importance of this committee's role, which aims to contribute to the protection of human rights given the wide authority these services have in data collection in order to protect the safety of the state and public security. The services can intrude into the rights and freedoms of individuals, but it is important for the representatives of the people (i.e., MPs) to ensure that the use of those measures comply with the Constitution and the law. In composing this committee, it is necessary to secure a strong role for the opposition – at a minimum, the position of committee chair.

2. Control of the Budget and Other Public Finances

A committee for control of the budget and other public finances is a significant control mechanism in the hands of any parliament – not just for the effect it has on controlling budget expenditures, but also for the effect it can have on controlling the basic policies of Government. In addition to the state budget, public funds (health, pension, etc.) fed by obligatory contributions need to be under the committee's control. A member of the opposition should chair such a committee. In addition, the Rules of Procedure should oblige other committees to consider the proposed budget and the final financial report¹¹ in their respective areas of competence.

The scope of control needs to be clearly defined and should include legality, purpose and rationality of expenditures, as well as accuracy of the financial reports based on

¹¹ The final financial report is a report Government is obliged to produce for Parliament on the previous annual budget expenditures by the end of March of the following year.

the report of the State Audit Institute. It is necessary to emphasize that this control also includes the budgets of municipalities as independent local communities over which the state only has the right to control general legality of expenditures. Nonetheless, because of the large amount of total expenditures dedicated to this purpose, control of the efficient spending in this part of the public sector budget is important. Oversight should also include reviewing financial projections and accuracy of financial reports of public institutions, enterprises and funds, whose founder is the state.

3. Cooperation with Other Independent Organs

A detailed processing and consideration of reports of organs legally obliged to submit reports on their work to Parliament is very important for regular parliamentary control. Based on these reports, Parliament should take the initiative to improve legislation, as well as to offer recommendations for improved work of Government and the organs themselves in the framework of the existing laws.¹²

In an effort to control corruption, serious attention to the organization and consistent work of the Commission for Prevention of Conflicts of Interest towards public office holders at the level of the state and the most important municipal functions is needed. Efficient work of this commission and results of that work could serve as an example of anticorruption efforts for society, in general. Also, it is necessary to define and consistently exercise control over the activities of public officials aimed at making private profit outside their basic responsibilities, which can be allowed under special conditions. Thus, reporting on the property of officials and oversight of that property while they hold official functions and for a certain period after they finish their engagement is of special importance.

In the interest of all citizens, Parliament should take a more aggressive position toward Montenegro's anti-corruption strategy. Specifically, Parliament should encourage the adoption of a general political platform (for example, a resolution) with the aim to coordinate anticorruption efforts and activities of all competent organs. As part of this, it may want to conduct a full inventory of anti-corruption bodies and their responsibilities and consider ways to consolidate these efforts and make them accountable to Parliament. Parliament also could consider the formation of an organ independent from the executive for regular monitoring of the public and private sector in this area.

Recommendations: In order to strengthen Parliament's oversight functions, there are seven specific recommendations. Parliament should:

- Through the Constitution and other legal acts, define the legal relationship of Parliament to supervisory institutions and institutions accountable to parliament;
- In order to strengthen the defined control mechanisms, adopt the Rules of Procedure as a law or define the role of Government before Parliament, the

¹² According to the existing laws, the institutions required to submit regular reports to Parliament include the State Prosecutor, the Central Bank, the Ombudsperson, the Commission on Conflicts of Interest, and other independent institutions.

control instruments, and the cooperation between the executive and the legislature in the Constitution;

- “Activate” the oversight function of committees, using the instruments provided by the new Rules of Procedure;
- Define the competences and authority of a special committee (or subcommittee) in overseeing the Police and National Security Agency, perhaps through a special law on parliamentary control of these services;
- Establish a special committee for budget control¹³ and define clearly its scope of responsibilities;
- Pay special attention to the role of the opposition in overseeing the executive and consider making a member of the opposition chair of key oversight committees; and,
- Amend the law on Conflicts of Interest so that it can be an effective pillar of the state’s anticorruption efforts, in general, and consider other ways to make anticorruption efforts successful.

D. PARLIAMENT’S RELATIONS WITH THE PUBLIC

Fast social, technological and political changes have altered completely approaches to and modes of communication among different organizations and individuals, both at the state and societal levels. The planned and professional relations of any organization to the public have taken on an increasingly important role. The highest level of an organization deals with public relations and carefully manages an effort to promote useful two-way communication on which the very success (or failure) of the organization depends.

State organs act similar to private bodies in a competitive environment where they fight for supporters and run various campaigns to gain support and legitimacy for their work. Well-organized and well-managed relations of an organization toward its various public audiences can improve the image presented to the public and strengthen internal coordination, as well.

The transparent work of each parliament represents a foundation of its work as a directly elected, representative body. Key characteristics of a parliament are its openness toward society and its responsiveness to social needs and suggestions. These characteristics are prerequisites for the development of modern democratic parliaments, especially for countries in transition.

Besides its classic functions of passing legislation and overseeing the executive, parliaments have another important role to play – namely, communicating with citizens. Parliament’s current relationship with the public, interest groups, and the media could be better organized. While the establishment of Parliament’s website in 2003 was a significant step forward, there is still not adequate information on the website and it is certainly not updated in a timely fashion.

¹³ This recommendation suggests adding to the 11 standing committees defined in the new Rules, which should be undertaken cautiously to prevent the proliferation of standing committees that could overburden MPs and eventually lead to the non-functioning of some committees as is the case in the current mandate. Committees exist to function; if they do not function, they should be eliminated and their mandate should be assigned to a functioning committee.

In order to communicate with citizens effectively, Parliament needs a well-organized unit within the Parliamentary Service that deals with public relations in a systematic and responsible way and, importantly, in the interest of the whole Parliament. This unit should be in charge of informing the public about the work of Parliament and its committees, international activities, other events, production of publications and other modes of communications with its various public audiences (e.g., the public at large, specific interest groups, the media, and Government). This unit should also provide media representatives with the necessary working conditions in Parliament in accordance with established rules and regulations.

More specifically, the tasks of this unit can be divided into two groups: Parliament's relations with the public, in general, and Parliament's relations with media.

1. Communicating with the General Public

Parliament's relations with the public in general include the following:

- Collecting and distributing information on the work of Parliament independently or in cooperation with other organizational units¹⁴
- Organizing the presentation and content of the parliamentary website
- Updating the parliamentary website on a regular basis
- Organizing "open door" days of Parliament
- Organizing tours of the Parliament building
- Preparing invitations for general public events and other announcements alone or in cooperation with other units
- Preparing, producing or cooperating in the production of Parliament's publications, such as an Annual Report, a guide to parliament's procedures and other instructional and informative materials

The focus of this group is also on special interest groups concerned about certain issues that come before parliament – e.g., environment, human rights, women's rights, tax reform, and export incentives. Despite the fact that NGOs can offer specialized knowledge to the oversight process, NGOs complain that they have no institutionalized role or access to Parliament. Personal connections are important to influence the legislative process or provide expertise. Formal systems can be established to enable systemic, regular communication with NGOs in general or specific groups of NGOs focused on particular issues. Of course, the first formal systems would be the regular updating of all sections of the website and establishment of a work plan; but, there are other means of providing open lines of communication with NGOs that the new parliamentary unit for public relations could develop.

2. Communicating with the Media

Parliament's relations with media representatives include the following:

- Preparing and issuing press statements on the work of Parliament, in general, alone or in cooperation with other units

¹⁴ Tasks of this type have become especially important with adoption of the Law on Free Access to Information.

- Providing working conditions in Parliament for the media
- Issuing accreditations to media representatives
- Cooperating with accredited journalists, as well as editors
- Organizing ‘press clippings’ from printed and electronic media on the work and events in Parliament that are distributed to all MPs or party caucuses
- Issuing clarifications or denials regarding incorrect reporting
- Organizing press conferences for any MP

The new Rulebook establishes a specific unit to deal with most of the above-mentioned tasks. However, the division of tasks among employees working in this unit can be improved further by grouping the specific tasks of each job description in terms of the divisions made above. Also, it is important to make MPs aware of the existence and nature of the public relations service so that they can avail themselves of its services.

Special attention should be paid to tasks related to posting information on the website, which is of key importance in order to share information publicly. Organizing and updating the website should be a task of the public relations (PR) service and not of the information technology (IT) service. The IT service should ensure that the website functions properly and that, technically, outsiders can access the website. But, it is the PR service that is responsible for making sure that the information posted is well-written, understandable, literate, and accurate. Any employee of the PR service can learn quickly the technical skill of posting information.

Recommendations: In order to strengthen the relationship of Parliament to the public, there are three specific recommendations.

- As provided by the new Rulebook, Parliament should establish without delay a public relations unit serving the public information needs of Parliament, in general, as well as all party caucuses and MPs.
- The new public relations unit should pay attention especially to organizing a ‘press clipping’ service for all MPs or party caucuses and for producing informational and instructional materials for the public at large.
- The public relations unit should have primary responsibility for organizing and keeping the website up-to-date.

E. HUMAN AND MATERIAL RESOURCES

1. Autonomy of Parliament

Parliament and its MPs do not act sufficiently as an independent branch of government; instead, they appear to be the implementers of the executive’s wishes. Parliament – like any modern parliament in a parliamentary democracy with the division of powers among legislative, executive and judicial branches – must have guaranteed parliamentary autonomy in regulatory, administrative, financial, and security spheres so that it can organize and exercise its competences separate from the executive branch.

In the sense of regulatory and administrative autonomy, the current challenge is the Law on Civil Servants, adopted in April 2004, that does not provide Parliament with

an adequate degree of autonomy because it does not respect the specifics of the work in Parliament and gives inordinate influence and competences to an administrative organ of the executive (the Personnel Management Agency) in the recruiting and selection of parliamentary staff. For this reason, in cooperation with Government, Parliament should prepare and adopt amendments to the Law on Civil Servants that acknowledges the specific needs of Parliament and allows Parliament to regulate these issues by its own act. In tandem with this, Parliament should adopt appropriate amendments to other acts dealing with this matter, such as the Rules of Procedure and the Rulebook.

Equally, guaranteeing financial autonomy is essential. Government should not be allowed to change the budget proposal of Parliament during the preparation of the overall state budget if the proposal is prepared in accordance with criteria defined in advance. Although Parliament adopts the state budget, the public in many countries spurns amendments submitted by a parliament intended to increase the budget in its favor.

Nonetheless, there is no doubt that Parliament requires much more funds than currently exist in the budget if it is to play its constitutional role effectively. Thus, it is important for Parliament's budgets from 2007 until 2011 to increase gradually based on a well-argued development plan. Parliament should share its plan with the new Government, especially the Minister of Finance and Minister for European Integration, at the very beginning of its mandate. Naturally, Parliament needs to spend the funds in the most responsible and transparent manner to avoid public criticism.

Everyone should understand that a stronger and better resourced parliament is in their interest. To achieve this understanding, cross-party cooperation is required to agree on a mutually acceptable development strategy in order to avoid partisan attacks and politicization of Parliament's development process. In addition, the public relations unit has a role to play in making sure that the public knows about the important work of Parliament and its relevance to the everyday life of a citizen.

Recommendations: To establish parliamentary autonomy, there are two specific recommendations. Parliament should:

- Amend the Law on Civil Servants and other related acts to provide administrative and regulatory autonomy; and,
- In a timely manner and with inter-party cooperation, adopt a long-term development strategy with realistic financial projections for next year and future years, which is shared with Government.

2. Staff Support

Throughout Montenegro, but especially in Parliament, there are not enough professional, administrative and technical personnel. Still, Parliament has a hard time recruiting new individuals because salaries in Parliament and other state organs provide no incentive to qualified personnel. Since salaries are not sufficient to cover basic living costs, state employees must find additional means to support themselves and their families. Many qualified Montenegrins choose not to face the challenge of

working in the public service and, instead, find work in the private business or NGO sector over public service.

Expert, administrative and technical assistance to MPs and party caucuses is a significant part of the professional and political support to the work of individual parliaments. MPs, especially those from the opposition, need assistance so that they can perform effectively their control function. In the absence of expert assistance, MPs simply “play politics” and very often debate issues that are not on the agenda in plenary and committee debates because of a lack of expert arguments and suggestions.

Recognizing the importance of adequate staff support, parliaments of EU countries provide professional and administrative personnel to party caucuses to enable MPs to do research, to prepare materials for performing their functions, and to fulfill promises given in elections. In other words, most parliaments use a ‘combined’ model of staff support, where central services as permanent and politically independent staff perform professional, administrative and technical tasks related to the general operations of parliament, while services for party caucuses or MPs perform professional and administrative tasks that are of special interest to an individual caucus or MP.

There is unanimous agreement in Parliament from leadership and MPs of the parliamentary majority and opposition and from the leadership of the Service that the existing structure of employees does not provide the assistance needed for the normal work of Parliament in terms of number of employees, educational structure and other skills (knowledge of foreign languages, computer skills, and knowledge about functioning of EU institutions, the EU legal system, and modern parliaments, in general). Part of this realization comes from the three-year-old internship program run by the Center for Democratic Transition (CDT) that has brought some of the top university students into Parliament to help with research and legislative analysis.

Parliament’s newly approved Rulebook (defining organizational units, competences, number and qualifications of employees) represents a step forward given that it will open 35 new job posts and establish several new organizational units, such as:

- Legislative Unit
- Unit for Research and Documentation
- Unit for Information Technology
- Unit for Public Relations
- Unit for International Relations and Protocol

Moreover, the following units, which existed in some form under the old administrative structure, received more definition and, in some cases, greater competences in the new Rulebook:

- Unit for Plenary and Committee Sessions
- Unit for General Affairs (handling personnel, financial issues, administrative functions and other things)
- Office of the President of Parliament
- Office of the Secretary General

However, this document needs further improvement since it still raises certain confusion in the description of some jobs in certain units. In addition, the Rulebook's criteria for education and years of experience may limit the ability to hire good young people, which combined with low salaries, may cause young people – a key source of new employees that can be developed over time – to choose NGOs and other jobs in the private sector with more motivational working conditions. Parliament should set the end of the new mandate as the deadline for filling all positions defined by the new Rulebook. A potential source of relatively qualified personnel may be found among former CDT interns who are familiar with the building and its procedures.

Immediate priority should be to provide personnel for the Legislative Unit (four staff), the Committee for the European Integration (two staff), party caucuses (in accordance with the new Rules of Procedure), Information Technology Unit (two staff), and Public Relations Unit (two staff). In the absence of long-term solutions, Parliament should plan to assume responsibility for the management and funding of the CDT internship program and, perhaps, to expand it as a way to prepare new cadres as the staff grows.

The other part of the 'combined' model is the staff support to party caucuses, which can be in the form of experts who work full-time for the party during its tenure in parliament or in the form of contracts for commissioning one-off research, legal writing, or economic analysis related to topics important to their policy priorities. Each party caucus should have the autonomy to hire its own staff. However, such autonomy should not enable the employment of "high officials in the party," but rather experts in certain topics related to the legislative procedure as the basic function of the Parliament.

In order to prevent the abuse of funds, expenditures in this area should be as transparent as possible and based on defined procedures for the expenditures of these funds. Even if funds are spent at the discretion of the party caucus, usually based on the approval of the president of the party caucus, payments should be made based on formal contracts signed by the employee or contractor and the Secretary General and through the account of Parliament. Such contracts should be subject to control by the State Audit Institute, as well as the budget and work inspectorates. Furthermore, the Law of Free Access to Information – and the threat of contracts being made available publicly – should serve as a sufficient deterrent to party caucuses not to misuse state-provided funds.

In addition, Parliament should develop a program for advancement of existing and new personnel, as well as a timeline for its implementation, and secure resources from the budget and from outside (donations, technical assistance and others). By proposing and preparing courses and seminars that acknowledge the specifics of parliamentary work, Parliament should define priorities for the use of funds from international organizations. There is no need to wait for offers from outside; instead, the Parliamentary Service can define its own training needs and ways to meet those needs. In that way, the Montenegrin Parliament could direct international assistance, rather than react to it.

In the work of the Parliamentary Service, it is also necessary to develop and stimulate team work, cooperation among organizational units, especially formation of project

teams on specific issues and across units, and build good relations among work colleagues. A good working environment, which is reflected in good interpersonal relations and readiness to help colleagues at work, are a precondition for high quality and effective functioning of the central service. Additionally, a constant flow of information at regular meetings of the Secretary General and the heads of the parliamentary units and access to information systems, databases, bulletin boards, and other resources also are required for a stimulating work environment.

Recommendations: To provide MPs and Parliament, in general, with the necessary staff support, there are five recommendations.

- Parliament should establish adequate partisan and nonpartisan expert, administrative and technical support as soon as possible and within the limits of its resources, including changing the Rulebook to include establishment of services for parliamentary caucuses in accordance to the new Rules of Procedure.
- Emphasis should be on recruiting young personnel with knowledge of languages and modern technical skills who can be developed over time – with the experience and knowledge of the existing staff – into a new skilled workforce that meets the needs of a modern parliament.
- Parliament should define clear rules about the use of funds dedicated to providing support to party caucuses.
- Parliament should develop a program for advancement of existing and new personnel that can be funded by its own budget and that also defines priorities for international organizations.
- Responsible people in the Parliamentary Service should make every effort to create a positive and stimulating work environment that creates incentives for long-term employment in Parliament.
- A constant flow of information among all units should be provided through regular staff meetings and access to internal and external information.

3. Office Space and Other Parliament-Provided Business Resources

In order to perform its competences, parliaments must have adequate conditions for the work of MPs and party caucuses, committees, plenary, and staff, as well as for work of MPs with constituents. At the moment, Parliament does not provide adequate work conditions considering the limitations in office space and material resources. To meet these needs, **parliamentary premises**, at a minimum, should provide office space for:

- Each MP
- Party caucuses in proportion to the number of MPs
- Committee chairs
- Committee meetings
- The Parliamentary Service

Apart from the existing premises, at least 50 fully equipped offices should be provided if it is assumed that two MPs can share one office. In addition, office space

for MP work with constituents in the municipalities should be provided – ideally, at least 21 premises (or, at least, one per municipality).

Moving to a parliament of professional MPs raises the issue of long-term **housing**. Other parliaments have solved this issue in one of two ways:

- By providing an appropriate number of apartments (through purchase or rent) that are allocated to MPs during their mandate, or
- By providing a certain sum of money to MPs who then solve their housing issue on their own.

Either solution raises another series of issues related to MPs' rights to certain allowances and the obligation of Parliament to cover those costs, such as:

- The right to funds for a **second residence** and the obligation of Parliament to pay costs arising from use of an apartment with defined criteria for who can live with the user, standard size, and standard equipment;
- The right to use **business cars** to perform duties, in which case the type of car and the form of usage (with or without chauffeur) is defined depending on an individual's function and thorough records are kept on distance traveled and purpose of trip;
- The right to **business landline and cellular phones**, which are allocated according to certain criteria or standards that also define the funds allotted from the budget for their use;
- The right to **business computers** that are also allocated according to certain criteria or standards.

Recommendations: In order to improve the working conditions of individual MPs and staff and to ensure the responsible expenditure of parliament-provided business resources, there are two specific recommendations.

- As an absolute priority, Parliament should define a plan to address the problem of lack of office space (explained later in the budget section).
- Parliament should adopt standards that define the types and amount of business resources provided by Parliament no later than the end of the first half of the mandate of the new composition of Parliament.

The necessary financial resources for these resources need to be determined based on a detailed analysis. An initial assessment is offered in the section on the budget below.

4. Information Systems

Inside Parliament, there is not enough coordination and information sharing. There is a basic need in this regard not only to pay special attention to Parliament's website, but also to create a system of internal databases where documents related to parliamentary work can be found.

Nowadays, effective, high quality and transparent work cannot be imagined without the proper information systems, which depend on outside influences and technology,

but also on the internal policies of individual organs. Documents sent to Parliament or produced there should be stored systematically in databases available to MPs and to the Parliamentary Service via a network of interconnected computers in Parliament (Intranet). The principle of decentralization should be used to keep these databases up-to-date, such that the person who produces a document (an MP, caucus staff, committee staff) is obliged to file the document in the appropriate database. Establishment of such a system would mean that each MP and staff member could access from their computers all documents related to parliamentary work at any time in a simple and inexpensive way.

Upgrading Parliament's information system available to the public – as well as MPs and staff – via the Internet is also necessary since the current website is not updated in a timely fashion and does not include all information and documents that other parliamentary websites have, such as:

- ***Annual and Detailed Workplans*** (described in detail on pages 9 and 10)
- ***Parliamentary Sitzings:*** Invitations to sittings chronologically arranged, changes to the agenda, notices on prolongation of sittings, minutes from sittings, and verbatim notes.
- ***Committee Sitzings:*** Invitations to sittings of individual committees chronologically arranged, changes to the agenda, notices on prolongation of sittings, minutes from sittings, and verbatim notes.
- ***Proposed Laws:*** Text of proposed laws at all phases of the legislative process with all submitted amendments, committee reports and other documents, as well as results of voting.
- ***Other Proposed Acts:*** Text of a proposed act in all phases of its procedure with all submitted amendments, committee reports and other documents.
- ***Final Text of Adopted Laws***
- ***Adopted Acts***
- ***MP Questions:*** Text of both questions and answers.
- ***Texts of Reports from Organs Responsible to Parliament***

In mid-2006, NDI prepared a complete list of recommendations for improving the parliament's Internet presentation that can be found in Appendix 2. These recommendations are based on NDI research about other parliamentary websites, as well as on a publication of the Inter-Parliamentary Union (IPU) about best practices for parliamentary websites.

Recommendations: To upgrade Parliament's information systems, there are two specific recommendations. Parliament should:

- Establish a regularly updated internal network with all materials and documents of importance for parliamentary work; and,
- Improve its Internet presentation and establish a system of responsibility for its regular updating.

F. FINANCIAL RESOURCES TO MAKE IT ALL HAPPEN

The 2006 parliamentary budget does not provide enough resources for Parliament to perform its constitutional functions, resulting either in a parliament that does not function properly or the need to overspend – neither of which is an adequate solution. The budget provides limited funds for investments in office space and equipment. There is no office space for individual MPs and only minimal office space for party caucuses and the Parliamentary Service. Several party caucuses do not have enough chairs in their offices for their full complement of MPs. Despite the purchase of laptops for MPs in 2006, the budget still does not allot enough resources for equipment purchases, as well as for the development and maintenance of information technology, all of which is a necessary condition for high quality and professional work of MPs and for informing the public about the fundamentals of parliamentary work. Finally, there is no clear provision in the budget for either professional development of MPs and staff or the purchase of professional literature – despite the fact that there is a great need for both.

At almost €4 million, the 2006 budget provides almost no room for developing Parliament. If the 51 percent dedicated to financing political parties is extracted, there remains only €1.94 million for salaries of MPs and staff and operating costs¹⁵ – leaving almost no room for any investments in improvements or for any expert support to party caucuses.

It is estimated that the Montenegrin parliament would need approximately €11 million annually for normal operations depending on the number of employees, the level of allowances for both MPs and staff, and the amount of professional support provided to party caucuses. That estimate does not include one-time capital investments necessary for building additional premises for more efficient operations, which are hard to estimate in the absence of a clear strategy to address this problem.

Existing Budget: Comparing the current budget of the Montenegrin Parliament to the budget of a new EU member state highlights the huge difference between the budgets of the Slovenian and Montenegrin Parliaments in 2006 (Table 1). The budget of the Montenegrin Parliament is almost seven times smaller than the budget of the Slovene Parliament with an absolute difference of more than €22 million. The main reasons for the existence of large differences between the Slovene and Montenegrin parliaments are:

- The Slovene Parliament spends 11 times more on salaries and allowances for MPs and parliamentary staff. In Montenegro, the number of parliamentary staff and salary levels is much smaller. The number of MPs paid from the parliamentary budget, rather than from other institutions where they may also work, i.e., number of professional MPs, as well as salary levels for MPs, is lower, as well.
- The Slovene Parliament spends 14 times more on operating costs and daily maintenance. The Montenegrin Parliament has lower operating costs because

¹⁵ The term operating costs refers to the following line items in the 2006 parliamentary budget: material expenditures, official travel, representation, electricity costs, telephone and postage costs, contractual services, and building and equipment maintenance.

of the limited services provided to MPs in terms of staff and other material support.

- The Slovene Parliament spends 26 times more on investments and investment maintenance. The investment budget of the Montenegrin Parliament is only 3 percent of the overall total.
- At €2 million, the Slovene Parliament earmarks 100 percent more to support and operating costs for MPs and party caucuses, while funds for this purpose in the Montenegrin budget are buried in a line item for financing political parties and NGOs in an unspecified manner.
- Finally, the Slovene Parliament spends about 20 percent more on financing of political parties. However, given the differences between the way that Slovenia and Montenegro finance political parties, the current Montenegrin budgeted amount is more than sufficient for financing political parties.

Table 1: 2006 Budgets of Slovene and Montenegrin Parliament (in €)

	PARLIAMENT OF SLOVENIA	PARLIAMENT OF MONTENEGRO	DIFFERENCE
TOTAL 2006 BUDGET	26,796,762	3,992,019	- 22,804,743
A. Salaries and Allowances of MPs and Employees	15,210,612	1,372,019	- 13,838,593
B. Operating Costs and Daily Maintenance	6,414,989	450,000	- 5,994,989
C. Investments and Investment Maintenance	3,159,473	120,000	- 3,039,473
D. Professional Assistance to Party Caucuses	2,027,963	0	- 2,027,963
E. Financing of Political Parties¹⁶	2,614,851	2,050,000	- 564,851

Although Montenegro is three times smaller than Slovenia in terms of population and its per capita gross domestic product is about five times smaller, there is no justification for the budget of Parliament to be more than five times smaller. The size of the budget depends on the tasks of Parliament, and the Montenegrin Parliament performs the same basic functions as the Luxembourg Parliament, the German *Bundestag*, and the Slovene Parliament, requiring a certain minimum level of financial, material and human resources. Table 2 demonstrates that, in 2004, Montenegro had the lowest level of expenditures and lowest level of staff per MP of any European parliament.

New Budget Proposal: In order to improve Parliament’s operations, it is necessary to secure resources for an increased budget in the coming years, which is estimated to be close to €11 million annually, excluding one-time capital costs. As already noted, the actual amount will depend on plans regarding number of employees, increasing MP and staff salaries, expert support to party caucuses, and operating costs. The proposed new budget (Table 3) anticipates an amount for small investments only. In the

¹⁶ The line item in the Montenegrin budget under “Financing Political Parties” also refers to “transfers to institutions, individuals, nongovernmental organizations,” but is not clear what proportion of that line item goes to organizations other than parties.

absence of a plan for solving the space problems, larger one-time investments in building additional premises for Parliament cannot be estimated at this time.

The long-term or strategic goal of the proposed budget, which the new parliamentary leadership should work out thoroughly by individual categories, is a parliament that can define and perform its tasks and obligations through Parliament itself, its committees, and the party caucuses in accordance with the Constitution, the new Rules of Procedure, laws, and sub-acts. In addition, a strategic sub-goal for the Parliamentary Service might be to provide it with working conditions to carry out the activities of Parliament, as well as to accomplish expert and other tasks.

Table 2: MPs, Staff and Parliamentary Budgets¹⁷

Country	Number of MPs	Number of Parliamentary Staff	Parliamentary Budget (millions of €)	Euro per MP	Staff per MP
Austria ¹⁸	183	385 (+200)	115	628 000	2.1 (3,19)
Belgium	150	519	86.5	576 000	3.46
Denmark	179	363	60.3	337 000	2
Finland ¹⁹	200	411 (+200)	59.7	298 000	2.05 (3.05)
France ²⁰	577	1279 (+2130)	440	762 000	2.2 (5.9)
Germany	669	2354	560	837 000	3.5
Greece ²¹	300	598 (+900)	98.3	327 000	1.9 (4.9)
Ireland	166	168	53.7 (D+S)	323 000	1.01
Italy	630	1900	730	1 159 000	3
Luxembourg ²²	60	44 (+60)	17.3 ²³	288 000	0.73 (1.73)
Netherlands	150	564	71.8	479 000	3.76
Portugal	230	387	85.2	370 000	1.68
Spain	348	326	94	270 000	0.93
Sweden ²⁴	349	600 (+170)	135	387 000	1.71 (2.2)
UK ²⁵	659	1421 (+1812)	445	675 000	2.15 (4.9)
Slovakia	150	491	24.1	161 000	3.27
Czech Republic	200	app.700	28.5	142 000	3.5
Hungary	386	856			2.21
Croatia	152	333	31.6	207 000	2.19
Montenegro	75	55	2.9	38 000	0.73

The following assumptions influenced the calculation of the proposed sums in individual categories:

¹⁷ Budgetary information is approximate (depends on year and exchange rate used). Information on number of parliamentary employees sometimes does not include employees of political factions and MP assistants (depends on internal organizational system of the respective parliament). The table is based on NDI research of individual state budgets and on research from the European Center for Parliamentary Research and Documentation.

¹⁸ Parliamentary staff plus 200 MP assistants

¹⁹ MP has the right to hire one assistant (temporary contract) on the Parliamentary payroll

²⁰ Parliamentary staff plus 2,130 MP assistants

²¹ 1,200 employees work as assistants to MPs (4 per MP), out of which 300 are paid indirectly by parliament through an allowance; 900 of them are paid directly

²² MPs have monthly allowances to hire a research assistant

²³ Costs related to the maintenance of the Parliament building and political groups are paid for by the State

²⁴ Besides 600 employees, there are approximately 170 political assistants hired by party groups

²⁵ Parliamentary staff plus 1,812 MP assistants

1. Salaries and Allowances of MPs and Employees

The basic problem of public administration in many transition countries is related to the compensation system. The first assumption is an increase of the average gross salary of staff from €750²⁶ to €1,300, which would lead to an increase of net salaries between €300 for the lowest paid staff to €1,000 for the highest paid staff. The second assumption is the immediate recruitment of an estimated 25 new employees in accordance with the new organizational structure, the new Rules, the composition of the new parliament (i.e., the number and size of party caucuses), and suggestions made about priorities in the Human and Material Resources section of this document (see page 27).

Table 3: Proposed New Budget of Parliament (in €)

	EXISTING BUDGET OF PARLIAMENT	PROPOSED NEW BUDGET
TOTAL ANNUAL BUDGET	3,992,019	10,773,789
A. Salaries and Allowances of MPs and Employees	1,372,019	4,361,205
B. Operating Costs and Daily Maintenance	450,000	2,000,000
C. Investments and Investment Maintenance	120,000	1,000,000
D. Expert Support to MPs in Party Caucuses	0	912,583
E. Financing Political Parties	2,050,000	2,500,000

While the suggested salary increase may seem like an outrageous increase, there are no bigger costs than those that result from poorly made laws. In order for Parliament to fulfill its constitutional and legal functions in the highest quality manner, it needs to be able to attract the most competent individuals coming out of university. To attract these individuals, incentives in terms of compensation, as well as travel and training opportunities, are needed.

In terms of MP salaries, the assumption is that all 81 MPs perform their functions as professionals with a gross salary of about €3,000 (or, €1,500 net) – i.e., the ratio between MP and staff net salaries is assumed to be 2:1. Again, the salary level may be considered excessive, but it will provide motivation and contribute to a reduction of conflicts of interest through a normal, although for Montenegro still fairly large, salary. Of course, raising MP salaries would also put the onus on elected representatives to carry out their various functions effectively because a resentful citizenry will watch their actions carefully. Therefore, serious consideration should also be given to introducing sanctions for unexcused absences.

²⁶ Average gross salary is estimated at €750/month based on the assumption that the parliamentary budget covers the salaries of 100 staff and MPs. Average gross salary can be adjusted based on examination of the actual parliamentary payroll to which the Assessment Team did not have access.

Recommendation: In terms of salaries and allowances of MPs and employees, there are two specific recommendations.

- Parliament should increase the salaries of MPs in order to reduce conflicts of interest and, at the same time, introduce sanctions for unexcused absences in order to encourage responsibility on the part of MPs.
- In order to attract the highest quality personnel, staff salaries also should be increased.

2. Operating Costs and Daily Maintenance

It is obvious that the current budget of approximately €500,000 is not sufficient for operating costs and daily maintenance of a fully active parliament with a robust professional staff. The Slovene budget for such resources and other material costs is almost €6 million. A more active parliament will need more computers, printers, desks, chairs, and office supplies (paper, file folders, paper clips, staplers, tape dispensers, etc.), will engage in more official travel and host more international delegations, will have the lights on longer, and may contract more outsiders, like interpreters or graphic designers, as the various units are established and begin to function effectively.²⁷

Recommendation: The budget for operating costs and daily maintenance should increase fourfold in the coming year.

3. Investments and Investment Maintenance

The existing budget for this category of €120,000 – when compared to Slovenia’s €3,000,000 annually – is not sufficient. Considering the reported figure of €87,000 for the purchase of laptops for MPs, there was only €33,000 remaining for other small investments in 2006. It is difficult to make a firm estimate of resources required in this area, but at least €1 million should be allocated in the beginning for the most important investments.

a. *Upgrading the Information Systems:* An important investment priority is a consistent and clearly defined information system, which could support the legislative process, the work of MPs, and the party caucuses, as well as provide information to the public (please see comments about the Intranet and Internet in the section on developing the information systems on pages 29-30). Such a long-term project would require a good part of the €1 million that is proposed. For example, in Slovenia, in the next five years, Parliament will invest about €6 million in repair and upgrading the existing information system.

The Parliamentary Service – led by the Information Technology Unit – should do a thorough inventory of the existing information system and its relative obsolescence and develop a plan for upgrading and expanding the information system over the next five years. The written plan should include estimates of expected costs for each year.

²⁷ Sometimes, foreign organizations are willing to cover part of these costs. For the purpose of transparency, such donations should be recorded in the budget as revenue and their realization as expenditures. Furthermore, Parliament should not forget to budget for maintenance of donated equipment or licenses for donated computer software, for example.

It is possible that the costs of such a thoroughly prepared plan could become a key part of any EU twinning program for Parliament, within the EU CARDS project.

As part of the upgrading of the information systems, old-fashioned books and periodicals should not be forgotten. Parliament has already invested in the rehabilitation of the basement premises, part of which will be used as a Library. It is now necessary to think about which books, periodicals, on-line subscriptions, computers, computer networks, and staff trainings are needed and to plan for the investment carefully over time.

b. *Solving the Problem of Office Space:* A second large part of the investment budget relates to providing adequate working space for committees, party caucuses, and MPs in the current building of Parliament or in nearby buildings. Estimating these costs would require the Parliamentary Service (or someone it contracts) to make a thorough assessment of the needs and develop several options for addressing these needs with cost estimates – as well as benefits – for each solution. Then, the Collegium of the President could review these options and decide at the earliest date possible, which option made the most sense for the development of an effective functioning Parliament. Such a plan should serve as the basis for a public architectural competition and competition for reconstruction of the existing building or construction of a new building for Parliament.

The need to ensure that funds are included in the 2007 budget (to be passed in December) that will allow Parliament to begin to address this problem in 2007 makes this project urgent. In deciding on the options, the lowest cost should not be the single determining factor. Decision-makers need to adopt an option that will solve the space problem in the long-term and at the least cost, rather than solving the space problems in the short-term at the least cost and having to invest even more funds later.

In the meantime, other budgeted investment funds should be used to find temporary solutions within the current building or to rent premises in the vicinity of Parliament. Either option will increase Parliament's operating costs. Parliament might also consider moving the offices of the Republic Election Commission outside the Parliament building.

c. *Housing Professional MPs:* A third part of investment expenses relates to the housing of MPs during their mandates. As noted above, making the position of MP professional will require providing apartments or allowances to those who reside far from Podgorica, instead of the current practice of providing hotel accommodation for several days during a parliamentary sitting. Housing allowances should be provided only to those who need it based on specific criteria related to the MP's declared place of residence and its distance from the capital. In many countries, these issues are defined by a special act. For example, the Hungarian Act on Remuneration, Cost Reimbursements, and Other Benefits of the Members of Parliament defines these matters.

Should Parliament decide to provide apartments, such a long-term investment could be solved either through 'rent-to-buy' options or long-term leases. In either case, Parliament's operating expenses would increase. While making MPs professional gives rise to the need to spend budget funds on apartments and their maintenance,

Parliament – i.e., the state – should remain the owner of any apartments or long-term leases so that they can be passed onto new MPs in a future mandate. Providing apartments is for the rational functioning of Parliament and not as a reward for time served.

c. Long-Term Plan for Development Projects: Fourth, and finally, those who write the budget for the Republic might want to consider including a long-term plan for development projects, among other things. Thus, in addition to the general part of the budget (classified by expenditure type) and a separate part of the budget (classified by institutions and programs), the budget would have a third, long-term part.

For example, in Slovenia, this part of the budget related to its Parliament includes a financial plan for the next four years for the following projects: investments in information systems, audio and video equipment, renovation of certain floors in the parliamentary building, purchase of licenses, purchase of cars, renovation of the security equipment and, finally, bigger investment maintenance projects. Planned expenditures are broken down into smaller annual or bi-annual projected budgets. The total investment from the four-year Draft of the Development Programs in Slovenia is approximately €14 million.

Recommendations: As an important means of developing Parliament, there are two specific recommendations for the Investment section of the budget.

- The budget for basic investments should increase, at least, nine-fold in the coming year – from €120,000 to €1 million.
- To justify these and additional investment funds this year and in coming years, multi-year plans for upgrading information systems, increasing office space, providing MP housing, and other long-term investments should be developed.

4. Expert Support to MPs within Party Caucuses

Although expert support to party caucuses is one of the most important expenditures for a parliament, representing approximately 8 percent of the Slovene parliament's €27 million budget, there are no funds budgeted for this expenditure in the Montenegrin parliamentary budget. The opposition party caucuses, in particular, lack the expert support that ministries can provide to governing caucuses and, therefore, are handicapped in their abilities to develop arguments and alternative policies with which they can engage in substantive policy debate, rather than to simply “play politics.” In any parliament, the opposition relies either on its party headquarters or expert services within their party caucuses. In Slovenia, approximately €22,000 is allocated per MP. In order to start gradually to introduce this new system, it might be good to form the services and provide funds at about 50 percent of that amount. Thus, the budget could contain €900,000 for employment of personnel for the party caucuses and drafting studies commissioned by party caucuses, which does not include material costs for the work of party caucuses, such as office space, public utilities, office equipment, office supplies, and other costs.

Recommendation: Parliament should set aside budget funds for providing expert support to party caucuses.

5. Political Party Financing

The parliamentary budgets of Slovenia and Montenegro show the least difference in the budget section referring to political party financing. The amount that political parties in Montenegro receive from the budget is about 82 percent of the amount that parties in Slovenia receive. Given that, in terms of population, Montenegro is three times smaller, this amount is more than sufficient. There is no justification for adjusting this more than the rate of inflation. At the same time, in drawing up the budget, a distinction should be made between political party financing and state financing of the NGO sector in order to delineate a difference in the nature of the two types of organizations. Thus, the budget for these two items should not be in a combined line item; instead, they should be presented as two separate budget lines.

Recommendations: There are two specific recommendations related to political party financing.

- Funds allocated for political parties are sufficient and should not be increased faster than the rate of inflation – if at all.
- In the parliamentary budget, it is necessary to establish two separate line items for political parties and civil society organizations.

IV. NEXT STEPS

This report only begins the long-term process of improving the functioning of Parliament. The next steps are to turn the recommendations into a plan of action for which the leadership of Parliament and party caucuses take “ownership.” That plan should determine operational details with regard to accepted recommendations (i.e., who will be responsible, in what timeframe, in what way, and with what level of funding). NDI has prepared a draft plan of action (see Appendix 1) that the new parliamentary leadership and party caucuses should carefully review, amend, and adopt as their own. Given that budget planning for 2007 is already underway, it is important to finalize this plan to begin to budget for improvements in Parliament’s 2007 budget and to seek international support.

Along with the Constitution, the 2007 parliamentary budget and the 2007 state budget will certainly be one of the first tasks of the new leadership of Parliament and the Parliamentary Service in the new mandate. In particular, drafting Parliament’s budget can be one of the first multi-party tasks of the new Collegium of the President of Parliament. As parliamentary parties attack this task, they need to remember that, in a democracy, budget authority resides in parliament. The significant imbalance between the need to exercise certain competences and the need to provide necessary financial resources for that purpose is quite concerning. The parliamentary leadership urgently needs to set realistic goals and priorities in a reasonable timeframe and to plan for the funds needed to realize these goals and priorities. And, yet, in order to garner support for a growing budget – at the state level and among the population, Parliament must guarantee absolute transparency in and responsibility for budget expenditures. Otherwise, confidence in Parliament – and in democracy, in general – will suffer a significant blow.

APPENDIX 1: DRAFT PLAN OF ACTION

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
A. EFFECTIVE WORK OF PARLIAMENT			
1) Professionalization of MPs	a. Make the position of MP professional through the Constitution and implement the provision after the next election	Committee for Constitutional Affairs and Legislation, Parliament	Upon adoption of the Constitution
	b. Introduce into the Rules of Procedure measures to sanction unexcused absences	Collegium, Committee for Constitutional Affairs and Legislation, Administrative Committee, Parliament	Deadline: 10/2008 (midway through the mandate)
2) Efficient Legislative Procedure	a. Make a firm commitment to respect the Rules of Procedure	All MPs and Parliamentary Service	Continuously
	b. Establish an annual work plan and a detailed two-month work plan	Collegium and Parliamentary Service in cooperation with Government	Deadline: 12/2006 for the 2007 annual plan and for the first two-month plan; thereafter, continuously
	c. Follow implementation of the Rules of Procedure and, if needed, propose amendments	Committee for Constitutional Affairs and Legislation and Parliament	Continuously; major package of necessary amendments introduced in 10/2008 (midway through the mandate)
	d. Introduce the principle of “Never debating the same thing more than once!” in order to improve the three-readings procedure	Committee for Constitutional Affairs and Legislation and Parliament	Deadline: 10/2008

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
3) Challenge of EU Integration	a. Define clearly the position and duties of Parliament in the European integration process	Committee for International Relations and European Integration, Parliament in cooperation with Government	Immediately
	b. Ensure that all committees remain engaged in the EU integration process in areas under their respective jurisdiction	All committees	Continuously
	c. Expand the jurisdiction of the committee that deals with European integration	Committee for Constitutional Affairs and Legislation, Committee for International Relations and European Integration, Parliament	Deadline: 10/2008
4) Supportive Parliamentary Service	a. Establish efficient and independent central service and service for party caucus	Parliament leadership, Collegium, Administrative Committee	Deadline: 10/2010; start immediately and gradually improve conditions and train necessary personnel
B. PARTY CAUCUSES AND CONSTITUENCY RELATIONS			
1) Improving the Work of Party Caucuses	a. Establish both a general and detailed plan of work that establishes time for party caucus meetings (see recommendation A2)b. above)	Collegium, MP clubs	Deadline: 12/2006 for the 2007 annual plan and for the first two-month plan; thereafter, continuously
	b. Establish clear rules of procedures for work of party caucuses	MP clubs	At the beginning of this mandate
	c. Provide each party caucus with resources to engage expert staff and/or to commission expert analysis	Collegium, Parliamentary Service leadership and Parliament	Start with the 2007 budget and gradually increase it each year
	d. Provide resources for at least one more administrative assistant per party caucus and, if the caucus is large, an additional administrative assistant for every additional 10 MPs	Collegium, Parliamentary Service leadership and Parliament	Start with the 2007 budget and gradually increase it each year
		Parliamentary Service, Collegium, Administrative	01/2007

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
	e. Define clear rules for responsible use of resources dedicated to party caucuses and reporting requirements	Committee	
2) Improving Constituency Relations	a. Establish both a general and detailed plan of work that establishes time for MPs to meet with citizens (see recommendation A2)b. above) b. Determine number of constituency offices (at the beginning, at least one in each municipality) and provide necessary funds for this purpose	Collegium and Parliamentary Service, in cooperation with Government Collegium and MP clubs, Parliament	Deadline: 12/2006 for the 2007 annual plan and for the first two-month plan; then continuously In the 2007 budget allocate funds to open a certain number of offices and gradually increase it each year
3) Improving Knowledge and Skills of MPs	a. Adopt a plan for training MPs b. Provide funds for training MPs	Parliamentary Service, Collegium, Administrative Committee Parliamentary Service, Collegium, Administrative Committee, Parliament	03/2007 In the 2008 budget, as well as through foreign assistance
C. PARLIAMENT'S OVERSIGHT FUNCTION AND RELATIONSHIP WITH CONTROL INSTITUTIONS			
1) Strengthening Parliament's Oversight Function	a) Through the Constitution and other legal acts, define the legal relationship of Parliament to supervisory institutions and institutions accountable to Parliament b) Through the Constitution, define the relationship between Parliament and Government, along with the instruments for oversight or, alternatively, adopt Rules of Procedure as a law c) "Activate" the oversight function of committees, using instruments provided by the new Rules of Procedure	Committee for Constitutional Affairs and Legislation, Parliament Committee for Constitutional Affairs and Legislation, Parliament Committees	Upon adoption of the Constitution and other legal acts Upon adoption of the Constitution and other legal acts Continuously

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
	<p>d) Define more clearly the authority of a committee in charge of overseeing the Police and National Security Agency; consider adoption of a special law on parliamentary control of these services</p> <p>e) Establish a special committee for budget control through the Rules of Procedure and make a member of the opposition chair of this committee</p> <p>f) Pay special attention to the role of the opposition in overseeing the executive and consider making a member of the opposition chair of key oversight committees</p> <p>g) Through the law on Conflicts of Interest, improve anticorruption efforts</p>	<p>Committee for Security and Defense, Committee for Constitutional Affairs and Legislation, Parliament in cooperation with Government</p> <p>Committee for Constitutional Affairs and Legislation, Parliament</p> <p>Parliament</p> <p>Parliament</p>	<p>10/2008 (midway through the mandate)</p> <p>10/2008 (midway through the mandate)</p> <p>After committees are formed</p> <p>Deadline: 03/2007</p>
D. PARLIAMENT'S RELATIONS WITH THE PUBLIC			
<p>1) Strengthening Relations with the Public</p>	<p>a) As provided by the new Rulebook, establish without delay a public relations unit serving the public information needs of Parliament, in general, as well as working bodies, all party caucuses and MPs</p> <p>b) Employ at least 2 staff in the public relations unit</p> <p>c) Define more precisely in the Rulebook the tasks of the public relations unit</p> <p>d) Deliver press clippings on a regular basis to MPs and party caucuses by perhaps engaging an outside company</p>	<p>Secretary General and Parliamentary Service</p> <p>Secretary General</p> <p>Secretary General and Administrative Committee</p> <p>Collegium, Secretary General and public relations unit in cooperation with parliamentary leadership</p>	<p>Immediately</p> <p>Immediately</p> <p>1/2007</p> <p>Once the public relations unit is established; thereafter, continuously; if contracting an outside company, provide for it in the 2007 budget</p>

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
	<p>e) Produce parliamentary publications for the public</p> <p>f) Edit parliamentary website and then keep it up-to-date</p> <p>g) Organize „open doors“ days (e.g., once a month or quarterly)</p> <p>h) Organize visits to Parliament for groups of interested citizens who could apply through the website</p> <p>i) Open press center in Parliament with working conditions for journalists that report on Parliament</p>	<p>Secretary General and public relations unit in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p> <p>Secretary General, public relations unit, IT center in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p> <p>Secretary General and public relations unit in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p> <p>Secretary General and public relations unit in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p> <p>Parliamentary leadership, Secretary General and public relations unit</p>	<p>Deadline for initial production: 03/2007; thereafter, continuously</p> <p>Deadline for editing: 12/2006, then update it continuously</p> <p>First „open door“ day by 05/2007 and, from then on, once every three months</p> <p>First visit by 03/2007; thereafter, continuously</p> <p>Deadline: 03/2007</p>
E. HUMAN AND MATERIAL RESOURCES			
1. Autonomy of Parliament	<p>a) Amend the Law on Civil Servants and related acts to provide administrative and regulatory autonomy of Parliament</p> <p>b) Adopt a long-term development strategy with realistic financial projections for the future and share it with Government</p>	<p>Collegium, Administrative Committee, Secretary General, Parliament in cooperation with Government</p> <p>Collegium, Administrative Committee, Secretary General, Parliament in cooperation with Government</p>	<p>12/2007</p> <p>07/2007</p>
2. Staff Support	a) Establish adequate partisan and nonpartisan expert, administrative and technical support, including for party caucuses in accordance with the new Rules of Procedure (see recommendation A4)a. above)	Parliamentary Service leadership, Collegium, and Administrative Committee	Deadline: 10/2010; start immediately and gradually improve conditions

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
	<p>b) Recruit young personnel with knowledge of languages and modern technical skills who can be developed over time into a new skilled workforce by existing staff</p> <p>c) Develop a program for advancement of Parliamentary Service (with defined long-term and short-term needs)</p> <p>e) Create a positive and stimulating work environment that creates incentives for long-term employment</p> <p>f) Provide a constant flow of information among all units through regular staff meetings and access to internal and external information</p>	<p>Parliamentary Service leadership, Collegium</p> <p>Parliamentary Service leadership, Collegium, and Administrative Committee</p> <p>Parliamentary Service leadership and all staff</p> <p>Parliamentary Service leadership and all staff</p>	<p>Begin immediately; thereafter, continuously</p> <p>01/2007</p> <p>Continuously</p> <p>Deadline for establishing Intranet 01/2007; thereafter, continuously</p>
<p>3. Office Space and Other Parliament-Provided Business Resources</p>	<p>a) Define a plan to address the office space needs</p> <p>b) Adopt standards that define types and amount of business resources</p>	<p>Collegium, Secretary General with possible engagement of external assistance</p> <p>Drafted by Parliamentary Service, considered by Collegium, and adopted by Administrative Committee</p>	<p>Deadline: 07/2007</p> <p>Deadline: 10/2008</p>
<p>4. Information Systems</p>	<p>a) Establish a regularly updated internal network with materials of importance for parliamentary work (see recommendation E2)f. above)</p> <p>b) Improve Parliamentary Internet presentation and establish a system of responsibility for its regular updating (see recommendation Df. above)</p>	<p>Secretary General, public relations unit, IT center in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p> <p>Secretary General, public relations unit, IT center in cooperation with parliamentary leadership, MPs and other units from the Parliamentary Service</p>	<p>Deadline for establishing Intranet 01/2007; thereafter, continuously</p> <p>Deadline for editing: 12/2006, then update continuously</p>

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
<p>F. FINANCIAL RESOURCES In order to improve Parliament's operations, it is necessary to secure resources for an increased budget in the coming years, which is estimated to be close to €11 million annually, excluding one-time capital costs. As already noted, the actual amount will depend on plans regarding number of employees, increasing MP and staff salaries, expert support to party caucuses, and operating costs. The proposed new budget (Table 3) anticipates an amount for small investments only. In the absence of a plan for solving the space problems, larger one-time investments in building additional premises for Parliament cannot be estimated at this time.</p>			
<p>1. Salaries and Allowances of MPs and Employees</p>	<p>a. Increase MP salaries to a gross salary of about €3,000</p> <p>b. Increase staff salaries to a gross salary of about €1,300 (net salaries between €300 for the lowest to €1,000 for the highest paid staff)</p>	<p>Parliament in cooperation with Ministry of Finance</p> <p>Parliament in cooperation with Ministry of Finance</p>	<p>Start with the 2007 budget and gradually increase salaries of MPs on annual basis in order to reach the target amount by 10/2010</p> <p>Start with the 2007 budget and gradually increase salaries of staff on annual basis in order to reach the target amount by 10/2010</p>
<p>2. Operating Costs and Daily Maintenance</p>	<p>a. Increase the item in the budget for operating costs and daily maintenance fourfold (to €2 million)</p>	<p>Parliament in cooperation with Ministry of Finance</p>	<p>Start with the 2007 budget and gradually increase operating costs on annual basis in order to reach the target amount by 10/2010</p>
<p>3. Investments and Investment Maintenance</p>	<p>a. Increase the budget for basic investments, at least, nine-fold in the next year – from €120,000 to €1 million</p> <p>b. Develop multi-year plans for upgrading information systems, increasing office space, providing MP housing, and other long-term investments</p>	<p>Parliament in cooperation with Ministry of Finance</p> <p>Secretary General in cooperation with Parliament leadership and other units from the Parliamentary Service; Administrative Committee</p>	<p>Start with the 2007 budget and gradually increase the level of investments annually in order to reach the target amount by 10/2010</p> <p>07/2007</p>

TOPIC	RECOMMENDED ACTION	BODY RESPONSIBLE FOR IMPLEMENTATION	DEADLINE
4. Expert Support to MPs within Party Caucuses	a. Set aside budget funds for providing expert support to MPs and party caucuses (see recommendation A4)a. above)	Parliament in cooperation with Ministry of Finance	Start with the 2007 budget and gradually increase support to party caucuses in order to reach the target amount by 10/2010
5. Political Party Financing	a. Establish two separate line items for political parties and civil society organizations and separate both items from the parliamentary budget	Parliament and Ministry of Finance	Beginning with the 2007 budget

APPENDIX 2: RECOMMENDATIONS TO IMPROVE PARLIAMENT'S INTERNET PRESENTATION

NDI offers the following comments and suggestions in order to improve the existing Internet presentation of the Parliament of Montenegro (www.skupstina.cg.yu). The following ideas are based on detailed searches of a number of parliamentary websites and "Guidelines for the Content and Structure of Parliamentary Web Sites" adopted in 2000 by the Inter Parliamentary Council (<http://www.ipu.org/cntr-e/web.pdf>).

Following is the proposal of the content of the left, right and top menu with brief suggestions of what kind of information should be posted on the website, as well as examples of websites of other parliaments.

LEFT MENU:

ABOUT THE PARLIAMENT OF MONTENEGRO

- **Functions/competences** - It is necessary to offer more information about the basic functions of Parliament, which would be adjusted to the interests of the citizens (e.g., <http://www.riigikogu.ee/?id=34632>, <http://www.dz-rs.si/index.php?id=260>).
- **Documents** - the Constitution, the Rules of Procedure and other documents existing on the current website.
- **History** - material from CDT's "Parliamentary Guide" could be used and adjusted to the interests of the citizens (see examples from Finland, Croatia and Slovakia at <http://www.eduskunta.fi/fakta/historia/eng/index.html>, <http://www.sabor.hr/Default.asp?ru=80&sid=&akcija=&jezik=1>, <http://www.nrsr.sk/main.aspx?sid=nrsr/historia>)
- **Statistics** - In cooperation with NDI, CDT's parliamentary interns prepared a statistical overview of Parliament's activities. This data should be regularly updated and presented in the format of descriptive tables and transformed into brochures (e.g., <http://www.sabor.hr/Default.asp?ru=455&sid=&akcija=&jezik=1>)
- **Press Releases** - Something similar exists on the current website in the Archive section.
- **"Guided Tour" of the Parliamentary Building** - Since it is quite technically demanding to prepare a virtual guide of the parliamentary building like that on many parliamentary websites, it would be enough for the beginning to prepare a sketch of the layouts of the four floors, (basement, ground, first and second floors).
- **Diagram of Seating Arrangement in Plenary** – A diagram of the seating arrangement was prepared before; it should be easy to generate again for the current mandate. It would be very useful not only for the press and citizens, but also for the presiding officers at the sittings.
- **Secretary General** - Besides existing information, it would be useful to have the competences of the Secretary General present, which could be copied from the Rules of Procedure or adjusted for citizens.
- **Organizational Chart of the Parliamentary Service** - This chart was prepared for the Rulebook on Organization and Classification of Job Positions of the Service of the Parliament of Montenegro. Therefore, it should be simple to post on the website.

- **Parliamentary Service** – an overview of organizational units in the Parliamentary Service with short descriptions of their competences and contact information.
- **Open Parliament** - practical information on accessing the parliamentary building and library; days on which the Parliament is open for visits (e.g., <http://www.dz-rs.si/index.php?id=262>), the procedure for applying to visit Parliament (e.g., http://www.parlament.sr.gov.yu/content/lat/o_skupstini/posete/posete01.asp), working hours, vacations, holidays,²⁸ the text of the Law on Free Access to Information Law, and a catalogue of information (see for example, <http://www.sabor.hr/Default.asp?ru=527&sid=&akcija=&jezik=1>)
- **List of International and Regional Parliamentary Assemblies to which Parliament Belongs**

ELECTORAL SYSTEM

- **Election Procedure and Election Law**
- **Election Results** – an overview of previous election results generated by municipality, age, profession and other criteria of MPs.

LEGISLATIVE PROCESS AND DOCUMENTS

- **Legislative Process** – explain the legislative procedure stipulated in the Rules using simple language.
- **Schematic Explanation of the Legislative Process** – use CDT's schematic on "How a Bill Becomes a Law" as an example (which also exists in English). The CDT schematic must be updated with changes made in the newly adopted Rules.
- **Law Proposals in Procedure** - list of laws that are in parliamentary procedure, with its title and registration number, submission date, titles of committees considering the law, information on the proposer, amendments, and all other accompanying documents.
- **Laws** - database of existing laws with date of adoption and accompanying documents.
- **Legislative Agenda with Summons**
- **Minutes from Sitzings**
- **Verbatim Notes from Sitzings**
- **Prime Minister's Hour and MP Questions**
- **Parliamentary Glossary**
- **Audio and Video Broadcasts of Sessions**

PRESIDING OFFICERS

- **Biographies** - Biographies of Speaker and Deputy Speakers
- **Function** - Brief description of their competences and privileges
- **Cabinet** –Contact information of staff in Parliament
- **Agenda** – Agenda of the Speaker's activities
- **Public Speaking** - Collection of the Speaker's important speeches and public addresses
- **List of Former Speakers**
- **Comments and Questions** - addressed to the Speaker

²⁸ This information should be translated into English, as well.

MEMBERS OF PARLIAMENT

- **MP Rights and Duties** – copied from the Rules of Procedure or adjusted for citizens (e.g., <http://www.nrsr.sk/main.aspx?sid=poslanci/poslanie>)
- **MPs** – up-to-date alphabetical list of all MPs. A click on a name of an MP would lead you to the biography, contact information, party affiliation and membership of working bodies. It would be good to have an automatically generated index of references to instances of participation in parliamentary debate and record of voting sorted by member name, date and topic of debate
- **Party Affiliation** – list of MPs grouped by party affiliation
- **MP Clubs** – composition of MP clubs similar to the one existing on the current website. It is necessary to add the contact information and names of presidents of MP clubs and link this page with the list of MPs in each MP club. A short definition of an MP club could be copied from the Rules and posted above the list of MP clubs.

WORKING BODIES

- **Working Bodies** – list of working bodies with hyperlinks to separate pages devoted to each body. On the page for each working body, the following information should be posted:
 - **Competences** - Description of mandate and terms of reference
 - **Chairs and Members** - Names of chairs and members
 - **Activities** - information on current activities and agenda of next session
 - **Contact Information** - (contact person, address, telephone, fax, email)
 - **International Cooperation**
 - **Schedule of Sessions and Hearings**
 - **Press Releases**
 - **Minutes**
 - **Verbatim Notes**
 - **Reports**

EUROPEAN UNION

- **Information on European Union** - Basic information (e.g., www.integracije.cg.yu http://www.evropazamlade.cg.yu/bitne_informacije.php, <http://www.sabor.hr/Default.asp?ru=529&sid=&akcija=&jezik=1>)
- **Cooperation of Parliament and EU** - It is necessary to give information about the role of Parliament in the EU integration process. Besides previous activities, it would be useful to describe current activities and present a plan for the future (e.g., <http://www.sabor.hr/Default.asp?ru=429&sid=&akcija=&jezik=1>)
- **Useful links** – The Croatian Parliament has a good example on its website <http://www.sabor.hr/Default.asp?ru=485&sid=&akcija=&jezik=1>; therefore, it is possible to link to this page or to generate a page that would include the following links:

Ministry of European Integration, Montenegro –www.minevrint.vlada.cg.yu

European integration - Montenegro www.integracije.cg.yu

[EU official website](#)

[European Parliament](#)

[European Council](#)

[Economic and Social Council](#)

[EU publications](#)

[Treaties](#)

[European convention](#)

[European Court of Justice](#)

[EUROPOL](#)

[SEERECON](#)

[EBRD](#)

[Regional](#) Committee

Welcome Europe <http://www.welcomeurope.com/>

[Delegation](#) of European Commission in Serbia and Montenegro

[European](#) Agency for Reconstruction

PUBLICATIONS

- **Electronic Versions of Publications in *.PDF format** - Besides CDT's "Parliamentary Guide" and "Statistical Overview of the Activities of the Parliament of Montenegro," it is necessary to prepare other brochures and make them available for citizens in the electronic form.

LINKS

- **Websites of the President of the Republic, the Government and the Courts** - they are available on the current website, except www.sudovi.cg.yu
- **Official Website of Montenegro** - also include tourist websites like www.visitmontenegro.cc, www.montenegro.yu
- **Websites of Political Parties in Montenegro** - it can be found on the links page of NDI's website www.ndicrnagora.org
- **Website of Inter-Parliamentary Union** - www.ipu.org
- **Other International, Regional and Sub-Regional parliamentary organizations** - a non-exhaustive list can be found at <http://www.ipu.org/english/otherweb.htm>
- **Websites of Ministries and Other State Agencies** – a list can be found at <http://www.vlada.cg.yu/ministarstva.php>
- **Websites of Parliaments of Other Countries** - as this information is constantly changing, it might be easier to establish a link with the relevant page at the IPU site (<http://www.ipu.org/english/parlweb.htm>), which is regularly updated. This list does not include the website of the Montenegrin Parliament. Therefore, it is necessary to inform IPU about it, especially after the website is improved.

Photo Gallery - The existing one can be used, but it could be additionally adjusted to the needs of press; put pictures that print media can use, i.e., smaller and higher resolution.

RIGHT MENU:

VISITOR'S CORNER

- **Comments and Questions**
- **Forum**
- **Mailing List**
- **Polls**
- **Frequently Asked Questions**
- **List of Documents by Key Words**
- **Available Job Positions in Parliament**

TOP MENU:

- **English** - It is necessary to translate the static pages, contact information, and general information on Parliament (NDI can make available the English version of the Rules of Procedure, as well as other materials that can be useful. The English version of CDT's "Parliamentary Guide" can also be useful.)
- **Home Page** - as in the existing website
- **News** - as in the existing website
- **Search** - as in the existing website
- **Site Map** - when the final version of the website is approved, the site map will look similar to this document, with direct hyperlinks to the pages
- **Contact** - in the format of a form (e.g., <http://www.dz-rs.si/index.php?id=126>)

IMPORTANT

- Contact information should be posted visibly on each web page (address, telephone, fax, email).
- Each page should include the information on when it was last updated.
- Web pages should not go deeper than three or four levels from the home page.