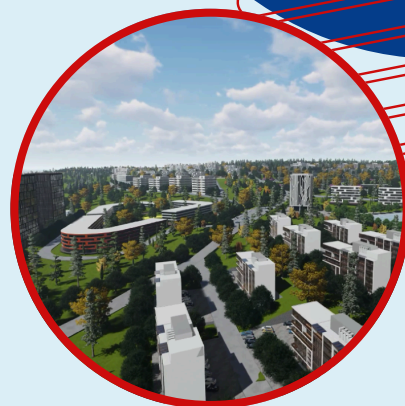
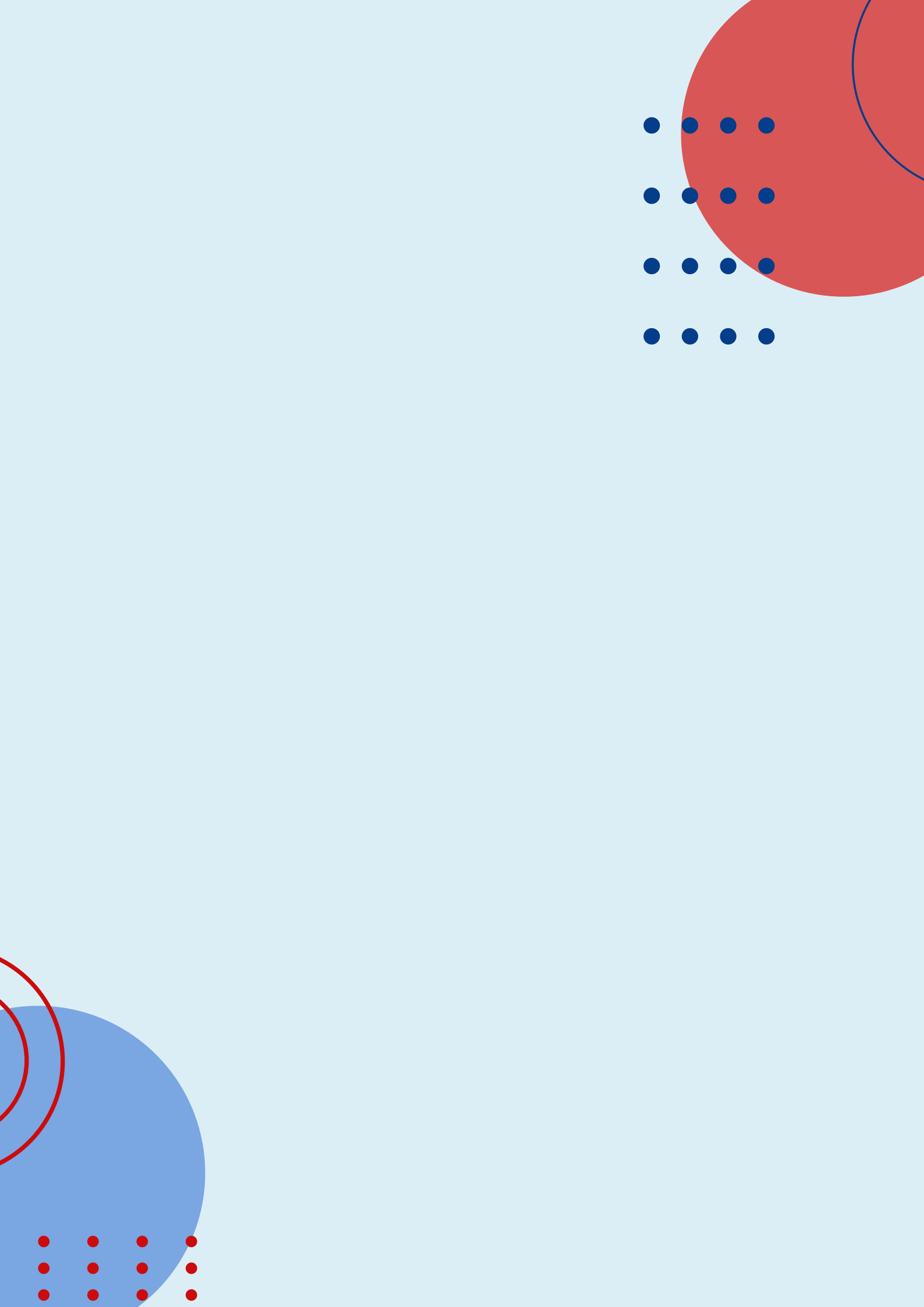


Abuse of institutional advantage

in the campaign
for local elections



Podgorica & Budva





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LOCAL ELECTIONS 2024
Podgorica and Budva**

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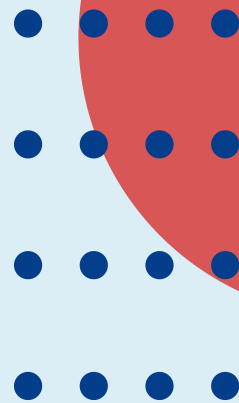
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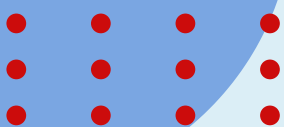
Introduction



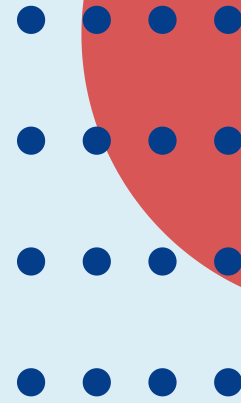
Abuse of institutional advantage during the election campaign in order to gain voter support has become a common practice in Montenegro, with ruling parties using state resources to gain advantage. Although such abuses have been documented by international observers as well, the lack of legal regulation enables this type of behaviour, which jeopardise the key democratic principles of the electoral system.

Public authorities must remain neutral and ensure equal treatment for all candidates, allowing voters the freedom to make informed decisions without pressure. Incumbents often have access to public sector resources, which allows them to gain advantage through visibility and prestige, thus influencing public perception and potential support.

This publication provides an overview of the Montenegrin legal framework and international standards regarding the use of administrative resources in the election campaign. It also includes case studies of abuse of institutional advantage during local elections in Budva and Podgorica, analysing concrete examples and their impact on democratic processes.



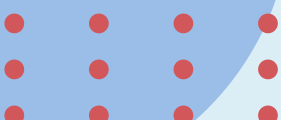
1. Legal framework


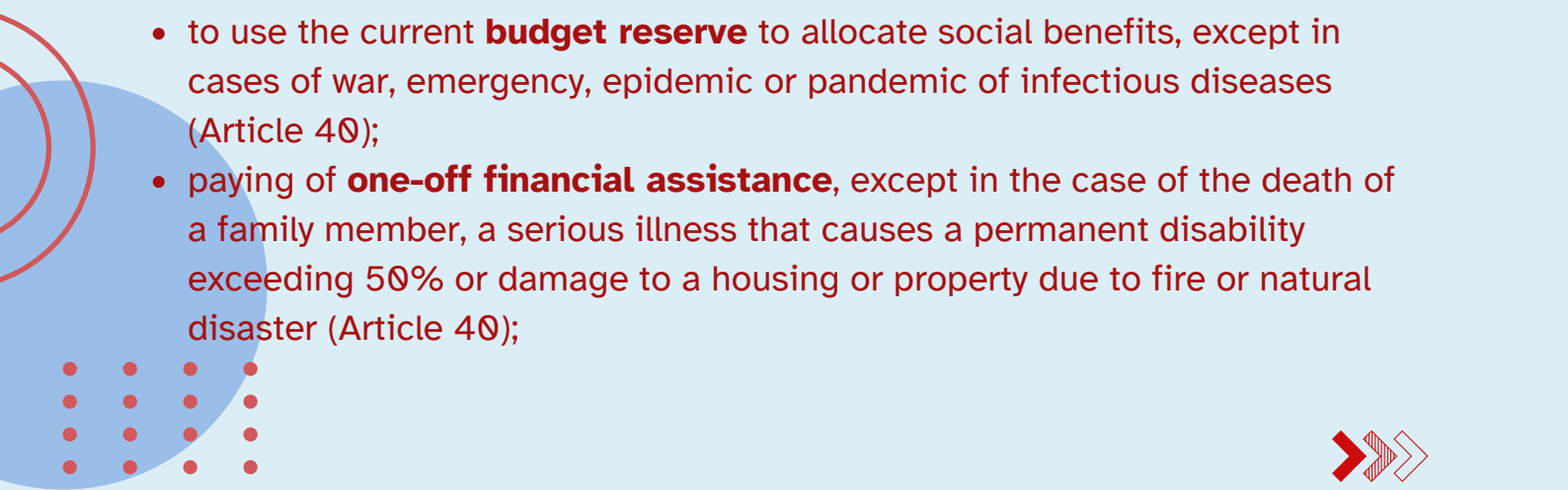


Montenegrin Law on Financing of Political Entities and Election Campaigns does not contain a definition of administrative resources.


A special chapter of that law refers to prohibitions and restrictions related to the use of certain administrative resources. The following are **prohibited by the law**:

- **to promise** or make conceivable any political or any other counter favour, privilege or personal benefit to a natural or legal person for the purpose of obtaining financial, material or non-financial support for a political entity (Article 34, paragraph 1);
- vexing **pressure** on legal entities, companies and natural persons in the course of raising contributions or any other activity related to the election campaign and financing of political entities (Article 35);
- **to use** the state funds and distribute the advertising materials and collect support signatures for submission of electoral list and candidacy (Article 35);
- **to use** the premises of state bodies, state administration bodies, local self-government bodies, local administration bodies, public institutions, state funds and companies founded and/or owned in major part or partly by the state or local self-government unit, for the preparation and implementation of the campaigning activities, unless the same conditions are provided for all participants in the election process (Article 36);
- **to distribute promotional materials and collect support signatures** for submission of an electoral list in the mentioned premises (Article 36);





- 
- **paid advertising** of state bodies and local self-government bodies, public institutions and state funds which could in any way place into a favoured position the political entities or their representatives during the election campaign (Article 37);
 - to use **official vehicles** in the period of the election campaign, except for the needs of official duties (Article 43);
 - for public officials, except for the MPs and councillors, and employees in state bodies, state administration bodies, local self-government bodies, local administration bodies, public companies, public institutions and state funds, **to engage during working hours** in the activities of the election campaign (Article 44);
 - **monthly spending higher** than the average monthly spending in the previous six months from the day of calling of the elections until the day of holding of the elections [1] (Article 38);
 - monthly spending on **social welfare** benefits under the jurisdiction of the local self-government unit exceeding 20% of the average monthly spending on these benefits in the third quarter of the previous budget year (Article 40);
 - to use the current **budget reserve** to allocate social benefits, except in cases of war, emergency, epidemic or pandemic of infectious diseases (Article 40);
 - paying of **one-off financial assistance**, except in the case of the death of a family member, a serious illness that causes a permanent disability exceeding 50% or damage to a housing or property due to fire or natural disaster (Article 40);
- 

[1] If the elections are held in the first half of the year, budgetary spending units shall be prohibited from monthly spending exceeding the amounts specified by monthly spending plans established by the Ministry or local administration body at the beginning of the fiscal year. The prohibition shall also apply to legal entities exercising public authority or activities of public interest on the basis of a contract with the competent authority, as well as to business organisations owned by the state or local self-government units in accordance with the law governing prevention of corruption. Exceptionally, monthly spending higher than the average monthly spending in the last six months of the previous year shall be prohibited for state institutions for social and child protection and for state and local authorities competent for agriculture.

- 
- **employment of persons for a fixed-term**, apart from exceptional cases for reasons of ensuring smooth and regular functioning of those bodies, and based on a decision of the competent body of these entities, only if it has been planned by the act on systematization and job descriptions (Article 44);
 - **to give machinery and equipment** to third parties for use without special decision and without a compensation contract, except in cases of the need to repair damage caused by natural disasters, fires or prevention of spreading of an infectious disease epidemic (Article 39);
 - **to write off debts** of the citizens, including bills for electricity, water and for all types of public services (Article 42);
 - **to write off the liabilities** on the basis of exemption from value added tax, other taxes and parafiscal duties (Article 42);
 - to introduce new or one-off electricity **subsidies** and subsidies for utilities (Article 42).

Additionally, the law foresees the obligations of institutions to publish data on the use of public funds:

- 
- From the day of calling until the day of holding of the elections, as well as one month following the holding of the elections, **all budgetary spending units**, at the state and local level, shall post on their websites weekly **analytical statements** from all the accounts in their possession (Article 38);
 - Every week, **the Ministry of Finance** shall publish on its website the **statements from the State Treasury** as well as the analytical statement on the use of funds from the budgetary reserve in the period from the day of calling until the day of holding of the elections (Article 41);
 - Every week, **the local administration body** shall publish on the website of the municipality **the statements from the local treasury** as well as the analytical statement on the use of funds from **the budgetary reserve** in the period from the day of calling until the day of holding of the elections (Article 41);

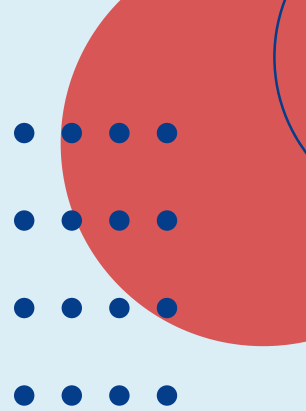
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- The ministry in charge of labour and social welfare shall publish **the analytical statements** containing data on the amounts and number of beneficiaries of all types of **social welfare** during the election campaign, as well as the data on types and beneficiaries of social welfare (Article 40);
 - All state bodies, state administration bodies, local self-government bodies, local administration bodies, public institutions, state funds and companies founded and/or owned in major part or partly by the state or local self-government unit, shall publish weekly on their websites all issued **travel orders** for official vehicles, from the day of calling of the elections until the day of holding of the election (Article 43);
 - State bodies, state administration bodies, local self-government bodies, local administration bodies, public institutions and state funds shall submit all **decisions on employment** with the complete supporting documentation, to the Agency for Prevention of Corruption within three days from the day of adoption of the decision (Article 44).

For violation of provisions related to prohibitions and transparency, the following penalties are provided by law:

- a fine ranging from 500 to 2,000 euros for natural persons (Article 70),
- a fine ranging from 200 to 2,000 euros shall be imposed on the **responsible person** in a state body, state administration body, local self-government body, local administration body, public institution, state fund and legal entity founded and/or owned in major part or partly by the state or a local self-governing unit (Article 68).



2. International standards



The Venice Commission and the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) have published **the Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes**. [2]

The guidelines provide a definition of administrative resources:

“Administrative resources relevant to specific stakeholders (elected representatives, current officeholders, candidates) during elections include human, financial, material, in-kind resources, as well as other intangible resources.”

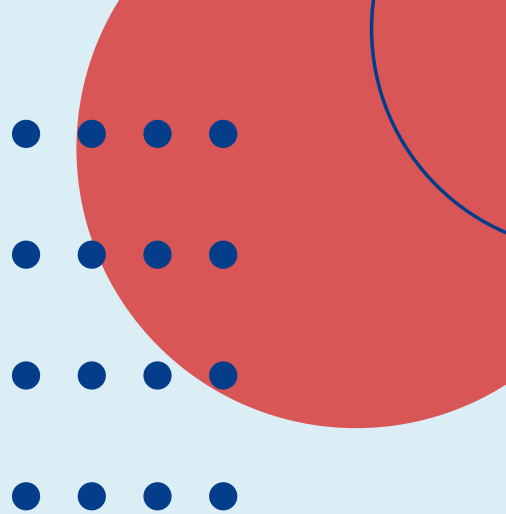
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“Administrative resources are human, financial, material, in-kind, and other intangible resources available to current officeholders and public officials during elections. They stem from their control over public sector personnel, finances, and allocations, access to public facilities, as well as resources enjoyed in the form of prestige or public presence, deriving from their position as elected or public officials, which can be converted into political support or other forms of support.”

Similarly, the OSCE/ODIHR has defined the "misuse of state resources" (a term also used by other international institutions) as “an unfair advantage certain parties or candidates gain by using their official positions or connections with state institutions to influence the outcome of elections”.



[2] European commission for democracy through law (Venice commission) OSCE office for democratic institutions and human rights (OSCE/ODIHR): Joint guidelines for preventing and responding to the misuse of administrative resources during electoral processes adopted by the council of democratic elections at its 54th meeting (venice, 10 march 2016) and by the venice commission at its 106th plenary session (venice, 11-12 march 2016), <https://www.osce.org/files/f/documents/8/a/227506.pdf>.



A. The Joint Guidelines define key principles:

1

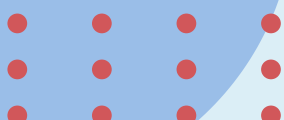
Rule of law

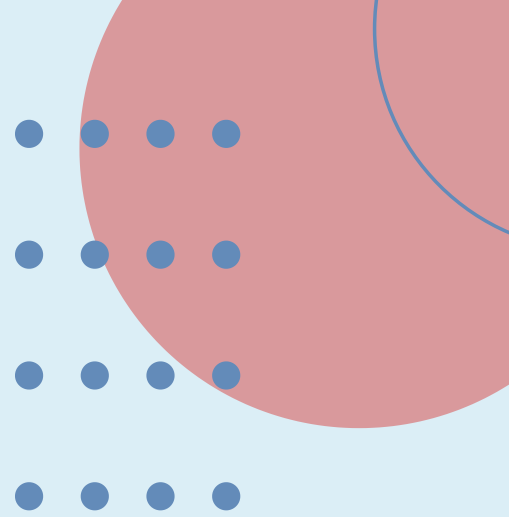
1.1. The legal framework should provide for a general prohibition of the misuse of administrative resources during electoral processes. The prohibition has to be established in a clear and predictable manner. Sanctions for misuse of administrative resources have to be provided for and implemented. Such sanctions need to be enforceable, proportionate and dissuasive.

1.2. Stability of the law is a crucial element for the credibility of electoral processes. It is therefore important that stability of electoral law be ensured in order to protect it against political manipulation. This applies not least to the rules on the use of administrative resources.

1.3. . It is important that rules – including laws, agreements and commitments that regulate or relate to the use of administrative resources during electoral processes, as well as judicial decisions interpreting them – are clear and accessible to all stakeholders, including public authorities, civil servants, voters, candidates, political parties, and that sanctions and consequences for not abiding with these rules are foreseeable.

1.4. The possibility to bring complaints about the misuse of administrative resources to an independent and impartial tribunal – or equivalent judicial body – or to apply to an authorised law-enforcement body should be central in ensuring the appropriate use and to prevent the misuse of administrative resources during electoral processes.





2

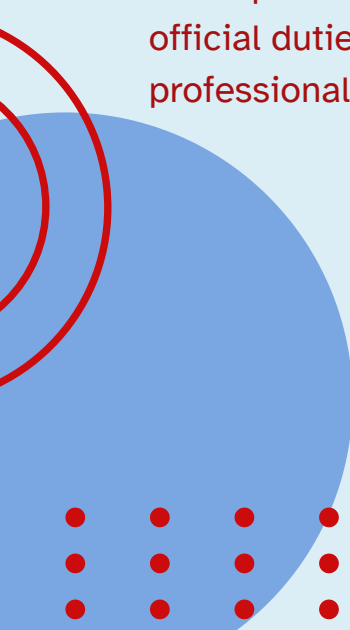
Political freedoms

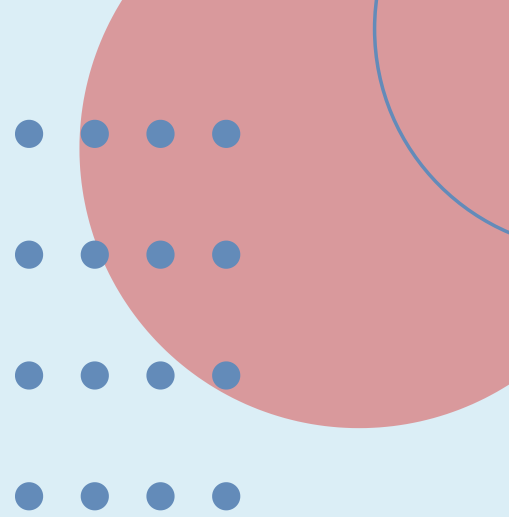
Freedoms to form an opinion, together with freedoms of association and expression, form the bedrock of any democratic system, including during electoral processes. Opinions and information should freely circulate during pre-electoral periods, especially during electoral campaigns. In general, the right to free elections and freedom of expression reinforce each other. Nevertheless, possible tensions between such rights and freedoms have been recognised by the European Court of Human Rights. In this respect, it may be necessary to place certain restrictions on freedom of expression in order to secure the ‘free expression of the opinion of the people in the choice of the legislature’.

3

Impartiality

The legal framework should provide explicit requirements for civil servants to act impartially during the whole electoral process while performing their official duties. Such regulations should establish the impartiality and professionalism of the civil service.





4

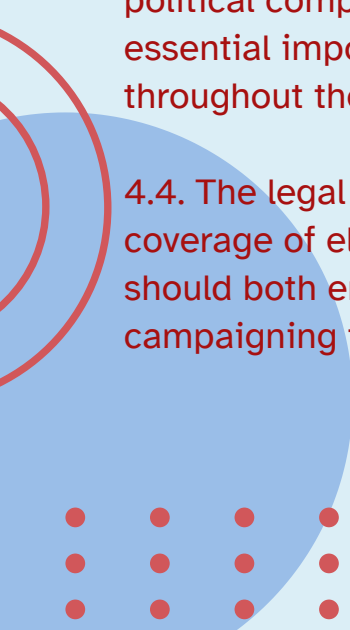
Neutrality

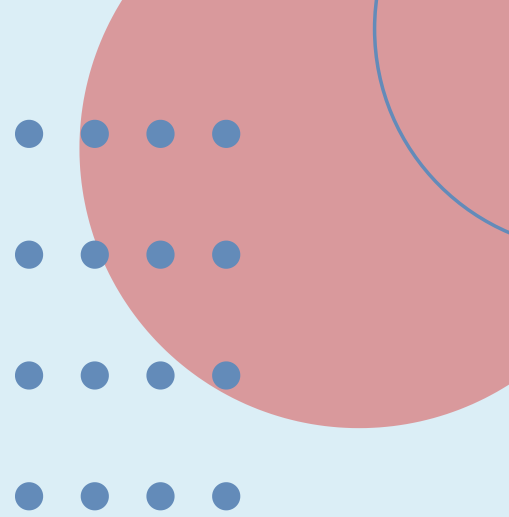
4.1. The legal framework should ensure the neutrality of the civil service by prohibiting civil servants from campaign activities in their official capacity, either by being themselves candidates or when supporting candidates. This applies as well to public and semi-public entities. It is important that a clear separation between the state and political parties is maintained; in particular political parties should not be merged with the State.

4.2. In order to ensure neutrality of the civil service during electoral processes and consequently to avoid any risk of conflict of interest, the legal framework should provide for a clear separation between the exercise of politically sensitive public positions, in particular senior management positions, and candidacy. In this respect, the legal framework should provide for a range of adequate and proportionate rules. Such rules may include a clear instruction on how and when campaigning in a personal capacity may be conducted, suspension from office or resignation of certain public authorities running for elections.

4.3. The non-involvement of judges, prosecutors, police, military and auditors of political competitors in their official capacity in electoral campaigning is of essential importance. Concrete measures should ensure such official neutrality throughout the entire electoral processes.

4.4. The legal framework should ensure the objective, impartial, and balanced coverage of election-related events by publicly-owned media. Law and practice should both ensure that publicly-owned media are not involved in “hidden” campaigning for or against particular political competitors.





5

Transparency

5.1. The legal framework should provide for transparency and accountability of the use of public money and public goods by political parties and candidates during electoral processes.

5.2. A clear distinction between the operation of government, activities of the civil service and the conduct of the electoral campaign should be made.

5.3. The legal framework should provide for the availability of trustworthy, diverse and objective information to voters and political competitors on the use of administrative resources during electoral processes operated by public authorities as well as entities owned or controlled by public authorities.

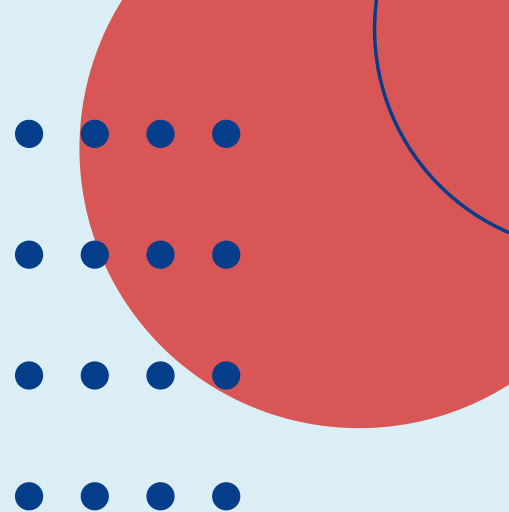
6

Equality of opportunity

6.1. The legal framework should provide for an equal right to stand for elections and for equality of opportunity to all candidates, including civil servants, and political parties during electoral processes.

6.2. The legal framework should provide for equitable access for all political parties and candidates to administrative resources during electoral processes, to public funding of political parties and campaigns, and to publicly-owned media. This also applies to public buildings and facilities used for campaigning.





B. To prevent the misuse of administrative resources, the Joint Guidelines recommend the following:

1

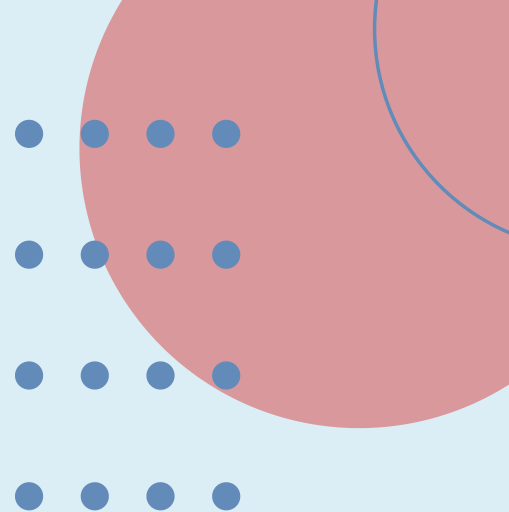
Legal framework

1.1. The legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantage of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate. More precisely, reference is made to events which imply the use of specific funds (state or local budget) as well as institutional resources (staff, vehicles, infrastructure, phones, computers, etc.). This does not preclude incumbent candidates from running for election and campaigning outside of office hours and without the use of administrative resources.

1.2. . If public buildings and facilities are permitted for campaign purposes, the legal framework should provide for equal opportunity and a clear procedure for equitably allocating such resources to parties and candidates.

1.3. The ordinary work of government must continue during an election period. However, in order to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns. This does not include announcements that are necessary due to unforeseen circumstances, such as economic and/or political developments in the country or in the region, e.g. following a natural disaster or emergencies of any kind that demand immediate and urgent action that cannot be delayed.





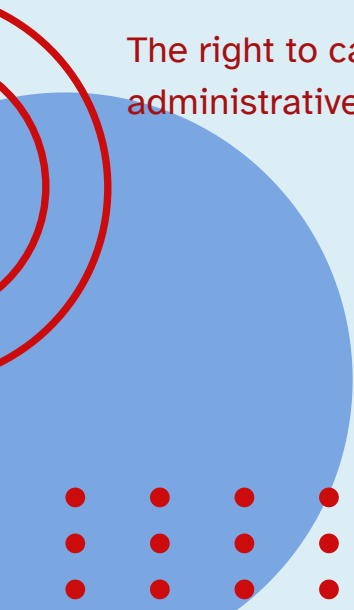
1.4. The legal framework should stipulate that there should be no non-essential appointments to public bodies during the electoral campaign.

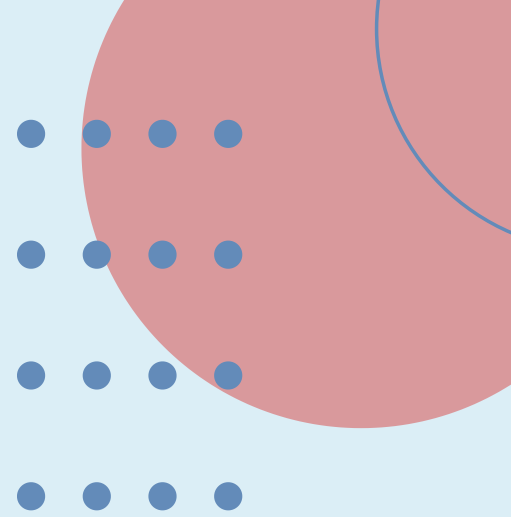
1.5. There should be a regulation put in place by a competent authority – electoral management body, branch of the civil service or special committee – identifying what activities are considered to be campaign activities and therefore forbidden to civil servants when acting in their official capacity. The competent authority should have an advisory role in relation to queries during the election period as to whether something falls under the prohibition on campaign activities by the civil service.

1.6. The legal framework should provide for a clear distinction between ‘campaign activity’ and ‘information activity’ of public media in order to ensure equity among political competitors in the media as well as a conscious and free choice for voters.

1.7. In addition to national legislation, charters of ethics or codes of conduct could be appropriate instruments to prevent the misuse of administrative resources during electoral processes.

The right to candidacy and campaign outside working hours and without using administrative resources remains available to current candidates.





2

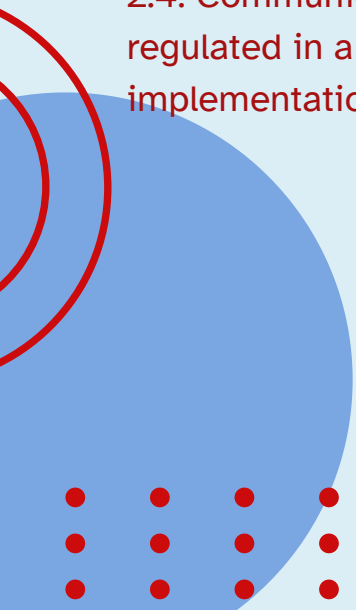
Audit

2.1. An institution functionally independent from other authorities should be responsible for auditing political parties and candidates in their use of administrative resources during electoral processes. In this respect, such a body, regardless of its institutional form, should act impartially and effectively.

2.2. That institution should be sufficiently empowered and resourced to supervise all public expenditure and use of administrative resources. Moreover, this authority should be required to report misuse during electoral processes in a timely, clear and comprehensive manner.

2.3. Political parties and candidates should be required to report on the origin and purpose of all their campaign finance transactions in order to facilitate transparency and the detection of potential misuse of administrative resources. Any permissible use of administrative resources for parties or candidates should be treated as a campaign finance contribution and be reported accordingly.

2.4. Communication between audit authorities and other bodies should be regulated in a way that facilitates efficient flows of information and effective implementation of transparent decisions.





3

Political will

3.1. Effective implementation of legislation requires that any restrictions on the use of administrative resources be implemented in good faith.

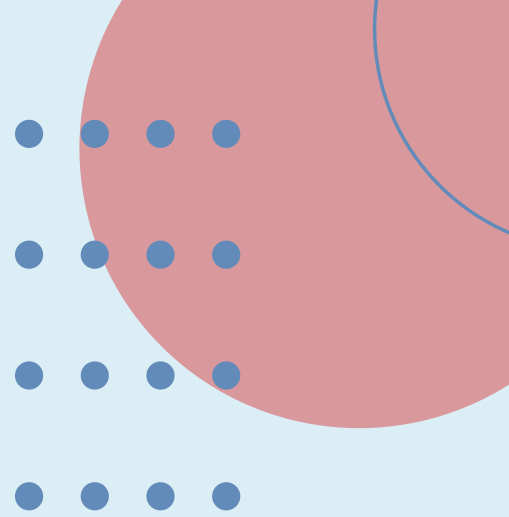
3.2. Where necessary, public authorities could make clear statements and issue written instructions that no pressure on civil servants will be tolerated and that no civil servant or citizen should fear for their employment or social services as a result of supporting or not supporting any political party or candidate. Civil servants should accordingly benefit from protection against any intimidation or pressure.

3.3. . Civil servants as well as their relatives should be protected against (hidden) sanctions, pressure or intimidation when they disclose an alleged fraud or misuse of administrative resources. If the law does not protect whistleblowers in general, there should be specific rules in the context of electoral processes.

3.4. Genuine political will of the highest State, regional, and local authorities is a key factor to effectively preventing and sanctioning the misuse of administrative resources. The development of a pluralistic political culture – characterised by transparency towards the electorate –, a mutual understanding and a sense of responsibility of both the incumbent and opposition political forces, as well as a respect of recognised values of a democratic society are therefore of essential importance.

3.5. Civil society, including domestic election observers, has a crucial role in reporting on potential misuse of administrative resources and proposing recommendations to strengthen legislation and practice.





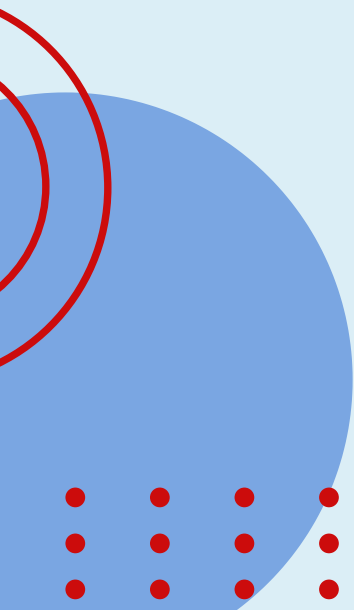
4

Information and awareness raising

4.1. Authorities, including electoral management bodies, should create wide-reaching information activities, in which citizens and civil servants, candidates and political party leaders, are aware of their rights and responsibilities during electoral processes. Clear criteria should be established to distinguish electoral campaign activities from information activities. Such information should be distributed consistently.

4.2. Internal instructions and training for civil service need to be developed to promote legally based non-partisan conduct within the executive branch. Guidelines for civil servants, public commitments, codes of conduct and other instruments, should be disseminated.

4.3. Civil society can raise awareness among citizens and political stakeholders on the importance of a fair use of administrative resources during electoral processes.





C. The guidelines highlight key legal remedies and sanctions:

1

Complaints and appeals

1.1. The legal framework should provide for an effective system of appeals before a competent, independent and impartial court, or an equivalent judicial body: an independent judiciary is a *sine qua non* condition for sanctioning the misuse of administrative resources.

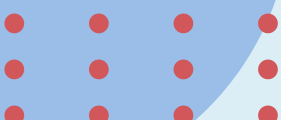
1.2. The first instance appeal body in electoral matters should be either an electoral management body or a court or an equivalent judicial body. In any case, final appeal to a court must be possible. This guidance should apply to alleged cases of misuse of administrative resources.

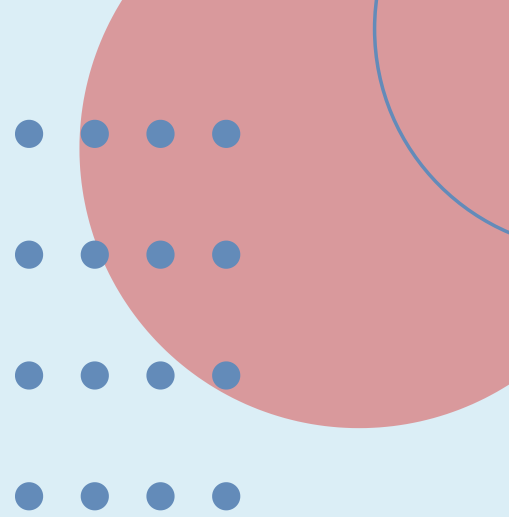
1.3. The legal framework should ensure the independence of electoral management bodies, other administrative bodies, and courts in their decisions when adjudicating disputes regarding the misuse of administrative resources. This should be both reflected in their training and technical capabilities. For this purpose, electoral management bodies should get appropriate staffing and other work conditions.

1.4. While tackling cases related to the misuse of administrative resources, including via adjudication of election-related disputes, electoral management bodies, other administrative bodies, and courts must apply laws in a uniform and impartial manner irrespective of the parties to the particular case.

1.5. Authorised law-enforcement bodies – police, prosecutors – should investigate cases on the misuse of administrative resources effectively and timely.

1.6. The legal framework should ensure that the electoral management bodies and courts – and other judicial bodies – hold hearings and that their decisions are made public, written and reasoned. The legal framework should also ensure a timely adjudication and appeals process.





2

Sanctions

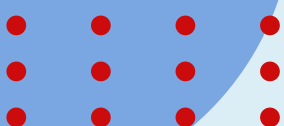
2.1. The legal framework should define the misuse of administrative resources during electoral processes as an electoral offence.

2.2. The legal framework should establish clear, predictable and proportionate sanctions for infringements of the prohibition of the misuse of administrative resources, from administrative fines to the ultimate consequence of cancelling election results where irregularities may have affected the outcome. Civil servants who misuse administrative resources during electoral processes should be subject to sanction, including criminal and disciplinary sanctions, up to the dismissal from office.

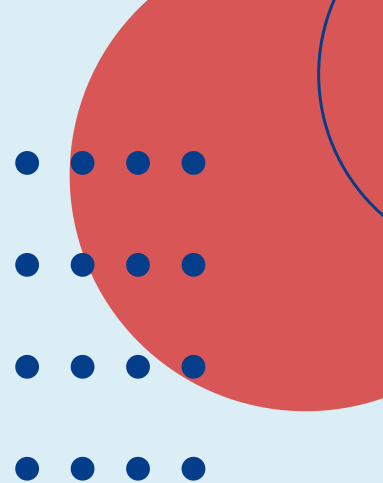
2.3. Political parties and candidates who deliberately benefit from a misuse of administrative resources should be subject to a range of sanctions proportionate to the offence committed. This may include formal warnings, fixed monetary penalties, reduction in public financing, or referral for criminal prosecution.

2.4. The legal framework should foresee that in case of violations of the rules on public finances which imply a misuse of administrative resources or when illicit financial advantages are given to political parties or candidates, such financing has to be returned to the state or municipal budget, regardless of other applicable sanctions.

2.5. The implementation of sanctions against the misuse of administrative resources is effective only if the investigation, auditing, prosecution and justice systems are independent from the political power.



3. Abuses of institutional advantage in the campaign for local elections



Institutional advantage, which essentially represents the practice of opening infrastructure works, new job announcements, formalising of various projects and promising higher salaries and/or other benefits – all in the midst of an election campaign and with the obvious aim of securing as much support as possible in the elections – has become a common phenomenon in Montenegro.

In addition to the local public, this type of abuse was also documented by the ODIHR observation mission during the parliamentary elections in 2020, but despite this, each successive government profusely used the position of power and the media coverage it carries in order to gain an advantage based on the state resources. [3] Moreover, the impression is that the institutional advantage is used more and more and without any control.

However, the fact that the institutional advantage is not recognized by the Law on Financing of Political Entities and Election Campaigns allows political parties in power, whether at the state or local level, to continue to use the positions held by their officials to gain an advantage in the election race, flagrantly abusing state resources.

[3] ODIHR Limited Election Observation Mission Final Report, Parliamentary elections 30 August 2020, Montenegro. p. 1. paragraph 2. Available at: <https://www.osce.org/files/f/documents/9/9/475223.pdf>



3.1. Abuses of institutional advantage ahead of local elections in Budva

Local elections in Budva were held in May 2024. Below are some examples of abuse of administrative resources that were observed during the election campaign in that city.

Case Study: Port of Budva



After the local elections for the Assembly of the Municipality of Budva were called in March 2024, to be held on May 26, the campaign for the elections was marked by an intense officials' campaign from the state level. On May 22, just four days before the elections, Milojko Spajić, the Prime Minister of Montenegro, the then Minister of Transport and Maritime Affairs, Filip Radulović, as well as the Minister of Spatial Planning, Urbanism and State Property, Janko Odović, handed the "keys" of the **Port of Budva** to Mladen Mikijelj, the director of the Public Enterprise for Coastal Zone Management of Montenegro, who was also the head of the electoral list "For the future of Budva, Budva - an open city". [4] Previously, at the electronic session held on May 20, 2024, the Government of Montenegro adopted the information on the Agreement on the handover of the Port of Budva to the state. [5]

"I would like to thank everyone who made it possible for such an important project for Budva and Montenegro to happen. We often talk about big projects, our mouths are full of projects and ideas, but the problem is implementation. Even when the implementation starts, we usually concede three goals in 90th minute and lose 3:2, even though we were up 2:0. That is an ailment that has "graced" us for a long time. I'm glad to see a completely different atmosphere," Spajić stated then at the ceremony held in the Budva Marina. [6]



[4] See at: <https://www.vijesti.me/vijesti/ekonomija/708214/spajic-predao-kljucve-luke-budva-mikijelju-otvoricemo-liniju-za-dubrovnik-gradove-u-italiji-grckoj>.

[5] See at: <https://www.gov.me/clanak/saopstenje-o-odlukama-vlade-crne-gore-donijetim-na-telefonskoj-sjednici-odrzanoj-20-maja-2024-godine>.

[6] Ibid.



Source: Cabinet of the Prime Minister of Montenegro [7]

The event attracted a great media attention, while the Municipal Committee of the political party Europe Now did not miss the opportunity to promote it and use it in the campaign, announcing also on that occasion the construction of a kindergarten, city hospital and traffic detours which, in cooperation with the central government, will be implemented by the future local self-government. [8] As a reminder, this list was headed by Predrag Zenović, he Chief Negotiator of Montenegro with the European Union.

[7] See at: <https://www.morskodobro.me/me/aktuelnosti/922-primopredaja-luke-budva>.

[8] See at: <https://www.dan.co.me/vijesti/politika/pes-odluka-o-luci-budva-dokazuje-da-vlada-brine-o-interesima-naseg-grada-5240168>.

Case Study: Ferry line Budva – Dubrovnik



Konferencija za štampu premijera Milojka Spajica 24.05.2024 :Brodsko linija Budva-Dubrovnik

Source: YouTube channel of the MINA Agency [12]

Just two days before the elections in Budva, Prime Minister Spajić and Minister Radulović held a press conference where they announced the opening of the ferry line between Budva and Dubrovnik, with the first ride starting on June 29, 2024. [9]

When asked by journalists if all this could be connected with holding of the elections in Budva, i.e. whether it was a political promotion, Radulović then explained that it could not have been postponed due to “tickets sale”. [10] However, the tickets sale started one month later, on June 21, 2024. [11]

[9] See at: <https://www.vijesti.me/vijesti/ekonomija/708471/radulovic-brod-na-liniji-budva-i-dubrovnik-pocece-sa-radom-29-juna-sa-dvije-voznje-dnevno>.

[10] See at: <https://www.vijesti.me/vijesti/ekonomija/708499/radulovic-predaja-luke-budva-apsolutno-nije-bila-ubiranje-politickih-poena-nismo-cekali-zbog-prodaje-karata>.

[11] See at: <https://www.rtvbudva.me/vijesti/radulovic-pocela-je-prodaja-karata-za-brodarsku-liniju-budva-dubrovnik/80811>.

[12] See at: <https://www.youtube.com/watch?v=P6ZpGOFrEvI>.

Case Study: Opening of Sveti Stefan



However, it was not only the Prime Minister and ministers who used their positions to strengthen the chances of success for their municipal list. This was also done by Andrija Mandić, Speaker of the Parliament of Montenegro and president of the New Serb Democracy, who visited Sveti Stefan at the end of April, less than a month before the elections. On that occasion, Mandić announced the imminent opening of that hotel-tourist complex, although it has been closed for three years, which is why the international arbitration dispute is ongoing. [13]

At the same time, Mandić, as the Speaker of the Parliament of Montenegro, has no authority or competence to deal with this issue. Of course, Sveti Stefan and the associated hotel facilities also remained closed during the 2024 summer season, i.e. they were not working.



Tourist organizations of the Municipality of Budva [14]

[13] See at: <https://www.vijesti.me/vijesti/politika/707274/funkcionerska-kampanja-u-susret-izborima-u-budvi-partijsko-kicenje-drzavnim-perjem> ; <https://www.dan.co.me/vijesti/politika/posjeta-predsjednice-skupstine-azerbejdzana-tema-politickih-rasprava-i-gafarovu-ukljucili-u-predizborne-obracune-5236371>.

[14] See at: <https://www.vijesti.me/vijesti/ekonomija/704736/mandic-pitanje-svetog-stefana-ce-se-rijesiti-u-bliskoj-buducnosti>.

Case Study: Opening of a branch of the Ministry of the Interior



Source of the photo: Ministry of the Interior of Montenegro

The next example of the abuse of institutional advantage refers to the move of another party that formed the coalition in power at the state level, Democratic Montenegro/Democrats. In mid-May 2024, the Democrats of Budva announced that all the prerequisites for opening a branch of the MoI of Montenegro in Petrovac had been met. [15]

This announcement took place a day after Danilo Šaranović, the Minister of the Interior of Montenegro, and Josip Đurašković, the executive director of the “Montenegro Post”, signed a memorandum of cooperation, which stipulated that the Post would give the MoI premises of 70 m², which would then change its purpose. [16] Both Đurašković and Šaranović are members of the political party Democratic Montenegro. [17]

[15] See at: <https://www.rtvbudva.me/vijesti/izborna-lista-budva-odlucuje-otvaranjem-filijale-mup-a-vracamo-status-petrovcu-status-dostojan-istorije-i-znacaja-ovog-bisera-nase-rivijere/79390>.

[16] See at: <https://www.pobjeda.me/clanak/stvoreni-uslovi-za-otvaranje-filijale-mup-a-u-petrovcu>.

[17] See at: <https://demokrate.me/press/aktivnosti/7990> ; <https://demokrate.me/nasi-ljudi/predsjednistvo>.

Case Study: Adopting popular decisions



However, the example of the list "Budva - Our city", led by Nikola Jovanović, former chairman of the Assembly of the Municipality of Budva and former manager of the municipality, shows that the political parties holding power at the state level were not alone in abusing their institutional advantage. At the beginning of May 2024, and in the light of the then protests and citizens' blockade due to the fencing of part of the plot, i.e. the yard of the central city

kindergarten, he took it upon himself to inform the public that the Chief Administrator of the Municipality of Budva cancelled the decision on the occupation of that plot. [18]

Previously, citizens blocked the street and announced that protests would take place "until further notice", however, the city administration quickly resolved the issue, and Jovanović took advantage of the opportunity. [19]



Nikola Jovanović

7. Maj · 🌐

Opština Budva poništila rešenje o zauzimanju javne površine vrtića JPU "Ljubica V. Jovanović Maša"

"Ovom prilikom obavještavamo javnost da je Glavni administrator Opštine Budva usvojio žalbu izjavljenu na rešenje kojim se zauzima dio katastarske parcele 2391/1 KO Budva a odnosi se na javnu površinu.

Rešenje je poništeno iz razloga što Javnoj prosvjetnoj ustanovi kao stranci u postupku koja ima osnovani pravni interes nije omogućeno da učestvuje u postupku i time zaštiti svoj pravni interes zbog čega je rešenje donijeto uz kršenje materijalnih i procesnih prava.

Imajući u vidu navedeno, investitor koji se nalazi u neposrednoj blizini vrtića neće moći da zauzme javnu površinu na katastarskoj parceli 2391/1 KO Budva u površini od 137m².

Donošenjem ovog rešenja investitor je u obavezi da ukloni postavljenu ogradu kao i da se u budućem periodu uzdržava od bilo kakvog zauzimanja ili uzurpacije javne površine, na koji način je opština Budva zaštitila interese vrtića i izašla u susret opravdanom zahtjevu roditelja.

Ovom prilikom želimo da podsjetimo da se radi o naslijeđenom problemu iz 2008.godine kada je opštinom upravljao DPS za čije vrijeme je donijeta štetna odluka o razmjeni nepokretnosti pa je tako parcela vrtića razmijenjena sa Ministarstvom prosvjete i nauke čime je faktički vrtić izmješten sa ovog lokaliteta. Ugovor o razmjeni su potpisali tadašnji ministar Sreten Škuletić i predsjednik Opštine Rajko Kuljača. Smatramo da je ovim zaključen štetan posao zarad nekog privatnog investitora u prethodnom period zbog čega smo u postupku donošenja prostornog urbanističkog plana Budva od nadležnog ministarstva planiranja prostora zahtijevali da se na ovim parcelama izvrši prenamjena prostora .

Sve nadležne služba i Sekretarijati Opštine Budva će u narednom period posebno pratiti aktivnosti po ovom pitanju kao i provjeravati stanje na terenu kako se ne bi desilo da prava nasih najmladjih sugrađana budu ugrožena ili povrijeđena."

👍 325

18 komentara 1 deљење

Source: Facebook profile of Nikola Jovanović

[18] See at: <https://www.vijesti.me/vijesti/drustvo/705956/jovanovic-za-slucaj-vrtica-krivi-pokojnog-kuljacu-i-tadasnji-dps>.

[19] See at: <https://adria.tv/vijesti/drustvo/protest-roditelja-ispred-vrtica-u-budvi-protive-se-izgradnji-hotela/>.

3.2. Abuses of institutional advantage ahead of local elections in Podgorica

After the elections in Podgorica were called at the end of July 2024, the campaign for the elections was marked by greater and more obvious abuses of institutional advantage and officials' campaigns, with the most flagrant example being the announcement of the megalomaniac project “Velje Brdo”, as well as multiple promises that average salaries would increase after the elections. [20]

Case Study: Salary increase through the Europe Now 2 programme



The Europe Now movement is named after the tax reform that was implemented while the current Prime Minister Miloško Spajić was the Minister of Finance, and the current President Jakov Milatović was the Minister of Economic Development, and in addition to the abolition of health insurance contributions on the basis of which net wages increased, that reform also entailed the increase of the minimum wage from 250 to 450 euros, which happened at the beginning of 2022. [21]

After this reform was implemented and the Europe Now movement thrived, which inevitably impacted its popularity, Spajić continued to promise an increase (of minimum wages) during the campaign for the parliamentary elections held in 2023 as well,[22] and after becoming the prime minister following the elections, in July 2024, the Fiscal Strategy for Montenegro for the period 2024-2027 was finally presented, which included, among other things, a further increase of minimum wages and reducing of contributions for pension and disability insurance. [23]



[20] See at: <https://rtcg.me/vijesti/lokalniizbori2024/594752/mujovic-bicu-kandidat-za-gradonacelnika-necemo-sa-dps-om.html>.

[21] See at: <https://www.gov.me/dokumenta/fa71ebc7-2fc0-48df-a0a7-4710d2eb555e>.

[22] See at: <https://www.dan.co.me/vijesti/politika/u-ekspozeu-mandatara-se-ne-pominje-prosjecna-plata-od-1-000-eura-5205283>.

[23] See at: <https://www.vijesti.me/vijesti/ekonomija/716311/minimalac-srednjoskolcima-600-visokoskolcima-800-eura-fiskalna-strategija-od-danas-na-javnoj-raspravi>.



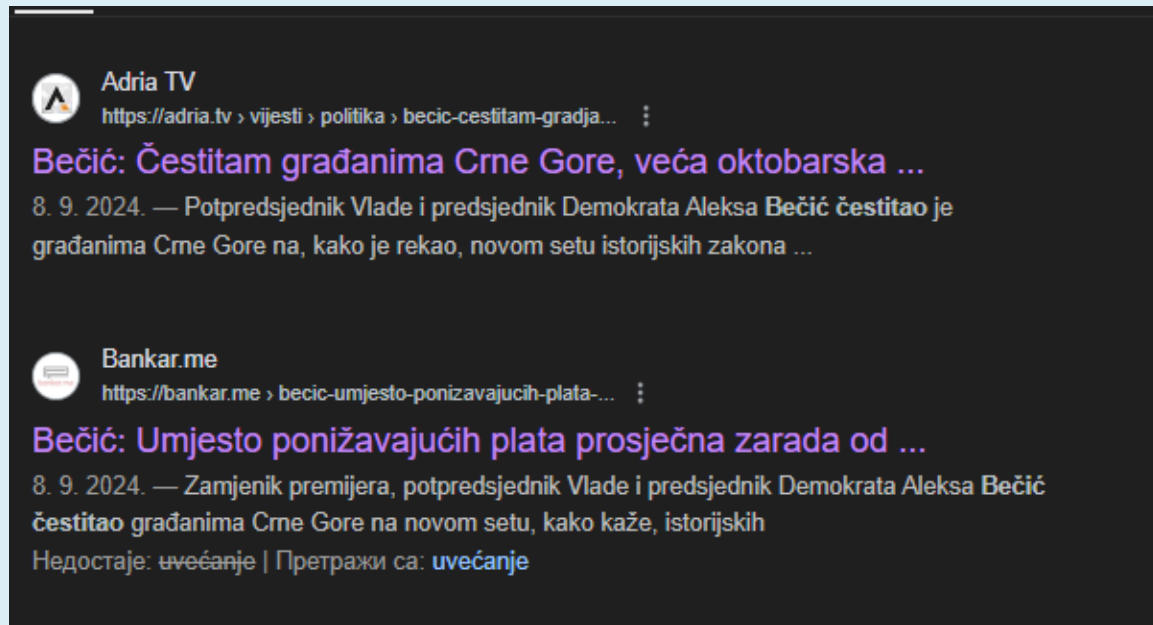
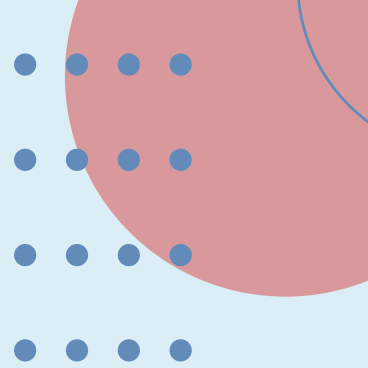
Source: Facebook profile of the Europe Now

Despite great criticism from the professional public and the lack of concrete social dialogue and public discussion, a set of economic laws necessary for the implementation of this reform was adopted at the beginning of September 2024. [24]

Of course, the Europe Now movement did not miss the opportunity to use the salary increase in the campaign, thus, the photos of Spajić with entire families and workers, along with accompanying illustrations emphasizing the salary increase, could be seen on billboards in Podgorica. [25]

[24] See at: <https://www.cdm.me/ekonomija/pes-usvojeni-svi-zakoni-potrebni-za-sprovođenje-programa-evropa-sad-od-oktobra-veće-sve-plaće-od-januara-penzije/>.

[25] See at: <https://www.vijesti.me/vijesti/ekonomija/723793/povećanje-za-sve-vazice-za-40-odsto-penzionera>.



Source: part of the press clipping for A. Bečić's statement

In addition, three weeks before the elections, on Sunday, September 8, after passing the laws necessary for the implementation of the “Europe Now 2” programme, the Vice President of the Government of Montenegro and the President of the Democrats, Aleksa Bečić, published a statement in which he “congratulates the citizens on the new set of "historic" laws that will enable the further strengthening of the standard of living of Montenegro's citizens“. [26]



[26] See at: <https://www.dan.co.me/vijesti/politika/becic-nastavljam-jos-jace-za-dalje-ekonomsko-snazenje-i-unistavanje-kriminala-i-korupcije-5258350>.

Case Study: Velje brdo



Just eight days before the elections in Podgorica were held - on September 21, the Prime Minister Spajić and Slaven Radunović, Minister of Spatial Planning, Urbanism and State Property, who in the meantime took over from Janko Odović, held a press conference where they announced the construction of the “Velje Brdo”. [27] While promoting the project on his personal profile, Spajić announced then that in a complete neighbourhood, on an area of more than nine km², the price of an apartment would be from 1,000 euros per square meter, the interest rate would be 1.2% and the repayment period would be 30 years without down payment. [28]

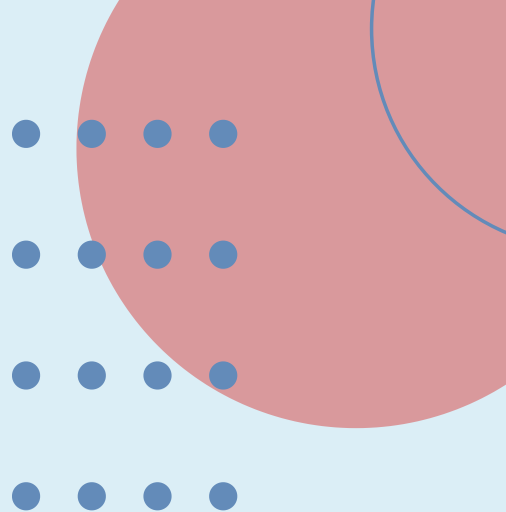
Spajić and Radunović then practically announced the construction of a smaller town, and according to the officials' announcement, by 2026, the project will include the construction of apartments for priority categories under favourable conditions, subtenants, young married couples, single parents and other categories.



Source: X profile of Milojko Spajić

[27] See at: <https://www.vijesti.me/vijesti/ekonomija/725146/spajic-za-stan-od-100-kvadrata-390-eura-mjesecno-za-30-godina-otplate-za-stan-od-60-kvadrata-290-eura-mjesecno>.
[28] See at: https://www.facebook.com/100068001975617/videos/2344423089237987/?so=watchlist&rv=video_home.www.playlist_video_list.





In total, over 40,000 citizens would move into this neighbourhood, and all the buildings will reportedly have underground garages, while schools, kindergartens and other facilities are also planned, along with 57 % of park areas. [29]

This project was heavily criticized by the lay and professional public because, among other things, it was obviously not in accordance with the law, planning assumptions and technical possibilities on several grounds, thus, it was immediately and clearly attributed to the so-called officials' campaign. [30] Nevertheless, even after the elections, Minister Radunović continues with activities to promote this project. [31]



[29] See at: <https://rtcg.me/vijesti/ekonomija/602151/prvi-stanovi-sredinom-2026-godine-kvadrat-1000-eura-sa-kamatom-12-odsto.html>.

[30] See at: <https://www.vijesti.me/vijesti/ekonomija/725368/velja-bajka-o-veljem-brdu-plan-vlade-suprotan-zakonima-planskim-rjesenjima-i-tehnickim-mogucnostima>.

[31] See at: <https://rtcg.me/tv/emisije/informativni/okvir/608218/okvir-04102024.html>.

Case Study: Bypasses around Podgorica



During the election campaign, Prime Minister Spajić also announced the tender for the preliminary design of the bypass around Podgorica, that is, the 3rd phase of the Bar-Boljare highway, i.e. the section Smokovac – Tološi. [32] A press conference was held on that occasion as well, with the presence of the executive director of the state-owned company "Monteput", Milan Ljiljanić, and the Minister of Transport, Maja Vukićević. [33]



In the same period, Spajić held another conference where an expensive infrastructure project was announced - when in mid-September the tender for the construction of the boulevard, i.e. the reconstruction of Vojislavljevići Street in Podgorica, was announced. [34]

Source: X profile of Miloško Spajić

[32] See at: <https://mina.news/mina-business-ekonske-vijesti-iz-crne-gore/spajic-najavio-tender-za-idejni-projekt-obilaznice-oko-podgorice/>.
[33] See at: <https://www.youtube.com/watch?v=uTHhJWLNSrM>.
[34] See at: <https://www.dan.co.me/podgoricom/sjutra-tender-za-izvođenje-radova-na-bulevaru-vojislavljevica-5259988>.



Regarding the project which the previous local authorities postponed due to extensive property disputes that would cause huge expenses for the city administration, it was said, then in the company of Minister of Finance Novica Vuković and Director of the Transport Administration Radomir Vuksanović, that the estimated value would be 14.5 million euros. [35] The tender for the construction of this boulevard was announced the day after, on September 18, 11 days before the elections. [36]

Finally, another infrastructure project that was possibly timed and promoted in the midst of the election campaign in Podgorica was the construction project of the Western Bypass.

Source: Public Relations Service of the Government of Montenegro, 24.09.2024



The Prime Minister Spajić announced this project five days before the elections, again accompanied by the directors of "Monteput" and the Transport Administration, while Olivera Injac, the Mayor of Podgorica, can also be seen with them in the photos. [37]

[35] See at: <https://www.dan.co.me/podgoricom/sjutra-tender-za-izvođenje-radova-na-bulevaru-vojislavljevica-5259988>.

[36] See at: <https://cejn.gov.me/tenders/view-tender/78691>.

[37] See at: <https://aplusme.me/spajic-sa-direktorima-monteputa-i-uprave-za-saobraćaj-uskoro-izgradnja-zapadne-obilaznice-raspisan-tender/>.

Case study: Public roads on party advertisements



The coalition "For the future of Podgorica - the city of us all", i.e. the parties New Serb Democracy, Democratic People's Party, Socialist People's Party and United Montenegro, as well as other non-parliamentary parties that made up that alliance, led the officials' campaign in an traditional way.

The head of their list was Jelena Borovinić Bojović, the then chairperson of the Assembly of the Capital City of Podgorica. [38]



Source: The Capital City Podgorica, Borovinić Bojović at a meeting with the residents of Piperi and Trmanje, as well as the Ministry of Defence [39]

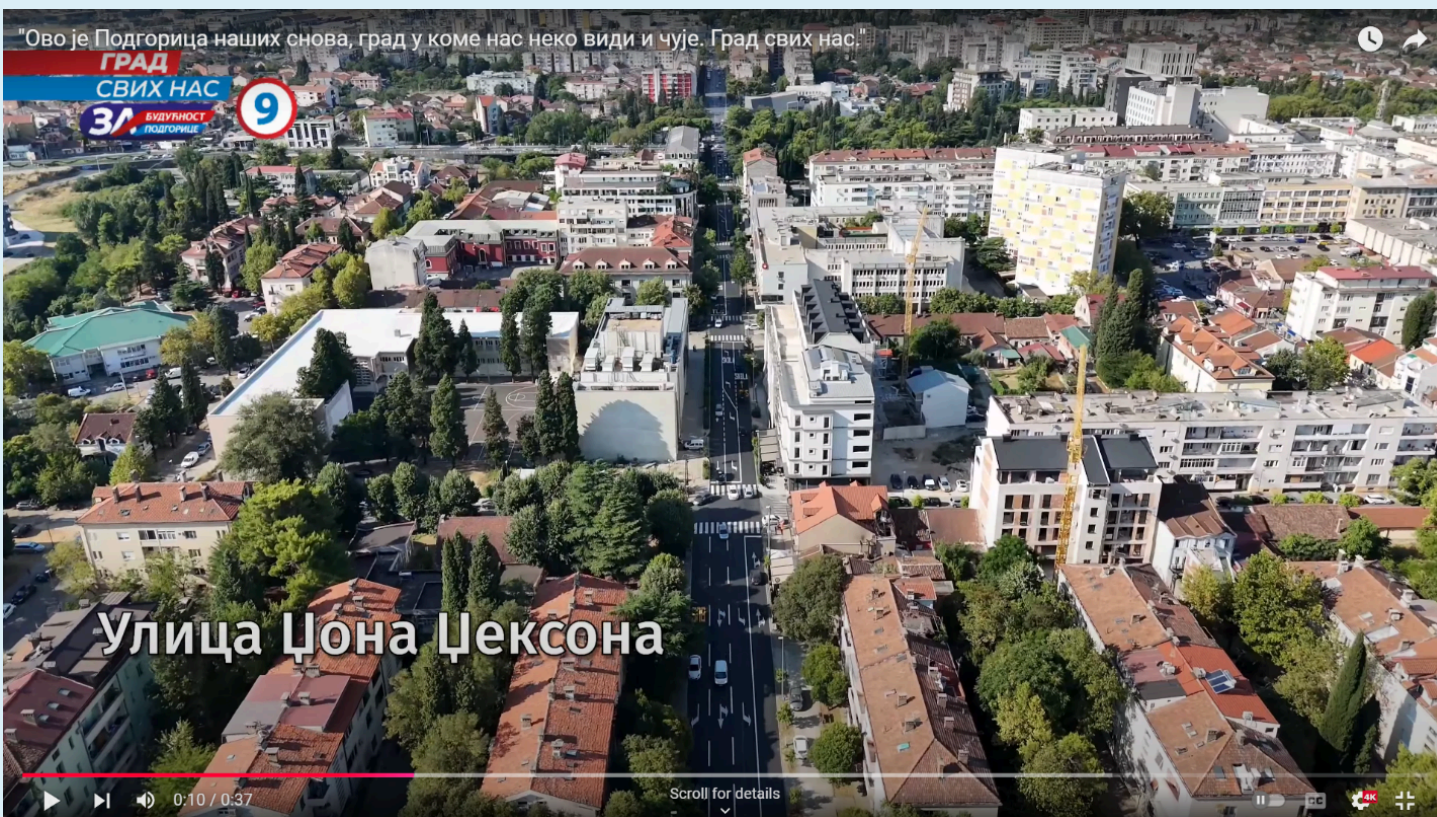
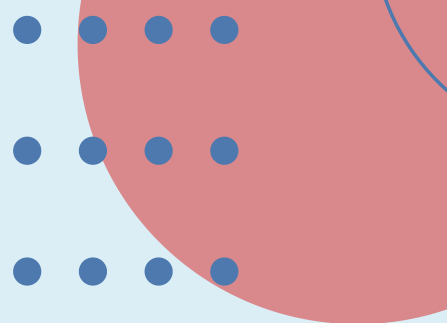
Their campaign was characterised by – the asphalt. Thus, in the videos they used to promote their list, you could most often see asphalted streets, i.e. completed works of the city company “Putevi”. [40] The executive director of that local company is also an official of the New Serb Democracy, Radoš Zečević, who was extremely active during the campaign.



[38] See at: <https://www.dan.co.me/vijesti/izbori/na-listi-borovinic-bojovic-babovic-bozovic-5257452>.

[39] See at: <https://gradski.me/borovinic-bojovic-potrebna-infrastruktura-rjesenja-koja-ce-mjestanima-mz-piperi-i-trmanje-podici-kvalitet-zivota/>.

[40] See at: <https://www.youtube.com/watch?v=JAu22Xbc5gU>.



Source: Promotional video of the coalition “For the future of Podgorica - the city of us all”, published on the YouTube channel of that list on September 15, 2024

Borovinić Bojović and Zečević did not hesitate to present the results of the city administration and companies as the results of their list, thus, at the events one could hear “We paved the roads equally for everyone and we gave the lighting equally to everyone”. [41] Moreover, Borovinić Bojović started the campaign promising asphalt and new infrastructure to the residents of Rovca and Piperi at the beginning of August. [42]



Promotional video of the coalition “For the future of Podgorica - the city of us all”, published on the YouTube channel of that list on September 19, 2024

[41] See at: <https://www.vijesti.me/vijesti/politika/725855/borovinic-bojovic-zecevic-nije-asfaltirao-put-marku-a-janka-preskocio-zato-sto-janko-nije-podoban>.

[42] See at: <https://www.dan.co.me/podgoricom/borovinic-bojovic-dobrim-putem-povezati-rovca-i-pipere-5253582>.

Case Study: Advertising from the cabinet of the President of Montenegro

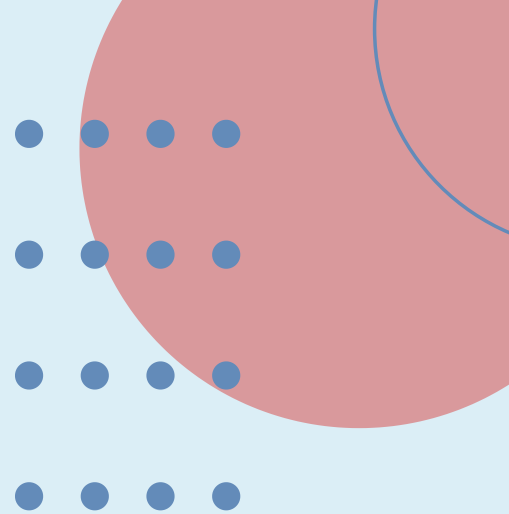


The President of Montenegro, Jakov Milatović, was yet another official who clearly subordinated his office to the best possible election result. His name was even borne by the coalition made up of the Movement for Podgorica, the Civic Movement URA and the Movement for Changes, i.e. **“For a better Podgorica - Jakov Milatović”**. One of the promotional videos was even filmed in the office of the President of Montenegro, contrary to the Law on Financing of Political Entities and Election Campaigns, which strictly prohibits “the use of the premises of state bodies, state administration bodies, local self-government bodies... unless the same conditions are provided for all participants in the election process” [43]



Source: Promotional video of the coalition “Jakov Milatović - For a better Podgorica”, published on the YouTube channel of that list on September 24, 2024

[43] Article 36 paragraph 1 of the Law on Financing of Political Entities and Election Campaigns (Official Gazette of Montenegro, 3/2020 and 38/2020); Video available at: <https://www.youtube.com/watch?v=n8jpyTDwD-k>.



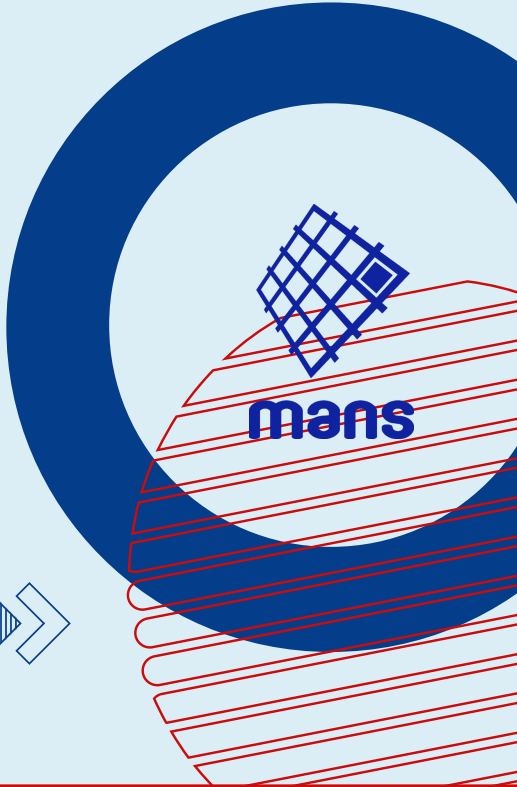
Due to the use of the cabinet, MANS filed a report against Milatović to the Agency for Prevention of Corruption (APC). This video was also promoted on the online platform of Portal Vijesti, which was paid for by the coalition “For a better Podgorica - Jakov Milatović”. [44]

In addition to this abuse, on September 24, 2024, i.e. five days before the elections, Milatović and Luka Rakčević, the deputy mayor at that time, participated in a press conference regarding the promotion of this electoral list during working hours, which is also contrary to the Law on Financing of Political Entities and Election Campaigns. [45] MANS called on the APC to initiate proceedings against Milatović and Rakčević due to this activity as well.



[44] See at: <https://www.vijesti.me/marketing/politicki-marketing/725468/predsjednik-milatovic-moc-je-u-vasim-rukama-promo>.

[45] Article 44 paragraph 4 of the Law on Financing of Political Entities and Election Campaigns (Official Gazette of Montenegro, 3/2020 and 38/2020).



www.mans.co.me