

Are we getting there? Participatory Democracy in Montenegro and Italy

Abstract

Key words: citizen participation, direct and consultative democracy, established and emerging democracies

This paper is a result of the empirical work focusing on the implementation of the legal provisions related to citizen participation in local government decision-making processes in Italy as a country with established democracy and Montenegro as the country of the emerging democracy. The aim of the study was to examine what really works in practice and build up the recommendations for furthering the participatory democracy. Even though a major step forward has been made in developing legal provisions enabling participation in both countries and particularly in the Republic of Montenegro, there is still an evident lack of actual participation in respect to all major local decisions. The conclusions that can be drawn from this work point to the lack of utilization of the instruments of direct democracy provided through the legal framework in both of the countries by citizens on one hand, and lack of response from the official authorities on the other hand. The interviews indicate not only the lack of motivation among the citizens, but also perseverance of the belief among the elected and appointed officials that citizens are not competent to make serious political decisions. As regards to the instruments of consultative democracy, they are more widely used in both of the countries but the absence of their decisive power or the obligation to consider the citizen opinion by local officials still remains as an obstacle to making the participation reality. The situation in respect to citizen participation has been reviewed in detail in the Municipality of Trento, the Region Trentino - Alto Adige in Italy and in the newly independent state of Montenegro. The concept of citizen participation referred to in this study encompasses two broad spectrums of democratic activity. The first reflecting the idea of direct democracy, or in other words decisive democracy and the second referring to consultative democracy or the so called soft mechanisms of citizen participation in decision making processes. The methodological approach was qualitative including the analysis of the existing legal provisions, interviews with the key local stakeholders and participant observation of the selected citizen participation events/opportunities. Both reviews look separately at the instruments of direct democracy (e.g. local referendum, citizens initiative) and the instruments of the consultative democracy (e.g. public discussions, budget hearings, offices for the citizens).

INTRODUCTION

In the Guidebook of Direct Democracy for 2007 it is stated that the year 2006 was to be remembered as the year in which the instruments of direct democracy (DD) were most widely used across the globe in comparison to all the previous ones. Interestingly enough they also say that Europe has even got a new independent state by means of a popular vote. The country they refer to is the same one that has been in the focus of this research, i.e. the Republic of Montenegro. Then again, looking no further but in the neighborhood, the state of Serbia has verified through referendum its new Constitution later unanimously adopted in the Serbian Parliament. What does it all tell us? The world has been moving towards a more democratic way of living and structuring the public life. Even the countries that have until recently suffered under the authoritarian rule are opening up in that direction.

In this research I wanted to give a synthesis of lessons learned on promoting citizen participation (CP) in two countries, both in Europe, but with different socio-political and economic situation as well as the historical and cultural heritage. Still, both countries belong to the Mediterranean Region, situated at the opposite sides of the Adriatic Sea, i.e. Italy and Montenegro. I reviewed legislative provisions pertaining to CP, inquired about their implementation in practice and looked at the possibilities of their further refinement.

MONTENEGRO – THE COUNTRY AT THE CROSSROAD

Montenegro is an independent republic covering the territory of 13,812 km² with 620 145 inhabitants, divided into 21 Local Government (LG) units, i.e. 19 municipalities, one historical (Cetinje), and one administrative capital (Podgorica). The 1992 Constitution that is still in force declares Montenegro as a democratic, social and ecological state. The ethnic composition is predominantly Montenegrin and Serbian, with less than 25% Muslims, Bosniaks, Albanians, and Croatsians.¹

Since the break up of Yugoslavia in 1991, Montenegro has faced multiple challenges of a state in political and economic transition, wars in the Region, economic sanctions and NATO intervention in 1999. Compared with other countries in the region, Montenegro spends substantially more on general public services, defense, public safety, education, and

¹ Montenegro's 2003 census recorded a dramatic change in the ethnic structure, notably in the proportion of ethnic Montenegrins and ethnic Serbs. The 1991 census indicated a 61%: 9% ratio of Montenegrins to Serbs, while the 2003 census revealed a surprising new ratio of 40%: 30%.

health (ESI, 2001).² GDP per capita in 2004 was EUR 2,473 and compared to 2003, the real growth rate was 3.3% (WB, 2005).

Two key national strategic objectives have been central as the main drivers of reform: the EU accession process and independence. The year 2006 was decisive for the future of the republic, with the referendum on independence held on May 21. Even though Montenegro has regained its statehood, the country is still at the crossroad. It has to be made clear whether Montenegro will now proceed with the overall reform processes on a more substantial level or continue with the old bureaucratic practices (UNDP, 2006).

The main research questions and methodology

In this research I have focused on citizen participation in local government (LG) decision making processes looking first at how it is reflected in the legislative framework of different countries in comparison to Montenegro. As the legal framework is just a first important step in trying to address the issue in a more systematic way, it has been followed by examining the reality of public participation in selected countries, concluding with recommendations on how to foster the participatory culture at the local level in the Republic of Montenegro.

The main research questions could be summarized as follows:

1. Whether Montenegrin Local Government Law provides an enabling legal environment for CP?
2. What are the lessons learned on the practice of CP in Trento Municipality, Italy and Montenegro?
3. How to improve the CP in local government decision-making processes in the Republic of Montenegro based on the comparative experience of what works in practice and what does not?

In order to understand better how grass roots democracy efforts function in developed countries, and how they can be utilized successfully in countries in transition the qualitative methodology was used, including but not limited to:

- Interviews with representatives of local stakeholders (local government elected and appointed officials and civil servants, civil society groups, individual citizens, media) in

² General government services and social protection each consume about a third (33%) of total general government expenditure with education and health combined accounting for another 25 % of total spending.

Italy and Montenegro as well as with representatives of the major international organizations supporting local democracy in Montenegro.

- Comparative analysis of the legislative provisions on CP in the SEE region and two western democracies (Italy and Germany)
- Participatory Observation of different CP events in Italy and Montenegro
- Case study of the Municipality of Trento

I THE CONCEPT OF CITIZEN PARTICIPATION

The concept of CP referred to in this research encompasses two broad spectrums of democratic activity. The first reflects the concept and the idea of direct democracy, also acknowledged as decisive democracy, and the second to consultative democracy, including the so-called soft mechanisms of CP in LG decision-making processes.

Direct/Decisive Democracy

The right of citizens to be directly involved in political decision-making, has found its way to the new constitutions of the countries of the Central and South-East Europe. It is also being strengthened in Western Europe at both regional and local levels. The question nowadays is not whether to have it or not but rather how to design it. As a complement to indirect (representative) democracy, DD was established in Switzerland in the 19th century and has been developing since then with currently three main procedures: obligatory referendum, facultative/optional referendum, and citizens' initiative.³ However, depending on the legal system of each country these instruments may also be used as forms of consultative democracy.

Considering that the ECLSG⁴ is still the only international treaty defining local self-government (LSG) key features, it is important to look more closely into the Recommendation 113 (2002) of the Congress of Regional and Local Authorities of the Council of Europe based on the 5th general Report on monitoring the implementation of the Charter. Default assumption is that people must be consulted wherever possible regarding decisions on the important civic matters. The Congress also encourages local authorities to organize referendum on important matters of local public interest outcome of which should

³ The Initiative & Referendum Institute Europe's "Guidebook to Direct Democracy", 2005

⁴ Council of Europe, *European Charter of Local Self-Government*, Strasbourg, 15 Oct 1985

be binding. A popular consultation is recommended for checking the public opinion on certain issues, but it is not to be binding for the local authorities.⁵

Consultative Democracy

All activities that contribute to bringing LGs closer to citizens, but do not have a decisive power fall under what is referred to here as consultative democracy. The Recommendation 113 envisages that the links between local authorities, elected representatives and the public may be further strengthened by:

- Establishing and promoting advisory councils (of foreigners, young people, senior citizens, children, etc.) or neighborhood councils;
- Obligatory informing the public in advance of the overall policies to be adopted by local authorities;
- Publicizing decisions or debates in progress concerning community affairs as widely as possible (through registers, notice boards, web sites, local media, etc.);
- Making the meetings of the local assembly public unless this conflicts with the citizens' fundamental rights and giving a possibility to the public to ask questions at these meetings, plus regular opportunities to consult officials and civil servants;
- Providing access to administrative documents in accordance with national law;
- Establishing the institution of ombudsman or mediator at the local level.

Participation, defined as one of the five major principles of "good governance," in the EU has provoked a vivid academic debate. Paul Maignette (2001) warns that concrete reforms focus on a limited conception of participation based on the monopoly of already organized groups, while ordinary citizens are not encouraged to become more active. Even though such an élitist conception of citizenship constitutes an important contribution to the democratization the general level of participation should not be forgotten. However, the fact that active citizenship is limited to a very small part of the citizenry - a set of civic groups, lobbies, associations does not mean that the system is not democratic. As Kant noticed two centuries ago, all citizens benefit from the mobilization and vigilance of the more active citizens among them. "Continuous democracy," i.e. combining electoral rights with new kinds of participatory patterns, is a global evolution that cannot be ignored. Citizens should

⁵ Majority of the member States of the CoE, including the countries of the SEE gives possibility to citizens to express their opinion through referendum and/or popular initiative.

not only be given the opportunity to participate, they should also be encouraged to do so in order to share with government responsibility for their common future.

II CITIZEN PARTICIPATION IN ITALY: THE CASE STUDY OF THE MUNICIPALITY OF TRENTO

Current Regulations on Public Participation in the Municipality of Trento

There are several documents legally guiding and binding Municipality of Trento in regards to public participation. To give the basis for the review of the current status of the public participation in Trento, I will provide more details about each of these documents⁶.

Regional Law provides general legal provisions on public participation, free access to information, and administrative procedure giving LGs freedom in deciding on the specific instruments and mechanisms to be utilized under their scope. It also requires from the municipal statutes to prescribe forms and to guarantee the effective participation of women. The position of the ombudsman has also been envisaged at the local level.

Municipal Statute prescribes in more detail different forms of participation, both individual and collective, distinguishing the rights of the citizens to inquire about and control the administrative procedure, to access the administrative documents, to freely associate in different types of organizations, to file petitions and initiatives, be consulted on relevant issues etc. The position of the ombudsman is defined in more detail leaving the option of deciding whether to have it on the municipal or provincial level in which case it would assume all the responsibility for the matters pertaining to the municipal level. Municipality of Trento has opted for this second solution, having the provincial ombudsman dealing with their citizen matters. The Statute also prescribes that Municipal Assembly meetings be open to the public and only in special cases not. Decentralized local administration assumes that Quarter Councils enable and promote participation of citizens and different associations on

⁶ The original titles of these regulations in Italian language can be found in Bibliography.

their territory on the matters relevant for local community.⁷

Regulations of the Municipal Assembly state that in addition to having meetings open to the public, the sessions on budget, elections, nominations for different posts, final account have to be held in public. However, the citizens are not allowed to comment or ask questions during the council meetings. This provision may differ for the Quarter councils, in which the citizens may under specifically defined circumstances be allowed to speak at the assembly meeting.⁸ Assembly regulations on both municipal and Quarter level require the public to be informed in advance on the agenda and the time of holding the meeting. The public may also voice their opinion through the Assembly Commissions both at municipal and Quarter level. They may consult the public on matters under their consideration or include representatives of local associations as their members.

Regulations on Decentralization further specify the provisions of the Statute related to public participation in Quarters, proposing consultation through town meetings, or referenda if compatible with the regulations on popular participation. Parts of the Quarter or more than one Quarter may be consulted depending on the issue under concern.

Regulations on the Institutes of Public Participation deal in detail with the public initiative, referendum, and public investigation stating the issues for which they can be utilized and precise procedures along with the timelines for each.

Regulations for functioning of the Women Council define the mode of establishing and operating of the Women Council including the issues on which it can participate in the Municipal affairs.

Regulations on the administrative procedure recognize the right of citizens or citizen associations to participate in the administrative procedure. In the case of delays or any irregularities in the course of the procedure citizens may request explanations and review

⁷ The Statute also envisages the special Council of Women comprised of the female councilors from the Municipal Assembly and the Quarter Assemblies as well as the representatives of the women groups and associations present in the city.

⁸ *Disciplinare per il Funzionamento del Consiglio Circoscrizionale* (Art 38), Comune di Trento, Circoscrizione di Meano, 2005

documents with the obligation of the responsible departments to respond. Finally, if citizens feel that their right to participate in the administrative procedure has been violated, they may turn over to ask the assistance of the Ombudsman.

[Regulations on the free access to information](#) specify for which type of documents formal or informal access to information is appropriate, as well as which documents are at general and which at restricted disposition. These regulations guarantee transparency of the local government functioning.

Public Participation - the current practice

Direct Democracy

The frequency of using legally prescribed instruments of DD by the citizens of Trento has been rather low. Since the adoption of the Regulation on Public Participation in 1998 the citizens have only once used the petition, twice the referendum⁹ and the “Istruttoria Pubblica” never. Yet both referenda failed since the 50% threshold was not passed. Petition about making one area of the city accessible for the bicycles was submitted to the local administration by the group of citizens (105 signatures) on 24 Sep 2004, entering the administrative procedure on 6 Oct. The official reply that was sent in a due time was that the local administration would look more closely into the case, examining the possibilities in the proposed area and later get back to them. The municipality has never sent another response, and the group of citizens has taken the case to the ombudswoman. Despite the efforts there was no progress on the matter till today.

As we can see not only that the instruments of direct democracy have not been used often, but also when they were used there was no impact achieved for various reasons. The experience of the SEE countries in the past 15 years also shows the limited usage of these instruments.¹⁰ Therefore in this paper I insist on taking into consideration the soft mechanisms, which may over time prove to be closer to the idea of check and balances between the citizens and their local administration.

⁹ The first one in 2000 asked citizens about upgrading the local airport. The second one in 2004 asked about incinerator to be built in Trento.

¹⁰ See the Project Work “Citizens’ Participation in Kosova Municipalities”, 2005

Consultative Democracy

Decentralized Administration. Trento Municipality has been administratively divided into 12 Quarters with their local assemblies, certain number of services and no decision making power. Majority of the interviewees felt that at this level citizens could really influence the local affairs. However, it seems far from reality. In 2005 the President of the Participation Commission of the Municipal Assembly has proposed regular meetings with each Quarter Council in order to improve cooperation of different administrative levels and enhance LG transparency.¹¹ The basic idea was that the municipal councilors listen to the Quarter councilors as part of the internal communication. The external one was to be directed towards the media. The Quarter councilors complain mostly about delays in processing their requirements and the lack of responsiveness on behalf of the municipal executives.

Council of the Meano Quarter, a rural area administratively recognized as one of the 12 sub-municipal levels in Trento, uses a variety of ways for citizen outreach and feedback:

- An administrative office open every working day in the morning for citizen inquiries
 - Town meetings organized when there is an issue of concern for the local community (at least once a year)
 - Contacting and organizing events jointly with local associations (sport, culture...)
 - Financially supporting local associations (small funds available)
 - Box for citizens suggestions and proposals (not used that often by the citizens, and only a few daily)
 - Electronic communication
 - Media and public advertisements (since May 2005 a Council Newsletter is being published with all the information about the Council sessions)
 - Assembly Commissions in which the representatives of the citizens and associations can take part at the proposal of the Council members (there are usually 13 to 14 members of the Commission, out of which 3 come from the Council members and the rest are external candidates proposed by political parties that are represented within the Council)
- Regulations on decentralization do not oblige them to consult citizens but rather give that as an option. However, as it is a small community (4000 inhabitants) they all know each other and it is in their best interest to consult the citizens. Many of the suggestions and complaints come through the personal contact. Citizens either approach them on the streets or call.

Public Discussions. Municipality organizes public discussions, which are referred to by

¹¹ There have only been two meetings organized so far. At Circoscrizione Bondone, 15 June 2006 (20:30), there were 7 out of 10 envisaged municipal councilors present, and 13 quarter councilors out of 15.

different names (“seminario”, “incontro pubblico” etc.) on a regular basis. During the four weeks of my internship there has been one organized by the municipal, and two by Quarter administration¹². The municipal “seminario” dealt with the issue of urban planning of the suburbs¹³, which aims at responding to citizens needs. The majority of the present however were the civil servants, and professionals (architects) even though the event was open to the public. The primary way of advertising the event was through the web, which may have contributed to the low number of external participants. The town meeting organized in Meano was supposed to provide ideas on the usage of the space of the old school. According to interviewees the key to participation is not only how to motivate citizens to get involved but also to facilitate and take into consideration their proposals.

Cooperation with Local Associations. The municipal statute envisages the support and cooperation with local associations. The financial support is disbursed annually to a number of local organizations, but the actual criteria and the process depends on each department and civil servants say that these regulations are not even clear to them. The associations are invited to submit proposals through the advertisements in the local print or electronic media. One of the local associations has been preparing the project proposal on enhancing public participation in local decision-making process. The aim of the project is to include citizens in resolving the daily problems of local administration. The individual citizens, citizen groups, and local associations will be invited to give proposals on how to solve particular problems, and will also have an opportunity to participate in the selection of the best solutions that are then to be implemented by local administration. The project will be presented to local officials in order to implement it together as a joint activity. However there are still not sufficient financial and human resources to proceed with this idea.

Other Mechanisms. An interesting example of the creative approach to participation and information dissemination can be seen in the Urban Planning Department of the Municipality. Guided tours are organized for all interested citizens to the sites of the public works in the city as well as exhibitions of the students’ projects who are graduating civil engineering and architecture at the University of Trento. Information is available at the web site, including the agenda of public

¹² Circoscrizione S. Giuseppe-S. Chiara, 16 June and Meano, 23 June. It focused on “the people, culture and religion” of a part of the city that is undergoing change with ever increasing number of immigrants arriving to Trento.

¹³ “Periferie: la trasformazione urbana come tutela dei diritti di cittadinanza. Verso un’ agenda per la città di Trento.” See at: www.casacitta.tn.it

discussions with the date, time, place, and the topic of the proposed discussion. The possibility of consulting citizens on different matters related to the municipal affairs and of establishing the bodies for permanent public participation as prescribed by the Municipal Statute has never been utilized. The Women Council has been established in 1998 as envisaged by the Statute. However it has ceased to exist in 2003 because it has reached the quorum only 4 out of 15 times during that period. Currently the Municipality is revising provisions dealing with the number of members and in order to make it functional. The new proposal will not include all the female councilors from the Assemblies, but only one female representative of the each Quarter council.

Examples of the Participatory approach in Designing and Implementing local policies

Strategic Plan

Since 2000 Municipality of Trento has initiated a new participatory approach in developing and implementing local policies. There are several reasons why the new process has been adopted and made formal by the official Deliberation of the Municipal Assembly.¹⁴ In the light of the overall European policy that has promoted the participatory approach the regular practice in Italy has started to change, with Turin being the first city to start with participatory strategic planning in 1999. The new approach was also in line with the public administration reform in Italy, and responded well to the requirements of directly elected mayors that became responsible to citizens and not to the parties. According to the municipal external consultant the participatory approach helps in legitimizing decisions taken by local administration, and does not necessarily make the implementation process more efficient. As more and more Italian cities began using the new methodology there was a need for a more formalized way of information sharing and the Network of the Strategic Cities has been established¹⁵. In the cities where the local administration does not have a good basis in the community due to evident lack of trust, the LGs establish an Agency for Strategic Planning that undertakes the process. Since Trento Municipality is trusted by the community the process was organized in-house. The provisions in the Statute that envisage participatory programming guarantee the sustainability of this approach. Municipal representatives expressed worries that if the process would be obligatory that it might become artificial and performed only to respond to the requirement.

¹⁴ "Il **Consiglio comunale**, con la deliberazione di data 25 luglio 2000, n. 99, dichiarava formalmente l'intenzione di procedere alla redazione del Piano strategico della città di Trento 2001-2010 come strumento di natura partecipativa." (<http://trentofutura.it/introduzione.php>)

¹⁵ www.recs.it

It took four years for the strategic plan to be developed while the other local policies (social, cultural) have been completed earlier and later adjusted with the overall plan. The coordination between different municipal departments responsible for these different policies has not gone smoothly at all instances, but has been improving over time. The final strategic development plan did not include separate actions under each objective, which were added later by each department and by local stakeholders (e.g. associations, private entities). Approximately 80% of the projects are being done by the municipality and the remaining 20% by other entities. Already 99% of the projects have been implemented, which has given a good basis to start the new strategic planning cycle. The new plan for the following 10 years (2010-2020) is now in the project phase focusing on a small number of important topics, including only selected local stakeholders that can contribute the most to the quality of the process. The consultation of the wider public has not been envisaged within this participatory process as it has been perceived that for Trento with its good basis in the community, it is not necessary. The public has been informed about the process through the local media. The local Quarters had a possibility to review and approve the final document. There is a special web site dedicated to the local strategic plan featuring a survey on the image of the city of Trento and a free electronic newsletter.

Youth Policy

The Municipality of Trento has adopted the Youth Policy in 2002, and has dedicated a special office space for the youth programs.¹⁶ Two youth projects, that have been evaluated as very successful have led to developing the comprehensive youth policy, i.e. “Centri Giocosdtudiamo” (end of ‘80s) and “Spatio Aperto Giovani” (2000). Youth policy is being institutionalized while being implemented. It is based on two major pillars, one focusing on youth creativity and the other on the issues of territory, active citizenships, and associations. Under the first pillar, three art centers have been established on thematic issues. The second pillar involves promotion of youth volunteerism at the local, national and international level. For this purpose in 2004, municipality has dedicated a special office located conveniently in the city center, receiving youngsters every working day and assisting them with various requests. The office was advertised through leaflets, schools, but the best marketing came from those who have used the services and recommended to their peer group. Both youth and social policy were developed in a participatory manner,

¹⁶ Initially the Office of Education and Sport has dealt with youth through activities implemented in collaboration with schools.

with different meetings organized with schools, local associations, and other relevant institutions in different Quarters on different issues. The youth policy is being currently revised based on the experience of the implementation in the past four years, and in the future will focus on the youth, lodging and independent living.¹⁷ A journalist of the local daily in his 20s has said that even though municipality offers many services to citizens, there is no room for youth participation. The youth initiatives usually only succeed if the particular group has “connections”. The new youth policy and the office for the promotion of youth volunteering have not managed to change this. Youngsters are also difficult to get organized as they fear taking over the responsibility. The improvement and enhancement of the participatory culture may only come with the change of mentality.

Trento – the city of children¹⁸

Trento Municipality has participated in a project organized by UNICEF giving opportunity to children of the municipality to express their vision of the future in the area they live in. Children of all municipal Quarters met on several occasions in the course of one year to define their needs and to come up with their recommendations on how to improve life in their respective part of the municipality. At the end of the project the public presentation of the proposals was organized in the Municipality at which all interested parties had a possibility to hear the children's requests. The Mayor emphasized that children are not only the citizens of the future, but of the present as well. Therefore, their views matter to their communities.

The role of territorial pacts in advancing the participatory culture

As we could have seen going through the legal framework on popular participation in the Municipality of Trento it may seem that instruments it provides are sufficient to secure participatory democracy at the local level. However, nowhere in these regulations it is indicated that the general public has to be consulted when the important local policies are being adopted. Consultation is given as an option, rather than a legal. On the contrary to this, the regulations dealing with territorial pacts clearly state necessity of involving different local stakeholders in the process of their design and implementation.¹⁹ Provincial authorities have hoped that territorial pacts will help municipalities prepare for further decentralization

¹⁷ Financing for the implementation of the youth policy comes mainly from the municipality, but for some of the projects it comes from various entities, such as foundations, or the state (civil service people).

¹⁸ Presentation organized on 20 Nov 2006 in the Municipality of Trento.

¹⁹ I Patti Territoriali (briefing material), and Verbale di Deliberazione della Giunta Provinciale (2005), Provincia Autonoma di Trento, Servizio per lo Sviluppo delle Aree Montane e Patti Territoriali

to take place during 2007, enabling them for taking on more responsibilities and sharing ownership for the local development. The representative of the Provincial government responsible for the pacts feels that their success depends very much on the particular person in charge for that pact. When the person is well accepted by the community, charismatic and democratic the pact has enormous success. With authoritarian leaders stakeholders do not feel there is room for expressing their views and the whole consultation process becomes rather formal. As many Territorial Pacts are still under way it is difficult to give the final evaluation of their success. Nevertheless, the consultation process they have encouraged and utilized may serve as an inspiration and a constructive tool to amend local regulations on public participation both in Italy and newly arising democracies. When treated cautiously and used wisely participatory planning becomes a powerful tool that leads to more sound decisions and a shared commitment to actually implement what has been planned (Fisher, 1999). Certainly in the light of the centuries long cooperative tradition in Trentino area there is a great potential for the participatory processes to become a regular practice of the LG.

Transparency of Decision Making Process

An important step in getting the LG closer to citizens is rendering the local decision making processes transparent. Citizens must be informed about what is going on prior to being able to take part in these processes. The pyramid of popular participation mechanisms includes information as an indispensable step forward along the participation pathway. Public administration reform in Italy has led to a much more open and transparent LG. In Trento, all information related to local policies can be found at the internet portal of the Municipality or obtained through the Office for the Relations with Citizens. The major problem is the percentage of people that use computer internet in their daily lives. When municipal employees were asked about their estimate they all started shaking heads, saying that not as much as one would hope for. The other modalities available to citizens include the Municipal Newsletter distributed free of charge to all local families, local print media, TV broadcasts of the Assembly sessions, the Office for Citizens, etc. The survey on the usage of these different media shows that citizens prefer the passive information, and get informed mostly through the Newsletter (94.3%), local print media (79.4%), and TV (56.1%).²⁰

²⁰ Public opinion poll on the communication media utilized by the Municipality of Trento, 2005

Open Sessions of the Assemblies

At the meeting of the Municipality of Trento there were no citizens present, whereas at the meeting of the Meano Quarter Council there were 15 citizens attending, out of which 2 were journalists. In Meano, the councilors were deciding on the proposal to have a town meeting organized to discuss possibilities of putting the old elementary school building to a different purpose. According to local officials the local media and public boards are the most often used way of informing the public about the sessions.

Department for Communications and Citizens' Network – Total Quality

The municipality does not have an overall communications strategy. This has already been perceived as a weakness and there will be one developed in the future. The Mayor's Cabinet is responsible for the public relations, including the press, radio and TV. Even though the web presentation of the municipality has been active since 1980s, more than half of the population (55.2%) has never used it as a source of information.²¹ The information citizens most often look for on the web include different municipal documents and information about the services. Electronic forum has not been used much by the citizens, and there are not any current topics uploaded. Citizens may use internet to send suggestions, complaints or questions, and these go directly to the Office for the Citizens where the responsible persons read them and gather required information. Municipal employees believe that the site greatly contributes to the transparency of the municipal operations, just that not all sections were equally active in conveying the message to the public. There is no one-stop shop in Trento, but there is an office in which all the permits and documents related to starting a business may be obtained, and the Registry Office for different kinds of certificates (birth, death, marital status). The process of connecting local and provincial entities into a network is under way to improve efficiency of the procedures.²² The Office has also been responsible to oversee surveys about citizens' satisfaction with the local services and suggestions for improvements.²³ Citizens are informed about the survey both in the Office for the Relations with Citizens and on the municipal web portal. Those who are randomly selected receive the questionnaire by mail with a pre stamped envelope.

²¹ Ibid

²² In Italy citizens still cannot apply for different local permits via internet since the electronic signature is rather expensive and primarily used by lawyers, architects and other professionals who need it in their daily practice.

²³ One of these has resulted into changing of the public library working hours to meet the citizens' needs. The results of the electronic survey about the image of the city will be used by the Strategic Planning Unit in their preparation for developing the strategic plan of the city of Trento for the year 2010-2020.

Office for the Relations with Citizens

The Office for the Relations with Citizens was established in 1994 in accordance with the national law²⁴, and the municipal statute. Its primary role was to make the local administration “user friendly”, i.e. to include citizens in local decision-making, and to improve the quality of the services. As part of the reform of the public administration, the new citizen centered approach has been introduced, perceiving the citizens and their feedback as a resource. In addition to providing information on the functioning and the services of the LG, the Office also receives citizen complaints and suggestions, facilitating relations between the citizens and LG. It is trying to influence municipal departments to simplify procedures and to respond to citizen needs. In the beginning most questions were related to simple issues like working hours and alike, while later they were getting more complex focusing on the LG functioning and different services. The Office also offers information on various cultural and sports events in the city as well as on the educational opportunities and the assistance to job seekers and referrals to other entities that may provide assistance (e.g. ombudsman).

The Office is open every working day, plus Saturday, giving citizens possibility to get assistance even when the local administration is closed. Apart from direct contact, citizens may take advantage of direct telephone lines, the special green line, electronic or regular mail, and the electronic booth located just in front of the Office. The electronic booth can be used at any time during the 24 hours each day giving access to all documents relevant for the functioning of the local administration. However, as the statistics show, the citizens still prefer the contact face to face, without utilizing possibilities offered by the new technology.²⁵ The motivation of citizens to use this Office may be questioned once looking at the results of the survey (2005) showing that 79.5% of the citizens have never used this Office to get information even though they know it exists. This is contradictory to the data published by the Office itself in 2003 saying that the daily average is 95 contacts. This difference may be due to lack of recognizing the Office by its name, and possibility that citizens just refer to it as the Information Office.²⁶ This claim has not been substantiated by any evidence of such confusion among citizens, and is rather one of the possible explanations.

²⁴ Decreto Legislativo n. 29 del 3 febbraio 1993, “Norme in materia di organizzazione e di rapporti di lavoro nelle amministrazioni pubbliche.”

²⁵ “10 anni di attività”, Ufficio Relazioni con il Pubblico, Comune di Trento, Nov 2004

²⁶ Public opinion poll on the communication media utilized by Trento Municipality, 2005

The Ombudswoman

When all the participatory options fail...there is still the light at the end of a tunnel!

The Statute of Trento Municipality has prescribed a possibility of establishing the local ombudsperson vs. assigning these functions to the provincial ombudsperson. The Municipality has opted for this latter possibility, as well as the other 165²⁷ local governments. However, ombudswoman is taking cases from all 223 municipalities in the Trentino area having an overall good cooperation with LGs. The improvement in the process of appointing the ombudsperson could be in changing the one-way recognition to mutual acceptance as currently it is elected by the Province and municipalities may only accept it or not without any say in the selection process.

It seems that citizens are well informed on the function of the ombudswoman. Out of 1240 filed complaints in the year 2005, only 75 did not fall under the competence of the ombudswoman. It is evident that smaller municipalities have much more complaints due to lack of training, and therefore personalization of what ought to be a professional service. Most of the complaints are related to the use of the land, i.e. urban planning and using the private land for the public purpose. It is rather rare that citizens are damaged by malfunctioning of the LG. The major role of the ombudsperson is to help LGs create new solutions, and not only follow one way. When the local administration does make mistake, it is often due to misinterpretation of the law, in the case of which the ombudsperson helps in understanding.

The Participation requires more active, and more proposative approach on behalf of the citizens and not just reactive that they are most often used to. In this case it is much more difficult to motivate them as once they enjoy a comfortable life they start thinking that the others are paid to take decisions on their behalf. Nevertheless, the problem is not only in the citizens, since when you try once or twice to use available mechanisms of public participation and when you do not get any response from the local administration, you simply give up on trying. Participation is meant to serve as a balance to the strong executive power, as control, cooperation and a possibility to look for solutions together. Maybe more time is needed for citizens to get used to using available instruments, and to become active

²⁷ There are 223 municipalities in Trentino area, but the rest of them have not signed this contract, although their citizens use the services of the ombudsperson.

instead of reactive. Local administration should inform the citizens about the relevant local policies prior to their final adoption, being open for suggestions and giving clear responses to what may and what may not work. In this way the administration will become more efficient even though at first it seems as a rather complicated process. In essence, sharing decisions before they are final avoids any future delays in their implementation caused by resistance and disapproval.²⁸ It is rather the question of rationality to include in the decision making process those who might be affected by them. As the Ombudsperson has no direct powers, the results can only be achieved if discussing issues with an open-minded administration, otherwise the citizens have to engage lawyers and go to regular courts finding creative ways to fit the case under the penal law. This is not always possible and mediation and persuasion skills of the ombudsperson play a great role in resolving the issues.

Conclusions

It is interesting to note all diverse views and responses that have come from different entities within the Municipality, the Province, and other local stakeholders. The Mayor of Trento is overall satisfied with the level of participation and citizen's interest in local decision-making as well as with the attempts of local administration to reach out to them.²⁹ Yet, he believes that the representative democracy in Italy has been much more developed than the participatory one.

Representatives of local associations feel that the level of interest and participation on behalf of citizens has not been sufficient. Ombudswoman perceives citizens as more reactive than active in respect to local decision-making. Randomly questioned citizens believe that the administration does not really care about involving citizens. One of the interviewed Municipal Assembly Councilors, also a member of the Transparency Commission believes that the only powerful way of influencing local decisions is through the elected officials. All other instruments make sense only when they are not performing their representative function.

²⁸ The most recent example in this respect is the building of a speed railway between Italy and France. Once the public works have been initiated the citizens of the area organized strikes and stopped the process as that was the first time they were ever informed about what was to be built in the area.

²⁹ For eight years that he has been in the position he has been meeting frequently with associations, attending public discussions, receiving citizens. Citizens can call and arrange appointment at any time.

It seems that even though the municipality has embarked on the new participatory programming, not all stakeholders have their say in local policies. Similar to the powerless public are the administrative Quarters with the assemblies that cannot influence municipal decision-making and can only give their opinion. According to some, the current decentralized system is inefficient, and can only be improved if more powers are transferred to Quarter level. However, the representative of one of the strongest political parties in the Province believes that Quarters in addition to political parties offer the most opportunities for exercising active citizenship, having power to propose. Municipal assembly may not ignore them if interested in being re-elected. He also feels that there are no excuses for citizens not to get involved as there are plenty of possibilities. Trentino is a rather small Province with a large number of administrative units (223) that make it easy to approach elected officials by calling or meeting at the street, making direct contact one of the most utilized ways of citizen involvement.

Recently compiled survey (2005) on the usage of different communications modalities has shown that over 95% of the citizens deems important being informed by the municipality on their activities. The national survey on the satisfaction with the municipal services completed in June-July 2006 has listed citizens of Trento among the most satisfied ones (68.3%) with their municipal services in the whole of Italy (on the second place, just after Bolzano, 74.2%).³⁰ A Provincial Law on Decentralization has been past recently encouraging the joint programming among municipalities with the common concerns.³¹

All these contradicting statements fall into right place when one understands that building participatory democracy is not a static but rather long-lasting process, one could easily refer to as “the work in progress”.

III CITIZEN PARTICIPATION IN MONTENEGRO: THE CURRENT PRACTICE

THE NEW LOCAL GOVERNMENT SYSTEM IN MONTENEGRO

³⁰ Ricerca MonitorCittà, EKMA, Milano, 13 Ottobre 2006, Newsletter n. 09/2006.

³¹ On 7 Nov 2006 the local administrations of Trento and Bolzano have met to discuss the areas in which they could cooperate, which has resulted in signing a Collaboration Agreement aiming at solidifying mutual relations. The two municipalities intend to meet also with the other neighboring municipalities (alpine – Merano and Innsbruck, functional region – Rovereto and Verona) to discuss possible cooperation.

The new LG system in Montenegro has been based on the principals of democratization, autonomy, decentralization, depolitization, rule of law, professional and efficient local self-government, and cooperation between the state and local government. The whole strategy of the LG reform was designed in 1998 by the expert teams of the Ministry of Justice. However, it was not until July 2003 when the first package of laws was adopted³². On 10 February 2005 the Government of Montenegro (GoM) adopted a Program, prepared by the Ministry of Justice and the Union of Montenegrin Municipalities (UoM) for the improvement of the local self-government in Montenegro.

The comparative analysis of the legislative provisions dealing with citizen participation of the countries in the region and two western democracies shows that Montenegrin LG Law has the most comprehensive approach to accomplishing local self-government. However, we do need to keep a reservation in a sense that in other countries the sub-legal acts may have elaborated further the possible modes of CP. The main difference is in the perception of obligation to consult citizens, since once left as an option it may never be utilized. Still, even the best law will not count if not implemented properly.

In comparison to Italy CP at the local level in Montenegro has been promoted by a whole number of different actors from its onset. All interviewees concurred in expressing that progress in this area cannot be accounted for by considering only one of them. It is thanks to the joint efforts of the central and local government, NGOs, media and international organizations that the concept of CP has found its place both within the legal framework and in the actual practice.

Majority of municipalities adopted the Decision on CP, satisfying the legal obligation. Yet the suggested solutions do not provide for the substantial participation of citizens in decision-making processes. The citizen is not sufficiently informed on the suggestions given in the procedure of adopting municipal acts and on how much these have influenced the final decisions. The important novelty is that the process of adopting these legal solutions has been participatory.

According to the LG Analysis (2006) the implementation of the new provisions is facing two major problems, i.e. the lack of personnel capacity within the LG bodies to follow the new

³² The Law on the System of the Local Self-Government, the Law on Financing Local Self-Government, and the Law on Direct Election of Mayor.

modes and still underdeveloped citizen awareness. The citizens expect the municipality to complete the job for them. Some interviewees feel that municipalities seem to have understood that citizens are their partners, but the citizens have not yet realized that. Others believe that LGs are only satisfying the form with no real interest to involve citizens. Indirectly, however, there has been a significant move forward through the NGO sector.

According to one of the international experts that was among the first to arrive to Montenegro when the reform process has started there are two major achievements related to CP. The first is the sense of obligation to consult citizens, which has been successfully introduced in all municipalities, and the second is the complete legal framework enabling significant changes.

Direct Democracy

The instruments of direct democracy introduced by the new LG framework in Montenegro have not yet been utilized since the process of preparing sub-legal acts enabling the implementation of the Law is still under way. The legal experts question the direct character of these instruments as the proposed referenda and initiatives do not have obligatory character. There was a mention of several ad hoc initiatives organized by the citizens in different local communities.³³

Consultative Democracy

Decentralized Administration. The LG Law has not clearly defined the role of the communal self-government in the whole system and it has not yet proved to be the place where citizens decide on their needs and interests. Most communal self-governments have not been initiated by citizens, the affairs on which citizens should decide have not been clearly defined, and resources not allocated. The Analysis of the LG System (2006) concludes that the principal of self-organizing that represents democracy in practice is not suitable for the current state of affairs at the local level. The recently proposed communal coordination center has not been established yet by any of the local communities. Yet, a number of interviewed stakeholders deem the communal self-government a promising way to increase citizen involvement in local affairs.

³³ Krtole (Tivat Municipality), Zelenika (Herceg Novi Municipality), Tuzi (Podgorica).

Boxes for Suggestions/Complaints. The book of impressions and the box for suggestions and complaints have been provided in a small number of municipalities and have a rather formal character. The citizens are not used to these ways of communication due to lack of trust that they would actually be considered.

Public Discussions. LGs mostly use public discussions when it comes to the implementation of the legally proposed mechanisms of CP. Many feel that the quality of the public discussions considering their content and the way of organizing indicates their superficial character and the lack of actual participation. Citizens are by large inert, believing that they cannot change anything and those few who attend public discussions are left without feedback on their suggestions. Five mostly northern municipalities³⁴ organized public discussions related to all sub-legal acts that they were supposed to pass according to the new Law. Prior to the adoption of the new LG framework the whole package of laws has undergone an extensive public discussion process in all 21 LG units, plus several expertise discussions on the regional level. This participatory approach initiated at the time by the Ministry of Justice and the USAID funded LG program has set the stage for the more participatory culture both at the national and local level in Montenegro.

Citizen Advisory Boards were created in 2003 within the broader project on establishing CIECs in Montenegro³⁵. CABs were comprised of local stakeholders (small businesses, media, local NGOs, public enterprises, etc.) whose representatives volunteered to serve on the Boards. CABs met on an ad hoc basis as needs arose to provide suggestions to LG on resolving key local issues, giving citizens an opportunity to share their views with local decision-makers. Unfortunately this practice has not been sustained. Some positive examples include the Citizen Boards/Councils organized through CRDA Program, funded by USAID that definitely had an effect while the program has lasted. Citizens were deciding on the priorities in the local infrastructure to be repaired. The question is how sustainable these Boards are once the financial assistance ceases.

Local Government Strategic Development Plans. USAID funded local government program in 2004 engaged the CP Trainers to work with all Montenegrin municipalities to develop local government strategic development plans. However, even within this approach there have been some negative examples.³⁶

³⁴ Cetinje, Pljevlja (also in rural areas), Bijelo Polje and Berane

³⁵ For more details on the Centers see the following Chapter.

³⁶ In Kotor Municipality the LG invited one of the most prominent local NGOs to participate in the process, but there was no real team work and only a few development areas were covered. Out of ten team members only

Cooperation between the NGO sector and the Local Government

In early 2003 the Center for the Development of NGOs (CRNVO) has started campaigning for institutionalizing cooperation between the local self-government and NGOs in Montenegro.³⁷ A Declaration on Cooperation was proposed including principals and priorities to be respected by all parties. The key elements were informing the NGOs, representing the opinion of the NGOs through the “institute of an empty chair”, financing of the projects in accordance with standardized criteria. Since the new LG Law has regulated all these issues, the campaign has refocused to adopting relevant sub-legal acts: Decision on CP, Decision on the criteria, ways and procedure of distributing financial support to NGOs, Decision on the Council for development and protection of the LG, Decision on Local communities. The coalitions of local NGOs participated in drafting those regulations.

According to the LG Analysis (2006) various ways of cooperation envisaged by the law are not implemented equally across municipalities due to lack of effort on behalf of the LG or the lack of capacity of the respective NGO. Even though there is a large number of registered NGOs, only a few are active in the field of local government and not enough pressure is put on municipal bodies to solve problems in a more quality way. Objectively there are rather limited opportunities for the NGOs to participate in the municipal working groups, reinforced by delayed feedback on NGO activities and lack of quality and timely exchange of information. LGs are also reluctant to give assistance to NGOs for adequate working conditions and financial assistance for the projects is rather symbolic one.³⁸ A significant number of municipalities has adopted a *Declaration on the Cooperation between the NGO sector and Local Government*. Through the USAID funded Montenegro Advocacy Program there were three Regional Centers for lobbying established in 2002. The Centers were promoting cooperation between the government, NGOs, media and business sector. One of the interviewees said that since education and training require the systematic approach the ad hoc projects of the various NGOs do not have an impact, and rather seem as “spreading the fog.” The most recent analysis of the NGO sector in Montenegro (2005) showed that

four were actually working (two from the NGO sector, and two from the LG). The Strategic Plan was later submitted to public discussion, but only two people showed up.

³⁷ CRNVO, Izveštaj o saradnji lokalnih smouprava i NVO u Crnoj Gori, *Podgorica, 2005*

³⁸ More support to NGO projects has been notified in: Bar (56000), Bijelo Polje (48500), Kotor (36000), Nikšić (22500), Plav (10000), Pljevlja (34000), Tivat (18200), Herceg Novi (86500), Podgorica (31000).

majority of NGOs do not engage in community-needs assessment or do so only on an ad hoc basis.

The Institute of an Empty Chair. Most of the municipalities have introduced the «institute of an empty chair» which refers to the place within the municipal assembly reserved for the representatives of NGOs. In this way they can take part in discussion but do not have the right to vote, i.e. decide.

Transparency of Decision Making Process

Despite the new Law citizens still have problems in accessing information and documents. Some civil servants are still not ready to give explanations in respect to citizens rights. The information provided through brochures and media in some of the municipalities is mostly incomplete and cannot sufficiently meet the citizens' needs. The standards of administrative procedure are not made public and citizens are being asked to bring certain evidence that is only in possession of the local authorities, contrary to the Law on the Administrative Procedure. The official forms for realizing certain rights are located either next to the Information Center, in the Citizens Bureau or in the respective municipal body. Public services do not have any standardized procedure. Only a few municipalities have posted the working hours and the titles of the offices along with the official nametags of the civil servants.

Majority of municipalities has their web site, and green lines. Local radio and TV stations are transmitting the sessions of the local assembly. Municipal acts are published in the official gazette, and media. Still the citizens are not fully informed on the programs and plans of development, or the implementation of the investment projects in their municipalities. The Information Center that was supposed to contribute to the greater transparency of work has only been established in the administrative capital.³⁹

Citizen Bureaus

The establishment of the Citizen Bureau in a certain number of municipalities has been a joint effort by different parties.⁴⁰ They are established and operating in the municipalities of Nikšić, Kotor, Cetinje, Ulcinj, Pljevlja and Herceg Novi, serving as a one-stop shop for

³⁹ The LG Functioning Analysis, 2006

⁴⁰ The central government, international organizations, NGOs and LGs.

municipal services. Municipality of Pljevlja seems to be one of the most active in trying to activate the citizens. After establishing the Bureau they have planned a new official position for the relations with citizens. Herceg Novi has received further assistance from the OSCE to install the computer equipment, and invested their own resources for software. In Kotor, citizens may also complete a questionnaire on the satisfaction with the received services. It is planned in the future that all Citizen Bureaus will have a direct vertical electronic connection with each municipal department so that the exchange of information and efficiency of operations is improved. By simplifying procedures for obtaining various permits and certificates Citizen Bureaus are a significant step forward in making the LG a service to its citizens.

Citizen Information and Education Centers (CIECs)⁴¹

Purpose and the beginnings

Citizen Information and Education Centers were established in March 2003 in five Montenegrin municipalities within the project “Institutionalizing public participation in municipal affairs”, of the OSCE, Office in Montenegro. The project was implemented in co-operation with a local NGO, the Agency for Local Democracy and Partnership Montenegro. The Centers were located in two northern municipalities (Bijelo Polje and Pljevlja), two southern municipalities (Herceg Novi, and Ulcinj) characterized by ethnic diversity, and one central that used to be the historical capital of Montenegro, Cetinje.

In the first year the Centers were legally functioning as part of the Agency and were established through the Memorandum of Cooperation between the OSCE, the Agency, and the respective LG Authority. They were staffed with a program/office manager and local coordinator. CIEC manager was recruited through a public tender process and was envisaged as a full time position. The local coordinator was a municipal employee that served as liaison with the LG to ensure smooth flow of information and interaction between the two. It was required that a lawyer holds this function in order to provide free legal advice to citizens. In the subsequent years the Centers have operated as independent NGOs, and

⁴¹ Due to their unique form and the concept of operations the CIECs will be reviewed in more detail in comparison to other CP mechanisms.

have remained only with the respective office manager as the function of the local coordinator was no longer utilized by the LG.

A box for suggestions, complaints, and comments on the work of LG and CIEC was installed at the entrance of each CIEC. An evaluation questionnaire enabled citizens to express their opinion about the services received in the Center. They were equipped with software for noting citizen's inquiries/comments and with a legal database of the relevant laws and sub-legal acts.

The Centers were meant to provide a new, unique, user friendly and efficient way of informing and educating citizens about the LG as well as to provide training opportunities for both citizens/NGOs and the LG. The overall goal was to promote CP in LG decision-making processes and build citizen oriented LG, which responds more efficiently to their needs. At the beginning the Centers also provided financial grants to local NGOs for the projects aiming at strengthening the relations between citizens and LG.⁴²

When the new LG Law was enacted (July 2003) the CIECs have played a significant role in communicating the importance of this reform at training workshops, seminars and round tables. Initial training on provisions of the new Law was organized for local officials and citizens in order to promote and strengthen municipal capabilities for implementation, stressing the importance of citizen consultation. New CIECs publications have also contributed to better understanding of the new Law, in particular through "Citizens Guide to the Law on LSG". Direct involvement of citizens was the most intensive through public discussions, and workshops. The number of citizens visiting centers varied with the highest turn over of 738 visitors for less then a year in Pljevlja. In all but one Center, NGOs and civil servants were the primary clients.

The 1st annual evaluation of the Centers' functioning concluded that considering a relatively short period of time as well as a legacy of non-participation by citizens in LG, a significant move forward was made in demonstration municipalities. Indeed, at the beginning CIECs helped to strengthen relations between local media, local NGO's and local officials. Regular meetings of local NGOs and media were set up in all the Centers, contributing to broader

⁴² These activities were funded under the same project within which the Centers were established and were supposed to contribute to the visibility of the Centers at the local level.

coverage of local activities and a better understanding of work and role of NGOs in local communities. Local media have raised public awareness on the changing role of the LG. Analysis of the CIECs reports, comments of the citizens, NGO's, impressions of mayors, other local officials, and the international organizations, gave full justification and support for their creation and functioning. The best indicator of the CIECs success at the beginning was the expressed willingness of demonstration municipalities to support their operations in the future.

Three and half years later

Unfortunately, the optimism of the initial stages of the CIECs' functioning has not been sustained. The Centers are still struggling with some basic operational issues, having trouble fulfilling their mission. Their activities vary as much as the success of accomplishing the set goals. The Center Manager has been the key figure in determining its success along with the technical and financial support of the municipality. The Centers carried out a variety of training activities for LG officials, public service companies, NGOs and citizens on such topics as project design, proposal writing, lobbying/advocacy, establishing and running an NGO. CIEC Herceg Novi assisted in establishing a Roma women's NGO to work on minority rights in Montenegro. The Centers also helped citizens organize community petitions, and develop project proposals to improve the LG functioning. They also contributed to having improved information on LG activities available to wider audiences. Cooperation between the citizens and LG was made possible through various mechanisms. To a certain extent the municipal officials were better informed on community needs, and became more transparent in their work. Unfortunately, the systematic community needs assessment has not become a regular practice neither by the Center nor by the LGs.

The Center in Bijelo Polje has not been functional for more than a year due to absence of the manager, and the lack of interest from the LG to sustain its activities. The one in Pljevlja has been functioning completely independently from the LG as a self-sustaining NGO. Other three Centers do remain in cooperation with the LG, though more on technical than substantive issues. The Centers in Cetinje and Ulcinj are located in the Municipal building and thanks to that have more frequent visits from the LG employees. However, the citizens do not use it as a key info point in respect to the LG issues. The Center in Herceg Novi has been more active on issues that are not necessarily of the concern for the LG, but is still being supported both financially and technically by the Municipality. This support will be

revisited by the end of this year. Despite the fact that CIEC services were frequently advertised on local radio stations and through public outreach efforts, the number of citizens using their services has not increased. Metaphorically, the Centers have remained in the shadows of the municipal corridors.

CIECs concluding remarks

CIECs were registered as NGOs in order to be in a better position to secure necessary resources and to prepare cooperative projects in support of local development and democracy. However this concept has not proved to be as beneficial as expected, leaving too much liberty to function on their own without considering local authorities. One of CIECs creators stated that they had stronger role at the beginning, and when became independent they did not seek any more assistance. The Centers became encapsulated within their limited scope and even alienated from the respective municipality. On the other hand LGs seized to use the opportunity to open up their doors to international organizations through the Centers. The concept was probably too idealistic for the current times. If the similar idea was to be implemented in the future it would be better to organize them as part of the LG organizational unit, and not as an NGO. It could be one of the Agencies established by the Municipality with the status of a legal body, but under its direct supervision. In that case the respective LG could not touch in the autonomy of the Agency, but could impose the public policy. It could be named the Agency for information and education of citizens, taking over activities related to providing services to citizens, i.e. registries, local taxes and also be responsible for the plan and program of CP. That could help LGs use their resources more efficiently.

In focus: CP in some Montenegrin municipalities

The Historical Capital Cetinje

The Municipality has been organizing public discussions on all the documents relevant for the LG functioning, but sometimes citizens just do not show interest in these. When the acts were adopted the citizens were given feedback on which proposals were taken into consideration. LG is trying to make its work transparent through local media. According to the Mayor it happens that citizens often react only after the official deadline to express their opinion has passed. The new law on the Historical Capital envisaging additional financial

resources and transfer of institutions from the administrative capital to Cetinje has not yet been adopted. The Plan and Program of CP prescribed by recently adopted Decision on CP will be prepared in fall 2006. The mayor would like to establish the Citizens' Council to meet once a month, comprised of the citizens that lived in Cetinje for longer and come from different spheres of local life. Also the plan is to have the Youth and the Business Council to assist and advise on the vision of the city and some smaller investments.⁴³ In order to improve the exchange of information between the citizens and LG and to simplify procedures, the municipality will open the one stop shop for the citizens with an additional administrative unit in rural area. The mayor receives citizens by appointment. They mostly come asking for financial assistance and jobs, which reflects the devastating economic situation that even after 15 years has not improved. There are many ideas that the local authorities have on how to improve the livelihoods in their municipality, but in their view the lack of resources is the major obstacle to realizing them.

Concerning the multitude of ideas that the mayor had in respect to CP, it was rather surprising that he was not acquainted with existence and functioning of the CIEC in the municipality. The manager of the Center was advised to invite him for a visit and explain the mutual benefits of the cooperation.

The Administrative Capital Podgorica

Even before the Decision on CP has been adopted the Capital city was trying to promote CP in decision-making processes. There has been an evident lack of interest from the citizens in respect to general issues (budget, urban plans), and a strong interest in individual problems with infrastructure, electricity, water. Public discussions in relation to specific issues are exceptionally attended. Even according to the previous LG law detailed urban plans had to go through the public consultation, and now are being published in the newspaper. There is a progress since 2000 in relations between the LG and citizens. The major way of involving citizens is through public discussions. Through web site citizens cannot only get informed on all the procedures but also may ask questions and regularly get response. The mayor does not receive citizens, but his advisors do. The plan and program of CP is being prepared for each municipal act and there is no an overall one.

⁴³ For organizing the cultural summer of 2006 they have consulted the deans of the fine arts faculties present in the town.

The Law on the Administrative Capital has been adopted and the conditions for functioning of the so called “city municipalities,” i.e. further decentralized units within the administrative capital have been set forth. However due to particularly delicate political situation there is no decision making power given to these decentralized units.⁴⁴ They would have only some de-concentrated functions, such as citizen registry, and issuing permits for temporary objects. They will be able to give opinion on the proposed plans and to ask for the revision of this Law.

The Municipality of Herceg Novi

Though the Decision on CP has been adopted it is not clear on how it functions. Public discussions are being organized for all draft decisions, and only after that the proposal is prepared for the Municipal Assembly to review. That is a great step forward in comparison to the previous years. However, only small number of citizens participates and usually it is the same ones who come. They are mostly concerned with the issues related to personal interests. The mayor receives citizens on Saturday by appointment or some other day if needed. Yet, citizens usually come for the issues that are not under the scope of the LG. The box for the citizen complaints, and suggestions has been put at all key locations in the city (public places/institutions). The LG has made a step towards opening up to citizens, and the citizens have become a bit more active concerning their interests. The civil servants have improved their relations and attitude towards the citizens. One of the positive examples of the cooperation between the local authorities and the citizens is the campaign against building the cement port on its territory resulting in stopping the business interest in respect of the environment.

The institute of the “empty chair” has been partially functioning. The NGOs are being regularly invited to appoint the representative to attend the local assembly meeting. The President of the Assembly is obliged to meet with the local NGOs once a year. CIEC has published the new Info Book for the Citizens including the provision of the new Decision on CP and the new Statute. This Info Book is also available in the Citizen Bureau.

⁴⁴ The presence of the local community with the majority of Albanian population (Tuzi), which has been campaigning for becoming an independent LG unit, i.e. municipality.

CONCLUSIONS

In the countries with strong direct democracy like Switzerland, the government at each level has to constantly defend interests in media, public talks and citizens' meetings.⁴⁵ Direct democracy is based on the instruments of consultative democracy, and vice versa, without the instruments of direct democracy, the consultative democracy becomes disempowered. This mutual reinforcement of these two very different but closely interdependent forms of democracy is what gives the prospects for the sovereignty of the citizen in the modern democracies. Through constant pressure on those in power to take into account the interests of as wide a spectrum of political forces as possible when making decision, both direct and consultative democracy diminish alienation and powerlessness improving the political competence of those who govern. Media and authorities have to make a special effort to provide accurate and full information to the citizens and to enter into a continuous dialogue with them. The argument that the common citizen is not competent to make important political decisions (more often heard in Italy) has proved to be mere rationalization of the ruling structures eager to preserve power. It is often that popular initiatives push forward the reform process and innovation and not just the other way around.

Answers to key research questions

The answer to the first critical question is rather affirmative one, i.e. Montenegrin LG Law provides sufficient legal framework for promoting CP in LG decision-making processes, and in the light of comparative solutions gives by far the most comprehensive provisions.

The answer to the second question on the lessons learned in two selected countries is less straightforward. On both sides there are some more positive and some less positive examples. Overall the instruments of direct democracy have been legally envisaged in both countries. However, in Italy despite their obligatory character they are rarely used whereas in Montenegro they are still legally "under construction". In respect to the instruments of consultative democracy it is interesting to note that participatory approach in designing local regulations/sub-legal acts has been utilized in Montenegro but not in Italy. On the other hand, the transparency of the LG functioning is more emphasized in Italy with the Offices for the Relations with Citizens, electronic access to all regulations, free Municipal Newsletter,

⁴⁵ Bruno Kaufmann et al. *Guidebook to Direct Democracy in Switzerland and Beyond*. The Initiative & Referendum Institute Europe, 2006

and like in Montenegro broadcast of the Assembly sessions. Montenegro is far ahead in respect to NGO activism and interest in promoting greater CP at the local level. One of the reasons may be the high interest of the international community in supporting this kind of democratization projects. One of the results of these efforts was a more innovative approach to consultative democracy and the “Institute of an Empty Chair” as an example. Public discussions are also more common practice in Montenegro than in Italy. The Italian experience of decentralization shows that it is bringing the LG one step closer to citizens, but has to be organized carefully giving more powers to the established administrative quarters. Interestingly both in Italy and Montenegro citizens are ready to get organized when there is a need to object and oppose and rarely or never unite to give proposals. The international assistance to Montenegro has promoted the concept of CP that is applicable to local conditions and that has helped in raising awareness of both the public especially the NGO sector as well as the government officials.

It was interesting to hear that in Montenegro many people feel that due to difficult economic situation it is not possible to expect from the people to get involved to a more substantial degree in the local decision-making. However, in the north of Italy and Trentino Province as one of the richest in that country, the citizens still do not show greater interest in local government than in Montenegro. Further more the local associations in Italy are not that eager to contribute to developing the participatory culture as is the case in all the countries in transition. This leads to the conclusion that it is not the economic wellbeing that opens up the door to other levels of participation but the participation itself is important no matter the overall socio-economic context. It seems to be even more important in under-developed countries since it may assist in creating a context supportive for sustainable reforms, which improve living conditions for citizens.

Territorial Pacts - lessons for newly arising democracies

The territorial pacts may serve as an example for countries in transition not only as successful approach to sustainable local development, but also as a tool for mobilizing local stakeholders on the issues relevant for the local community. The consultation process it presuppose may be used in developing different local policies, which would result in their full scale implementation and in eventually public ownership of the activities undertaken and initiated by the municipality. Like in Italy, the legal framework of the countries in transition

does not oblige LGs to involve citizens in the design and in the implementation of local policies with the exception of Montenegro. Therefore, amending the provision on popular participation may as well go as recommendation for these countries. In the case of Montenegro the consultation process organized under territorial pacts may serve as a guideline for implementation of the relevant legal provisions. The widespread participation of social actors representing local interests is central for building a “social infrastructure” supporting the collective capability of innovation and regulation of local economies, and could be seen as a relevant indicator of participation and local democracy.⁴⁶

Final remarks

International assistance to countries in transitions has taken into consideration the wide array of possibilities when advising LG on different CP methods. It is, however, evident that not all the mechanisms available in theory and in practice can and should be utilized at all the places and at all times. Furthermore, some countries of western democracies, for example Italy may as well benefit from the experience of arising democracies as their own system is undergoing change. The new legal framework promoted in countries in transition under the close scrutiny of the international community is a rich source of new solutions in respect to participatory democracy that may help western democracies in their processes of change. Development assistance should not be viewed as a one-way street in which the more developed ones are just transferring the know-how and the knowledge itself. It is rather a two way process in which developing countries in return have something to offer and therefore render this exchange a more fruitful one adding value to the processes of change in both developing and developed worlds.

Recommendations for Improving Citizen Participation in Montenegro

There were some practical ideas that came out of this research, which are summarized in the form of recommendations. They will be presented in the groups of those more general and those specific to different participation mechanisms and interested parties.

⁴⁶ Serafino Negrelli, *The territorial pacts in Italy: the competitive corporatism assumption in question*, draft, IIRA 4th Regional Congress of the Americas, June 25-29 2002, Toronto, Canada

General

Information dissemination. It is of utmost importance to inform the citizens on the available instruments of both direct and consultative democracy for advancing the level of CP in LG decision-making. None of the randomly interviewed citizens knew about the instruments provided for by the new legal framework, apart from public discussion mentioned by some. In addition to an extensive media campaign, letters could be sent to each household containing the necessary information and explanations.

Training/education. Project thinking needs to be introduced and sustained in LGs so that even smaller actions are organized with local resources. The education should focus on particular issues and not the general aspects of the legal framework. The procedures, which have just been elaborated need to be specified and citizens should have an opportunity to learn how to prepare for example citizen complaint.⁴⁷

A designated person for CP in the municipality. Neither Italy nor Montenegro has a position within the LG responsible for the relations with citizens. In order to consolidate activities and make the approach to CP more systematic and efficient it would be recommendable to think of establishing this kind of function. In Montenegro it would be easier to envisage it as the obligation to prepare on a yearly basis plan and program of CP calls for the person responsible for its preparation/implementation/ evaluation.

Completing the normative framework. Still it is possible to improve the normative aspect and to adjust all the laws to the existing LG Law, giving more autonomy to municipalities. The LSG is not yet functional because it has not been made possible. Even though the Law states that municipalities should have their property still it is in the possession of the state. Maybe when the citizens realize that they have the LG for themselves, they will be more active.

The exchange of best practices. The exchange of experience with the countries from the Region especially Slovenia (e.g. «Ljubljana – moj grad» citizens were involved in creating the image of the city) may assist in developing the new participatory culture.

Specific

CP Mechanisms

Citizen Councils/Boards. The function of the CABs could be sustainable if the pensioners of a community are invited to volunteer their time along with other interested parties. According

⁴⁷ One of the citizens has recently expressed his surprise saying: "Is it possible that we, as the citizens have so much rights."

to some interviewees CABs could be organized through local communities. Be it on voluntary basis or not, the most important would be to make their work transparent, focusing on specific problems in the respective community.

Public Discussions. Time and place need to be adjusted to the target group. Special attention should be given to the selection of those who need to present so that they are capable of answering citizens' questions. Well designed and thought through information material could assist in better understanding of complex municipal documents and plans that are discussed. It may also play a decisive role in motivating citizens to participate.⁴⁸ Feedback should be provided to those citizens that comment and give suggestions and for all those who attended an evaluation form given at the end. There should be more public discussions on the expertise level. Those that are for the general public should be more extensively advertised, including personal invitations. It would also be useful to inform the public prior to organizing a consultation process so that they learn more about the concepts to which they are expected to contribute.⁴⁹

Open doors for the elected officials. This has been proposed⁵⁰ as a way of improving the exchange of information between the citizens and local authorities. It would give possibility to citizens to raise the issues directly with decision makers and not only with the executive power. The elected officials could play a greater role in promoting CP.

The communal self-government. The territorial way of getting organized should be revitalized through «Mjesna zajednica» as it exists in the system, but has no role to play and is basically «lost».⁵¹ This communal unit could take advantage of being the closest to citizens and organize citizen meetings.⁵²

Watchdog Initiatives could become a regular practice of the local NGOs or citizen groups assisting LGs in the implementation of the new legal framework similarly to how it was done by "Natura", MANS and "Expeditio" in 2004.

Different interested parties

⁴⁸ A brochure "Budget in brief" that in a concise and clear way presented a municipal budget, was introduced by international community in Montenegro and was well accepted by citizens.

⁴⁹ United Nations Development Programme, *Assessment of Development Results Montenegro*, Evaluation of UNDP's Contribution, Evaluation Office, September 2006

⁵⁰ The expert for the local government and public administration of the FOSI, Mr. Bego Begu,

⁵¹ In the Administrative Capital there are 56 and the city is providing for the position of the secretary and technical conditions for the office to function.

⁵² Bar – community Susanj organized the citizen meeting to support the current LG that was attended by all candidates for mayor and all elected officials.

Municipalities should do needs assessment by going out in the field before preparing long term plans, and support local NGO projects that are based on local priorities.

International organizations should restrain from trying to apply concepts, which are not suited for Montenegrin context and try continuously to adjust programs to local needs. At this particular time it is the need for training/education. The key is to apply developed legal solutions and international organizations should focus on the management aspects of the project implementation, letting local experts implement the laws of their country, which they know the best.

Central government has to finally give competences to municipalities, which are envisaged by the new Law in order to move forward with the implementation of the new LG system. There is more than 80 material laws that are not yet revised and adjusted for which also a political will is needed.

University. There is still a great need for training within the LGs. The new Faculty for the Public Administration and European Integration offers an additional learning opportunity with a one-year specialist courses for the local self-government (more academic) and three months practical courses for civil servants.

Youth. Considering the long term effects, the stress should move from the older to younger generations that are now completing the high school and starting the universities. They should be made aware of the possibilities in respect to political participation and get acquainted with the LG Law and PR techniques. It would be inspiring to enable children in Montenegro to contribute to the vision and problem solving in their community like it was done in Trento through UNICEF project.

Media could play greater role by organizing TV series with the examples of best practices.⁵³ Contact shows on both TV and Radio where local elected officials participate and answer citizens' questions.

Civil society should continue to play an active role in promoting the values of democratic societies and help all involved parties be heard and understand local needs. NGOs could be more proactive in informing citizens on the new possibilities for their involvement at the local level and help them get organized when a need arises.

Citizens may start taking advantage of the new opportunities just by responding to invitations to participate in public discussions or workshops or by simply paying a visit to newly established Citizen Bureaus or CIECs where they exist.

⁵³ TV Show – «Good Local Governance» each time an example from some other local municipality and one from the Region or the EU.

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