

FDES Analysis

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# Why and How, not What

Case Study

12 Remarks on Government Work Programme



# The Institute for Public Governance, Human Rights and Environment

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## INSTEAD OF FOREWORD

Related to the public consultations in the development of the Government's Work Program for 2021, the Faculty for State and European Studies suggested the policies should be oriented towards a functional model and transformation in governance, our opinion being this can only lead to results, even in terms of meeting priorities and intentions in challenges such as the rule of law and equal opportunities, healthy finances and economic development, health and a healthy environment, education and a knowledge-based society. In respect thereof, we then offered seven categorical arguments stressing out the importance of establishing a functional policy, including four specific proposals regarding the need to establish measures within the competence of the Ministry of Health, Ministry of Public Administration, Digital Society and Media, Ministry of Ecology, Spatial Planning and Urbanism, and the Ministry of Justice, Human and Minority rights. We emphasized Montenegro's accession to the EU (harmonization of legislation and policies with the EU), meeting the requirements of the 2030 Agenda for Sustainable Development and a strong incentive for achieving the sustainable development goals.

Upon analyzing the document entitled "Government Work Program for 2021", we here present the key arguments on part of the Faculty of State and European Studies, in relation to the topics of health, environment, public administration, and human and minority rights, which was subject of our remarks and expertise:

1. In relation to the presented document, we don't observe that it brings substantial changes comparing to the methodological approach in policy making practice in

Montenegro to this day. The methodological approach proves not to be functional, harmonized and associated.

2. A good feature of this document we believe are the activities proposed in the document are respecting the voice of the concerned, yet we feel this to be insufficient to lead to changes in the society. These is an obvious attempt to develop policies from the bottom to the top. And that is a turn for the better. However, judging by the document, we believe that the Government's intention has remained at the level of technical rather than methodological improvement. In our opinion, the model is still not functional and doesn't guide the policy toward meeting the set priorities. Such an effect, with a good example in the approach but resulting in non-functionality, in our opinion, indicates a fundamental lack of guidance on the top, and these are in fact time-framed policies (i.e. visions) for moving matters ahead. We addressed such shortcoming by participating in public consultations for creating this document. We feel that even then, the Program was clearly lacking details, missing to this day. In addition, such an approach brings up and raises many other questions: why were some activities accepted/included in the 2021 program, and other equally important for the set priorities were not? We believe this also questions the functionality of the model.

3. We believe the only role that the presented Program has is the legislation that needs to be adopted and further improved, based on EU inputs and cooperation of Montenegro with the EU in the integration process. However, there are limitations as well. The document lacks Law on Ministries and other bodies of state administration, system Law on Public Administration and associative laws (Law on Public Agencies and other public bodies and Law on Public Services). Likewise, regardless of the lack of such practice so far, that it is also within the competence of the Parliament, it would be worthwhile for the Government to show program and political interest and initiate activities on drafting the Law on the Parliament of Montenegro, which can be adequately rationalized un wider context of understanding function of the rule of law, the exercise of constitutionality and legality, justice and fairness, and to be suitable and in accordance with the competencies of the Government. It remains unclear why the appropriate level of operability and functionality is not presented comparing to all other segments of the Government's program activities. The most important part of the EU process is that all adopted or adjusted laws should be implemented (delivered in the community), and this is a much more important and sensitive part of the values for the community and citizens in Montenegro. We believe this component to be absent from the program, and we elaborate this in the twelve remarks below.

7. april 2021. godine

# Excerpts from the Government's Program

Envisaged activities

## Priority 1: The rule of law

In 2021, **the Ministry of Justice, Human and Minority Rights** will prepare five legal acts (or modifications and amendments); Will send an initiative to the Parliament of Montenegro to amend Article 39 of the Law on Elections of Councilors and Members of Parliament and in this regard will hold at least five events (trainings, round tables, public discussions, etc.) in order to empower women and persons of different genders identities to participate in political decision making; It will educate at least 250 people (100 of them women) on the topic of discrimination, hate speech and anti-Gypsyism for state and local officials, journalists, employees in public institutions, teaching staff, students, judges, prosecutors, inspectors, political parties, and similar, in order to promote and protect the human rights of the citizens of the Roma and Egyptian communities. At least 60 officials will successfully pass training in the field of gender equality; It will make the Action Plan for Implementing Strategy for Improving Quality of Life for LGBTI individuals in Montenegro 2019-2023, and make the Action Plan for implementing Strategy for Protecting Persons with Disabilities against Discrimination and Promoting of Equality for 2017-2021 period, for 2021 and Report on realization of the Action Plan for 2019 and 2020.

**The Ministry of the Interior** will pass a Law on Internal Affairs; Law on the Air Passenger Data Processing in order to prevent, detect and conduct criminal proceedings for criminal acts terrorism and other severe criminal offenses; Law on Prevention of Money Laundering and the Financing of Terrorism; Law on Personal Data Protection; and Law on Amendments to the Law on Weapons.

**The Ministry of Defense** will prepare a Law on Crisis Management; It will create a Program for the realization of the Action Plan for the Implementation of United Nations Security Council Resolution 1325 - Women, Peace and Security for the 2021-2022 period and its implementation.

**The Ministry of Foreign Affairs** will propose a Law on Amendments to the Act on International Restrictive Measures.

**The Ministry of Public Administration, Digital Society and Media** will prepare a Law on amendments to the Law on Free-Access to Information; Law on Inspection Supervision; Law on Amendments to the Law on Local Self-Government; Law on Amendments to the Capital City Law; Law on Amendments to the Law on Electronic Document; Law on Amendments to the Law on Non-Governmental Organizations; Audiovisual Media Services Directive; Amendments to the Law on Media; The Act of the Public Broadcasting Radio and TV stations of Montenegro.

**The Ministry of Finance and Social Welfare** will adopt the National Document for the Implementation of the Council of Europe Convention on Combating and Preventing Violence against Women and Domestic Violence (Istanbul Convention) with the aim of reducing violence against women by 20% in 2021 compared to 2020; To increase the rate of reporting violence to institutions by 30% un 2021 compared to 2020; To achieves full incorporation of “violence against women” definition conformed with the one stipulated in the Convention into relevant laws /by-laws/ strategies and policies; It will prepare Law on Amendments to the Law on Mandatory Social Security Insurance.

## **Priority 2: Healthy finances and economic development**

**The Ministry of Finance and Social Welfare** will define, prepare and adopt Strategy for Promoting Public Procurement Policy and Public-Private Partnership for 2021-2025 period with Action Plan for 2021. It will prepare and adopt Fiscal Strategy of Montenegro for 2021-2024 period; It will prepare and adopt Guidelines for Macroeconomic and 2021-2024 Fiscal Policy; Prepare and adopt Program of Economic Reforms and prepare 14 legal acts (and/or amendments).

**The Ministry of Economic Development** will, among other, improve the conditions for economic empowerment of women and strengthening the competitiveness of women’s entrepreneurship, through the implementation of financial support in lines within the Improving Competitiveness Program, as well as through the organization and participation in training programs for women entrepreneurs, networking, promotion and organization of round tables.

**The Ministry of Capital Investments** will among other, improve the legislative framework used as the basis for guaranteeing the improvement of the rights of passengers in road traffic, especially persons with disabilities in order to ensure their non-discrimination in traffic, by drafting an Amendment of the Law by fully incorporating Regulation 181/2011 of the European Parliament and the Council.

## Priority 3: Health and environment

**The Ministry of Health** will among other, adopt the Program for the Fight against HIV-AIDS in period between 2021 and 2023 with the Action Plan for the 2021-2022 period; Program of measures for improving the state of nutrition in Montenegro with the 2021-2022 Action Plan; Strategy for control and prevention of chronic non-communicable diseases in Montenegro for 2022 to 2030 period with 2022-2023 Action Plan: Percentage of calls at least 95%, Percentage of call response at least 45% (common indicators for all three screenings), At least 90% of participants who were informed about the HPV test result, At least 90% of participants informed about the HPV test result in less than 15 days, At least 90% of participants informed about the LBC result test in less than 15 days. Adopt the National Strategy for Rare Diseases in Montenegro from 2021 to 2023 with the 2021-2023 Action Plan with the Report on the implementation of this Action Plan in 2020; Strategy for Rare Diseases in Montenegro from 2021 to 2023 with the 2021-2023 Action Plan for 2021-2023 period.

**The Ministry of Ecology, Spatial Planning and Urbanism** will adopt the Spatial Planning Program (as a continuation of the development of the Spatial Plan of Montenegro, continuation of the development of local planning documents - spatial and urban plans of municipalities, detailed urban plans and urban projects); Launch Amendment of the Law on Spatial planning and construction of facilities; Create as Bill, as well as a Rulebook on Conditions and Norms for the Design of Apartment Buildings; Develop a National Program of priority activities in the field of climate change mitigation and adaptation in cooperation with the Green Climate Fund 2021-2023; Develop a Social Housing Program for the period 2021-2024.

## Priority 4: Education and knowledge-based society

**The Ministry of Education, Science, Culture and Sports** will adopt: The Strategy of Higher Education in Montenegro for the period 2021-2025 with the 2021-2022 Action Plan; General Secondary Education Development Program in Montenegro (2021-2023), with the 2021-2022 Action Plan; Strategy of Early and Preschool education in Montenegro 2021-2025, with the 2021-2025 Action Plan; Lifelong Career Guidance and Counseling Program 20-21-2023, with 2021-2023 Action Plan; Law on Amendments to the Law on Recognition of Foreign Educational Documents and Equalization of Qualifications; Law on Higher Education.

## Priority 5: Digital transformation

**Ministry of Public Administration, Digital Society and Media** will, among other organize and conduct a Digital Summit to develop the regional market of the Western Balkans; Redesign the websites of the Government and ministries to the domain .gov.me; Improve existing and develop new services on the

e-government portal; Establish advisory bodies, boards and digital coalitions at the level of Montenegro, which will be aimed to joint efforts of the Government, the Ministry of Public Administration, Digital Society and Media, private sector and relevant organizations for planning and management of digital transformation in Montenegro.

# Case Study:

## 12 Examples of Remarks

### Remark #1

We believe that it is essential to envisage creation of the Law on Ministries and other bodies of state administration, system Law on Public Administration and associative laws (Law on Public Agencies and other public bodies and Law on Public Services) in order to ensure the legality and legitimacy of the public institutions, and associative system framework.

### Remark #2

In our opinion, the achievement of the effects and functionality of the objectives is questioned if the Ministry of Defense is working on a program to realize the Action Plan for the implementation of United Nations Security Council Resolution 1325, and the Ministry of Interior, Ministry of Justice, Human and Minority Rights and the Ministry of Public Administrations don't have it as a visible functional program component (suitable to competencies), and other ministries as a supporting sub-component of the program.

### Remark #3

In our opinion, it is questionable to achieve the effects and functionality of the goals if the Ministry of Health is working on a set of strategic documents in the planned program of activities for 2021, while at the same time, Montenegro doesn't actually have a health policy or vision of health development (See Annex 1, page 18 of this edition). Finally, the current Health Strategy 2003-2020

has expired. Wouldn't it be sensible to start from a strategic vision first, and then plan other documents based on such inputs?

## **Remark # 4**

In our opinion, the achievement of the effects and functionality of the goals is in question, without any single work program activity of any competent ministry concerning the prison population. This particularly refers to the Ministry of Justice, Human and Minority Rights, the Ministry of Health, the Ministry of the Interior, the Ministry of Finance and Social Welfare and the Ministry of Education, Culture and Sports. In terms of the goal of sustainable development of SDG 4 (Quality Education), the example of persons in institutions for the execution of criminal sanctions or convicted persons can show that prejudices, stereotypes, violence, discrimination are not harmless and that someone must deal with it. This especially refers to gender sensitive groups. There are no social services for post-penal acceptance and monitoring, not even for convicts on parole. There are no measures or support for cultural components appropriate to criminal justice conditions regarding gender and gender-sensitive social groups (SDG 5: Gender Equality; SDG 10: Reduced Inequalities). In addition to immediate discriminatory experiences, convicts also have structural barriers to employment because the systems are not designed for them (and their experiences). These factors are also linked to SDG 8 (Decent Work and Economic Growth), suggesting that convicts are systematically excluded from learning, education, career and employment opportunities due to institutional barriers and discrimination. Furthermore, the same is closely linked to the goal of SDG 1 (No Poverty) where convicts have limited access to social services, such as counseling and affordable housing projects or loans, due to a number of factors (lack of knowledge, prejudices, stereotypes, dominant social norms, discrimination, deprivation of care, etc.). Finally, all this directly affects their both, bodily and mental health (SDG 3: Good Health and Well-Being), the overall economic development of the country and indicates the institutional disconnection and lack of partnership (SDG 17: Partnerships for the Goals). Montenegrin statistics (Monstat) shows that 109,774 persons in Montenegro have been convicted in period between 1974 and 2019, which is 18% of the Montenegrin population according to the latest census.

## **Remark # 5**

In our opinion, it is questionable to achieve the effects and functionality of the goals if the Ministry of Finance and Social Welfare, as the competent authority, creates a National Document for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Without it being a visible functional program component in the work (suitable to the competencies) of the Ministry of Justice, Human and Minority Rights, the Ministry of Interior, the Ministry of

Health, the Ministry of Public Administration, the Ministry of Finance and Social Welfare, the Ministry of Economic Development and others. The issue of equality and respect for human rights are not only conditioned by the instruments of protection, but directly guided by the socio-economic circumstances and position, as well as the overall economic development.

## **Remark #6**

In our opinion, the achievement of effects and functionality of the goals is questioned if the Ministry of Ecology, Spatial Planning and Urbanism develops the National Program of Priority Activities in the Field of Climate Change Mitigation and Adaptation (2021-2023), while the Ministry of Health, Ministry of Education, culture and sports, the Ministry of Economic Development, the Ministry of Justice, Human and Minority Rights and the Ministry of Capital Investments also don't have a visible program component (suitable to the competencies). For example, the right to health is a basic human right leading to all other sustainable development goals. Health not only implies the provision of medical care, but it refers to the availability of all other options securing health, such as: SDG 1 (No Poverty), SDG 4 (Quality Education) and SDG 5 (Gender Equality), to achieve gender equality and empower all women and girls. Health equality also includes the environment, food safety and educational factors, along with social determinants such as gender and ethnicity: "Health equity is a matter of human rights or social justice under "right to health," and sustainable development is a concept envisaging the idea of human and planetary rights in itself for better future of both" (Dhaliwal, 2019: 3). Also, scientific research suggests that climate change has a deeper impact on low-income residents and women, and research has shown that low income and gender are linked equally in all countries (Reckien et al., 2017: 171).

## **Remark #7**

Acting before public administration bodies is one of the most common field of human rights violations and discrimination. Therefore, we believe that public administration reform should be one of the key challenges of the Government and the basis of the competent Ministry of Public Administration program. We want to stress out that this implies not only continuous work on improving the knowledge and capacity of public clerks, but professionalization, as unequivocally proven in the scientific literature, referring to the whole spectrum of activities to improve public services, which requires "a collective effort to govern changing relations and dependencies in and around service organizations" (Van Bochove & Oldenhof, 2020: 116). Also, in order approach the activities in public administration reform in detail, we feel comprehensive analytical work is crucial for making an analysis of all current organizational and functional forms, systematic monitoring of all public bodies, their grouping, characteristics, differences, dilemmas and defining all (systemic) shortcomings immanent to

public bodies, through consideration of the legal and institutional framework, including status issues, competencies, bodies, funding, supervision and more. Therefore, it is important to fully consider the current situation in the system of public administration in Montenegro in order to clearly define, connect and harmonize future actions.

## **Remark #8**

Based on the presented program is noticeable that numerous laws and various action plans will be drafted in 2021. One of the “tangible” activities in terms of non-discrimination is the program initiative of the Parliament of Montenegro to amend Article 39 of the Law on Elections of Councilors and Members of Parliament and in this regard will hold at least five events (trainings, round tables, public discussions, etc.) in order to empower women and persons of different genders identities; It will educate at least 250 people (100 of them women) on the topic of discrimination, hate speech and anti-Gypsyism for state and local officials, journalists, employees in public institutions, teaching staff, students, judges, prosecutors, inspectors, political parties, etc. in order to promote and protect the human rights of the citizens of the Roma and Egyptian communities. These activities, as well as plans to be made in 2021 should lead to a reduction in the rate of violence against women by 20% (compared to 2020), to increase the rate of reporting violence to institutions by 30% (compared to 2020), and similar. In our opinion, it is not clear how the listed activities will achieve the planned impact assessments in 2021, nor way the projected effects for 2022 will be achieve within a year after the plans are adopted (assuming by the end of 2021). Also, we feel that the very setting of the concept for solving the listed problems is not sustainable for meeting the functionality of the goals and achieving the effects:

### **8.1.**

There are no clear program determinants in the work programs of ministries indicating the functional connection between the principles of respect, equity and diversity, as key components of non-discriminatory policy and creating an environment where such policy success rates would be even possible in such a short time, even in very stratified “cultural complexity” such as Montenegrin society.

### **8.2**

Diversity implies acceptance of different forms of values and outlooks, traits and experiences, cultural and other differences, diversities and circumstances including race and ethnicity, gender and gender identity, sexual orientation, socio-economic status, abilities / disability, age, language, culture, ethnicity,

religious references, geographical region, political and other beliefs and perspectives, as well as other different (personal) traits and circumstances. Equity implies a representative administration based on fairness, impartiality, non-harassment and non-discrimination, which works on acknowledging problems and eliminating barriers, as well as developing the best policies and practices, so that members of marginalized social groups are adequately represented, providing them facilitation in employment and / or advancement, and to make progress in overall action in terms of availability, accessibility, treatment, opportunities, inclusion and acceptance of marginalized social groups to use the administration services. Inclusion in itself encompasses diversity and equity, and implies an environment in which any individual or member of any social group will feel included and integrated to such an environment, to be respected, supported and valued, regardless of any form, personal traits, experience, cultural, political and other differences, differences and circumstances (see more in: Buchholtz et al. 2020: 16-19, 21-24; Ashikali et al., 2020; Peterson et al., 2020: 2; Hyde, 2017: 5-7, 9-12; Ainscow, 2016: 145-148; Patrick & Kumar, 2012; Hodkinson, 2011: 180-182; Topping, & Maloney, Eds., 2005). In particular, the facts about the development of “people centered” (i.e. user-oriented) administration concept should not be neglected. A series of operational tactics and approaches of involving numerous actors in the strategic planning and decision-making process is not the same as the “people centered” concept. It goes beyond the mere involvement of actors in value creation and in its essence implies service and decision dominates service as the basis for sustainability (Osborne and Strokosch, 2021). Also, to achieve justice, inclusion must bring values to those concerned, meaningful access to services must be provided, the environment must provide a sense of belonging, and it must contribute to the well-being of the person (Merry, 2020: 11-12). That is of crucial essence foremost for the Ministry of Public Administration, followed by other competent ministries (suitable to the competencies) to encompass “inclusion policy” in the Government work program.

## Remark #9

Inefficiency and / or inconsistent and ineffective law implementation leads to other problems: “Left unresolved, the potential cost—economic, health, social, et cetera—to the individual, as well as to the state, is significant” leading to their social exclusion and potentially a need to utilize other public services and government assistance (Farrow, 2014: 964). We believe that the achievement of effects, systemic coherence and functionality of targets is in question if capital investments are not included projects (where applicable) that will mitigate the effects of ineffective law implementation. For example, the effects of ineffective implementation of the Waste Management Law (on climate change, on the health of the population, etc.), or the effects of inadequate application of the legislation on 4m<sup>2</sup> of space per prisoner, and similar. Manner of consequent problem raising in all spheres of social life. In the end, it is matter of cost. In this regard, it is more profitable to invest than to make long-term payment

incurred on the basis of non-functional planning and system incompliance with a (functional) integrer.

## **Remark #10**

We believe that the functional model and thematic segments should be the guiding principle of the analysis of key program determinants and the basic aspect of management. For example, if the thematic segment is “corruption”, then corruption is defined in the context of the program goal (for example, Klitgaard 1988: 75, “corruption = monopoly + discretion - accountability”) and set it as “stream” in relation to all competencies and program determination of all (ministries). It is clear that corruption will survive if accountability cannot be controlled, and the requirement of the functional principle is that it be placed throughout the entire administration system, in order to pinpoint weaknesses in accountability and shortcomings regarding legislation, and to act in all segments and all levels to make change possible, and the activities to get an actual form measurable in practice. On the contrary, any attempt by the competent, i.e. sectoral approach in observing any aspect and defining activities in the work program of ministries, we believe would not contribute to sufficient efficiency and effectiveness in delivering the planned values in the community.

## **Remark #11**

In such a process, as for e.g. proposed by measures of the Ministry of Ecology, is made the National Plan of priority activities in the field of mitigation and adaptation to climate change (as something “new”), without prior revision of „old“ national environmental strategy (for instance, national policy of waste management yields no results and there are numerous discrepancies and contradictions in regards thereof), the scientific literature indicates that it is a so-called “stratification”, which implies unique “sedimentation” process. The goals of such a relations known in the literature are to establish a rebalance, adjustment, achieve continuity and a mixture of old and new reform characteristics, leading to the so-called “system merger” and partnerships, which should follow a new way of governing, and will actually include the traditional form of governance and coordination, and turn them (introduce) into a new version (Iacovino et al.: 63). In this way, the “new management” becomes integrated and improved by new principles. However, literature also suggest that functions and instruments in this approach are based on new ideas and essentially incorporates and uses the “old model” tending to “optimize” into new purposes (increase of efficiency, effectiveness, improvement of services, etc).

In the case of the proposed program benchmark for the adoption of the National Plan of priority activities in the field of mitigation and adaptation to climate change none of the listed functions have been fulfilled nor can any “system merges” (partnerships) occur: if there are any new ideas, they will pose a new burden for the already dysfunctional national environmental policy or national

waste management policy: see Annex 2, One Pager, Waste Management Policy at page 24 of this edition), The “old model” cannot be optimized as well, because waste management policy requires a thorough management review. Thus, the effects of mitigation and adaptation to climate changes cannot be achieved without functional connection of the policies. For instance, in case of waste management policy the entire system should be structurally adjusted to the basic management principles (waste management hierarchy), so that it can adopt (new) solutions at all. Therefore, we believe it is good there is intention for adopting National Plan of priority activities in the field of mitigation and adaptation to climate changes, but it would be sensible if done altogether with revision of the National Environmental Policy. And as long as such burdens exist (new vs. old) it is highly unlikely that envisaged plan will be successful.

Finally, in order to succeed, we propose the “Matrix” as a model made up for evaluating justification of program planning measures, with essential indicators of how key management aspects will be systematized and compared. Equally important as well, how will the aspects of management be analyzed in the relation “old” ↔ “new” ↔ and “management” (as intended to be established). According to this model systematization includes “dimensions” that require serious observation regarding the predominant logic, the objectives and workload system, the internal and external relations, the accountability and planning and control systems orientation, and the organizational and governance models (Iacovino et al.: 64). It is of special relevance and what the “Matrix” insists on, to establish value system, as a prerequisite for the success of program orientations based on the analysis of aspects. For illustration purposes, if we apply the “Matrix” in terms of the Montenegrin waste management policy, we notice that the prevailing logic, objectives, workload system, accountability system, planning, control and organizational and management models are not and cannot be harmonized. Moreover, both internal and external relations (even if we take, for example, the external relationship of the National Plan of priority activities in the field of mitigation and adaptation to climate changes) could not also be satisfied, if not other, due to the lack of support by the previous criteria. In short, policy of waste management isn’t functionally linked not even comparing to the instruments provided by the current Law on Waste Management, while actual planning in this regard hasn’t been based on realistic assumptions. Moreover, they often resembled the so-called “staircase”, with lack of sequence of steps that would direct (and conquer) the activities in the logical ascending progression from “1 to 10”, but it was mostly unrelated and / or methodologically and non-functionally (in)consistent, or even applicable for that matter.

## **Remark #12**

Although more difficult to understand, it is important to point out that the “social construct”, i.e. the term “cultural complexity” acceptable for this purpose is also an important component of planning. Strong cultural complexity indicates a number of informal, cultural norms and values in and between public institutions,

adhered to or developed as norms of functioning on the basis of previous practices. This has certainly conditioned the creation of specific social norms as patterns of behavior essentially manifested and reflected in the “cultural complexity” concept. In that sense, “people centered” policy oriented towards people (citizens) is not modus operandi of the Montenegrin administration, while “strong cultural complexity” is grounded in society. On the contrary, “weak cultural complexity” means homogeneity and integration, where members are committed to cultural norms and values, where there is a common feeling of being in the same “cultural boat” (Christensen and Læg Reid, 2011: 409-410). Therefore, the success of a program that will lead to change depends on the cultural pattern of “shifting” values towards homogeneity and integration, which also requires appropriate government action, including proposing (successful) measures that will turn “old into new”, and in our opinion, such a (cultural) component is not recognizable in the proposed measures in the Program, which will also have an effect on the success of the envisaged goals.

# 10 Arguments “Why and How versus What” in Health Policy of Montenegro

A review of the Ministry of Health of Montenegro Website<sup>1</sup> shows that Montenegro, actually doesn't have a health policy at all. The Health Development Strategy of Montenegro was published in December 2003 “addressing” the health policy of Montenegro until 2020. The strategy doesn't provide a vision, nor does it offer development principles associating goals. Moreover, the document represents a sublimation of methodologically unrelated constructions and inconsistent contents.

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<sup>1</sup> <https://mzd.gov.me/rubrike/strategija-razvoja-zdravstva-crne-gore?alphabet=lat>

# ARGUMENTS

## Argument 1

Page 2 reads: “Health policy in the Republic of Montenegro until 2020 represents the foundation for legislative, platform and action programs, with the objective to make health care more efficient and better quality and to include health care in Montenegro in the European and World health development process” (end of quote).

## Argument 2

Pages 2 and 3 define that the health policy in the Republic of Montenegro until 2020 has the following general objectives: “1. Extending life expectancy; 2. Improving quality of life relating to health; 3. Decreasing differences in health; 4. Financial risk insurance” (end of quote).

## Argument 3

On page 3, the author states that “The health care system of Montenegro had represented part of the health care system of the former SFRY, which was characterized by irrational and inefficient organization while promoting access to all health care rights. In that way a picture was formed that citizens have rights to any kind of health care service, regardless of necessity, but without previously developing the conscience of citizens that every health care service has its price and that health care is not free. The reasons for health care reform should be looked for in the inefficiently functioning health care system and a number of identified problems, from inadequately organized health care services, methods of collecting and allocating resources, absence of an adequate system that monitors and controls different segments of the health system and insufficient quality of the service provided. All of these problems have been present for many years in the health care system. The health insurance and health care system reforms shall penetrate all segments and shall have strong implications on events in other segments of society” (end of quote).

Such determinants cannot stand as content in any policy or Strategy for that matter. The background of the problem can be the basis for improving conditions and policies, and where necessary, to make things analytically more understandable, as a precondition for some action ↔ reaction. Emphasizing the narrative definition, by composing words, i.e. phrase, do not lead to strategic planning. Observing academically, the aspect of sociological theories (Theory of norms, Theory of planned behavior, etc.), as well as legal theories (all legal theories) suggest lack of methodological approach in drafting the Strategy document, and that the complete approach to health policy failed. Theories and practice mutually coexist, and in a methodological approach there must be an approach that focuses on **Why and How**, not What. So, in terms of methodology, author of this document cannot find relevance in What („a part of health care system of former SFRY”), but oriented and productive policy in terms of results has to be grounded on **Why and How** (hence, **Why and How** as a part of health care system of the former SFRY, based on which are to be defined points for reacting to modify and improve poor practices).

## Argument 4

Page 4 of the Strategy is entitled “Analysis of the Health Care System”. The health capacities are compared with selected European countries, stating that the situation in Montenegro is at the level of developed countries in terms of the number of beds and the doctors. Moreover, on page 3 of the same document “the irrational and inefficient organization of health as a part of the former SFRY” stands out, followed by the next page statement that “the corresponding level of developed countries” arises from such an “inefficient and irrational” organization.

## Argument 5

Pages 5 and 6 show “State of Health of Population for 1991, 2000 and 2001” completely failing to mention health policy until 2020, but the author focused on the analysis of 1991, 2000 and 2001 birth rate, mortality, natural increase and vital index data. The data serves to direct and develop the policy, to encompass the data in order to guide the achievement of the desired effect, and not to analyze the previous condition. If data is lacking, then the policy is developed on the basis of existing and, where necessary, on the basis of experiences and statistics (models) of related, scientific theories, best practices, etc., in order to achieve the best formulas to change (something) and promote poor aspects, and this must correspond to real social circumstances.

## Argument 6

Pages 6 to 8 discuss “Financing Health Care”. Again, the element of policy planning and development is missing; the **Why and How** is missing. Instead of using inputs (What), and focuses on **Why** and **How** and proposes health policy measures leading to the improvement and achievement of set goals, the author still refers to the description of the current situation and fails to provide prospects for improving conditions.

## Argument 7

Page 8 is titled “Problem Evaluation”. Politics is still limited to What. Descriptive details, to be precise. On page 10 are listed the “principal health care problems”, using a descriptive. 16 problems were presented (we counted). This in itself speaks enough about the lack of methodology in the preparation of the subject document. Finally, politics doesn’t mean “enumeration”. The policy requires “live instruments” that will allow things to slide through the problems in question and deliver new content to the community, to improve the situation according to clearly established standards, best practices and realistic solutions.

## Argument 8

Page 11 brings a new title “Development Strategy” based on the “Universal Declaration on Human Rights of the United Nations, World Health Organization’s Declaration on the Responsibility of Member States of WHO for Population Health, - European policy and “Objectives for Health in the 21st Century” – WHO, Charter of Ljubljana, Conference on primary health care in Alma Ati, Constitution of the Republic of Montenegro and other documents and suggestions made by international organizations and institutions” (end of quote).

The content of the stated norms is essentially missing, and the measures don’t recognize how the situation will be improved according to the logical sequence and functionality of the action in relation to the values of the cited documents / declarations. For illustration purposes, there are no guidelines indicating how the Ministry of Health will respond to the application of Objective 5 (**SDG 5: Gender Equality**), or Objective 1 (**SDG 1: No Poverty**), or Objective 13 (**SDG 13: Climate Action**) in Montenegrin health care policy. Montenegrin health policy requires a revision that includes the development of health policy based on a vision, where each output (B, C, D...) will have a starting point in the input “A”, and methodologically will be based on the principles of strategic planning.

## Argument 9

On page 17 of the Strategy document distinguishes the title “Activities in Health Care Reform”. Quote: “The health system in Montenegro shall develop in the framework of existing public health institutions, through restructuring and integration of resources into private property. To achieve the established objectives of health policy for the Republic of Montenegro it is necessary to carry out radical reform of health insurance and the health care system. During carrying out of reforms all citizens of Montenegro shall be provided with equal access to basic health care and quality services, while the private and state sector shall be gradually provided with equal possibilities to carry out health care. Through the reform process the introduction of planning and management of the health care system shall occur, restructuring of existing health capacities, and the reform itself shall spread over all areas of the system. In order to carry out and provide quality reform, priorities shall be defined, and reform shall be carried out gradually. It shall be possible to supplement the reform plan during the process of carrying out reforms so as to achieve the best effect” (end of quote).

For illustration purposes, we showcase examples of phrases. Phrase 1: “It is necessary to carry out radical reform of health insurance and the health care system.” (methodological correction: **Why** and **How?**); Phrase 2: “equal access to basic health care and quality services, while the private and state sector shall be gradually provided with equal possibilities to carry out health care” (methodological correction: **Why** and **How?**); Phrase 3: “there will be the the introduction of planning and management of the health care system shall occur, restructuring of existing health capacities, and the reform itself shall spread over all areas of the system” (methodological correction: **Why** and **How?**).

## Argument 10

Page 19 continues to list policy activities that will improve the health situation. Quote: “It is necessary to clearly divide the relations between the Budget and Fund resources for health insurance. The State provides basic health care and universal cover for the population in the following manner: all persons who pay contributions and persons who are insured through them are eligible to basic health care in that manner. Key to success of reform is that all persons settle their obligations. This also refers to companies that are required to pay contributions without exception. Strengthening financial discipline and a system to control contribution payments is vitally important for success of reform” (end of quote).

Phrase 1: “It is necessary to clearly divide the relations between the Budget and Fund resources for health insurance.” (methodological correction: **Why** and **How?**); Phrase 2: “Key to success of reform is that all persons settle their obligations. This also refers to companies that are required to pay contributions without exception” (methodological correction: **Why** and **How?**).

For illustration purposes, the imperative stipulation “companies that are required to pay contributions without exception” as stated by the Ministry of Health is nothing in policy planning. This is actually a matter of basic misunderstanding the functional interconnections of the system, but also of misunderstanding the interdependence and harmonization of the institutional relations in management. Such (imperative) linguistic determination of the Ministry of Health, in this particular case, cannot be expressed without the connection and harmonization of policies at all levels, making it visible, distinguish and recognizable.

By presenting the goals of sustainable development, such a commitment should be expressed, and in correlation with: **SDG 1** (No Poverty) ↔ **SDG 3** (Good Health and Well-being) ↔ **SDG 4** (Quality Education) ↔ **SDG 8** (Decent Work and Economic Growth) ↔ **SDG 9** (Industry, Innovation and Infrastructure) ↔ **SDG 10** (Reduced Inequalities) ↔ **SDG 16** (Peace, Justice and Strong Institutions) ↔ **SDG 17** (Partnerships for the Goals) - and this is not the case in the document.

# One Pager

## Waste Policy Montenegro

The National Waste Policy of Montenegro provides a national framework for waste and resource recovery. National goals in waste management were set in the strategic document National Waste Management Plan 2014 – 2020, which is aimed at prevention of waste production and waste use as resource for primarily secondary raw materials and energy. It outlines roles and responsibilities for collective action by authorities, businesses, communities and individuals. Although some improvements, mostly in introducing waste legislation and improving planning for waste management, the implementation of the National Waste Policy goals is a far away of the projected (planned) level: **(1)** Implementation of the legislation remains as an issue. Failure to enforce legislation.<sup>2</sup> **(2)** Two existing sanitary landfills in the country designed to, or close to, EU standards, and further four are in different stages of design, as well as in seeking financial support.<sup>3</sup> **(3)** Insufficient treatment and storage facilities for hazardous wastes. There is no infrastructure for the disposal of hazardous waste, technically and technologically equipped in accordance with European standards.<sup>4</sup> **(4)** The National Waste Management Plan includes a number of shortcomings, as well as inconsistencies between the Plan's direction and the evidence it presents. For instance, it's keeping incineration as an option whose feasibility is to be explored further. Further capacity building is required for policy makers on the options of different waste collection schemes.<sup>5</sup> **(5)** Resourcing and technical competencies at the local level need capacity building and training.<sup>6</sup> There is not a complete set of waste management plans at the

<sup>2</sup> European Environment Agency, Montenegro municipal waste factsheet – September 2018, Published 09 Apr 2019, p. 4.

<sup>3</sup> Eunomia Research & Consulting, A comprehensive assessment of the current waste management situation in South East Europe and future perspectives for the sector including options for regional co-operation in recycling of electric and electronic waste, 12. January 2017, page ii.

<sup>4</sup> European Environment Agency, Montenegro waste prevention fact sheet – November 2017, Published 09 Apr 2019, p. 7.

<sup>5</sup> Eunomia Research & Consulting (2017), page iii.

<sup>6</sup> Eunomia Research & Consulting (2017), page iii.

local levels, nor aligned with the national one. 21 of 23 municipalities in Montenegro have the consent for local management plans for Communal and non-hazardous construction waste. Nikšić and Kotor have not had the local management plans, yet.<sup>7</sup> **(6)** Low level of cooperation among municipalities.<sup>8</sup> **(7)** There is no data on municipal waste or they are unreliable and inconsistent. There is a lack of data of industrial wastes.<sup>9</sup> Thus, the scope for measuring performances on waste management in projected goals (targets) are very limited. **(8)** Recycling rates remain at a low level where they can be discerned. In the Municipal waste recycled and composted report by country, published on 29 Nov 2018, indicates a recycling rate of around 4.5% in 2016.<sup>10</sup> There are no data for Montenegro for 2017. In comparison to that, according to the Policy plan and the projected goals for reuse and re-cycling in percentage of the total amount of collected household and similar waste recycled for 2020 is 50%<sup>11</sup> and 70 % recovery of construction and demolition waste.<sup>12</sup> **(9)** Public finances on waste management services at the local level face a difficulties in managing costs (cost recovery)<sup>13</sup>. **(10)** Lack of public involvement in waste separation. Weak domestic market for recyclables, so most secondary raw materials need to be ex-ported, decreasing the profits from their sale.<sup>14</sup> **(11)** Lack of active engagement by stakeholders (including employers) in taking up their tasks and responsibilities. Lack of political will and low levels of coordination.<sup>15</sup> **(12)** Last but not less important, it is a clear that in reality progress towards meeting the objectives of the EU waste *acquis* is a very slow.

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<sup>7</sup> Green Home – Coalition 27 – Env.net: Country Specific Report, Written Contribution for the 2019 Montenegro Annual Report , Chapter 15 & 27, 31. 10. 2018, p.12.

<sup>8</sup> European Environment Agency, Montenegro municipal waste factsheet – September 2018, p. 4

<sup>9</sup> Eunomia Research & Consulting (2017), page iii.

<sup>10</sup> European Environment Agency, Municipal waste recycled and composted in each European country, Published 29 Nov 2018.

<sup>11</sup> European Environment Agency, Montenegro waste prevention fact sheet – November 2017, p. 4.

<sup>12</sup> European Environment Agency, Montenegro municipal waste factsheet – September 2018, p. 3.

<sup>13</sup> Eunomia Research & Consulting (2017), page iv.

<sup>14</sup> European Environment Agency, Montenegro municipal waste factsheet – September 2018, p. 4.

<sup>15</sup> European Environment Agency, Montenegro municipal waste factsheet – September 2018, p. 4.

# The Analysis of Aspect

Dimensions	Old	New	Management	Value judgment
<b>Problem 1</b>				
Predominant logic				
Objectives				
Workload system				
Internal relations				
External relations				
Accountability				
Planning				
Control				
Organizational model				
Governance model				

Dimensions	Old	New	Management	Value judgment
<b>Problem 2</b>				
Predominant logic				
Objectives				
Workload system				
Internal relations				
External relations				
Accountability				
Planning				
Control				
Organizational model				
Governance model				

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