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**Montenegro: Headed for
New Divisions?**

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Key Points

- * The recent history of the Balkans suggests that the easiest way to challenge regional stability is combining a bad economic and social situation with oppressive national identity politics.
- * After the proclamation of independence, the problem of identity has dominated the Montenegrin political scene. Ethnic groups are becoming increasingly politicised. The ruling Montenegrin elite sees no need for dialogue.
- * Issues like the new constitution, symbols of the state and the church are highly volatile and could lead to new conflicts
- * Corruption, organised crime and absence of the rule of law still seriously threaten Montenegro's future in Europe.

Contents

Introduction	1
Electoral politics	2
State symbols and minorities	6
Old friends or new?	7
Unconstitutional processes	8

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Introduction

Apart from being the set of the latest James Bond adventure,¹ the small Balkan country of Montenegro is unique and interesting in many ways. Although it has only 670,000 inhabitants, its population could be used as a case study of just how complex the identity issue in the Balkans is. For example, the theorists of nationalism and national identity would find in Montenegro

- Firstly, a traditional pluralistic identity of majority Christian Orthodox population, which used to perceive itself at the same time as part of the Serbian nation, but also as Montenegrins;
- Secondly, a history of social engineering that succeeded in creating a breakdown of the Orthodox population into two separate nations;
- Finally, within the Muslim population, which represents approximately 11 per cent of the population, those who view themselves as a Bosniac minority and those who declare themselves ethnic Muslims.

These issues are not merely of theoretical relevance. As this article will demonstrate, the issue of identity started dominating the Montenegrin political scene after the 2006 proclamation of independence. The recent history of the Balkans, becoming almost a regional tradition and exhibiting itself in other geographies as well, teaches us that stability is for the most part challenged by a combination of a bad economic and social situation² with dangerous and oppressive national identity politics.

Montenegro was internationally recognised in 1878, at the Berlin Congress. After it amalgamated with Serbia in 1918, it became part of the Kingdom of Yugoslavia, then subsequently part of socialist Yugoslavia, and after 1992, it became one of two constituent republics of the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia was transformed by the Belgrade agreement from 2002 into a confederate State Union of Serbia and Montenegro, and finally, after the referendum of 21 May 2006, Montenegro became an independent state again.

After independence, the political processes in Montenegro accelerated.

- Parliamentary and local elections were held,
- The country joined the United Nations and Partnership for Peace and applied for membership of the Council of Europe and other international institutions,
- The new government was formed,
- The long-time political leader of Montenegro Milo Đukanović retired from all significant state functions after sixteen years in power,
- The first arrests of individuals of Albanian origin accused of terrorism were made,
- Russian capital kept flowing into the country with new acquisitions of public and private property,
- Finally, the debate on the new constitution began.

In this article a brief analysis of the processes mentioned above will be offered. Additionally, some of the greatest challenges to the general stability and development of the country will be pointed out.

Electoral politics

The population of Montenegro traditionally consisted of a majority Christian Orthodox population (between 80 and 90 per cent) and two significant minorities of Islamic confession: Albanians in the southeast of the country, and Muslims in the north. The majority population used to view itself as a part of the Serbian nation and it shared all characteristics of the Serbian national identity (myths, religion, origins, self-consciousness), except for statehood. Until the end of the last century, most of the citizens maintained a dual perception of identity, claiming to be both Serbs and Montenegrins.

Since 1990, when Milošević helped him ascend to power, Milo Đukanović held the reigns of power in Montenegro. Although the Montenegrin political leadership was an important element of the early 1990s war politics, Đukanović and Milošević split up in 1996, when Đukanović managed to beat former colleague Momir Bulatović (a close ally of Belgrade) in the presidential elections, in controversial circumstances. Both Đukanović and the DPS party represent an interesting example of how the same ruling clique over a ten-year period can go from leadership in promoting the politics of greater Serbia to creating an anti-Serbian identity.

After the break-up with Milošević, Đukanović adopted the programme of the small Liberal Alliance and supported an identity industry which over a decade managed to expand a perception of a particular non-Serbian, so-called *Diocletian* ('dukljanski') identity of Montenegrins. Such politics represented a foundation for the project of the independent state of Montenegro.

However, in the 2003 census, a significant portion of what used to be the majority population of Montenegro decided to preserve its Serbian identity. Results of that census should be the ground zero for any future stable political and constitutional arrangement. Those results show that in Montenegro there are 43 per cent ethnic Montenegrins, 32 per cent Serbs, 7.77 per cent Bosniacs, 5 per cent Albanians, and some smaller groups. It can be argued that the root of today's problem is that the Montenegrin government did not accept such an outcome, and above all it did not accept the fact that almost half of the Christian Orthodox portion of the population declared themselves Serbian. One can encounter statements of various officials saying that Serbs belong to the political and not the national category.³ This violates one of the basic human rights, the right to freely express and fulfil one's identity. Furthermore, there are indications that the government is determined to continue pursuing a combined strategy of economic pressure and educational and cultural engineering, to reduce Serbs to less than 10 per cent.

If this kind of forceful identity politics continues, it will either force Serbs to leave, or it will provoke radicalization and organized resistance within a significant part of the Serbian population. If one considers the nature of the violent and intolerant Montenegrin society, which is still criminalized to a great extent and in which an ancient tradition of blood feud still exists, the second option seems more likely to happen; and that means that the conflict could escalate and expand.

The September 10th elections very much changed the nature of the Montenegrin political scene. It was a long-term, strategic change because it created new cleavages among the political parties, replacing the previous division into the parties that supported Belgrade versus those that opposed it. The great triumph of the governing DPS – SDP coalition was widely expected. The elections were held only three and a half months after the referendum, so they successfully leveraged the jubilant atmosphere of triumph over the achievement of independence.⁴ It must be remembered that the DPS does not represent a classical political party: similar to former communist parties (it was created by renaming the former League of Communists of Montenegro), it had at its disposal all the state resources, such as military, police force, secret services, legal system, state media, the treasury, etc. Montenegro is the only state in south-east Europe that still has not interrupted the ex-communists' continuity in government.

However, there was one direct consequence of the elections that no one really expected: a radical reorganization of the opposition. The former pro-Serbian (meaning pro-Yugoslav) bloc, which opposed the independence of Montenegro, fell apart. The three-party coalition SNP-NS-DSS was heavily defeated, and by winning only 14 per cent of the votes it lost the monopoly of the opposition field it once ruled. The reasons for this lie not so much in the fact that this coalition had a ten-year history of leadership in the unsuccessful opposition – but rather in the fact that no one really understood who this bloc represents and what its goals are. This became particularly obvious during the campaign when the coalition kept insisting on its civil transformation. The battle for the preservation of its old, pluralistic identity appeared anachronistic, possibly even chauvinistic, in the atmosphere of a Diocletian sense of being Montenegrin, since the coalition's programme included work aimed at convincing Diocletians that they were still Serbian.

The People's Party (NS), which used to be a strong organisation of particularly significant intellectual capacity, came close to complete disaster. According to summer 2006 research by the NGO CEDEM, it has the support of around 1.5 per cent of votes. It is mostly kept alive by the support it gets from Belgrade (as this party is a traditional ally of Kostunica's DSS party) and with the help of two parliamentary seats it had been given by the SNP party.

After the electoral defeat, the SNP party itself went through changes. Former leader Predrag Bulatović resigned as its president, and younger and more educated Srđan Milić was elected the party's leader. He continued the policy of coming closer to the regime and to the DPS that started during the election campaign. At the time, stories raged about a possible coalition between the DPS and the SNP parties. Some western analysts, such as Judy Batt, supported such an outcome.⁵ It was commonly held that such a move would be the best way to reconciliation and the achievement of stability in Montenegro. However, the DPS together with the SDP obtained an absolute majority, while the SNP suffered a heavy defeat, so this scenario did not come to life.

Nevertheless, the idea has lately emerged in the open once again. A local branch of the SNP party in Kolašin on 25 December 2007 decided to form a local coalition with the DPS instead of with the opposition's Serbian List, although the party's headquarters were strongly opposed. As soon as the conflicts within the SDP party started, the old alliance of former colleagues came back to life. Milić can often be seen in the state media, and he even said that the SNP party would certainly offer its help in providing the two-thirds majority needed for the new constitution.

The biggest surprise of the elections was the unexpected success of the Serbian List coalition. The collapse of the unionist bloc gave birth to the Serbian People's Party (SNS), which started formulating a new, modern and more rational identity politics. It was founded on the census results and each citizen's right to a free choice of identity. By doing so, it acknowledged the right to existence of a separate Montenegrin nation, while its primary task is a struggle for the acknowledgement of the rights of the Serbian nation in Montenegro.⁶ In order to achieve that goal, the SNS party managed to form a very diversified coalition, and it attracted many voters in a very short period of time. What stands out as particularly interesting is that it had great success in urban centres and received many votes from young people.⁷ Fifteen per cent of the vote and 12 mandates made them the strongest opposition group and showed that the Serbian nation in Montenegro had started the process of political subjectivisation. With this, the Serbian issue in Montenegro was re-opened.

One cannot ascertain how convenient this really is for various political forces interested in the future of Montenegro. Statements from a number of analysts who have been monitoring the progress of the infant state illustrate very well the fact that the West did not welcome the new divisions within Montenegro. Those who used to insist on the specificity and particularity of Montenegrins now claim that the Serbs and the Montenegrins are the same nation and express the hope that all Christian Orthodox citizens would accept the fact that they belong to the Montenegrin nation.⁸ Officials in Belgrade showed almost no interest in the position of the Serbs in Montenegro. The explanation for this lies not only in Belgrade's wariness that any legitimate struggle for basic human rights could be interpreted as Milosevic-style politics, but also in incompetence and a lack of interest in handling issues or actions that do not have any immediate benefits.

Despite that and despite unrelenting pressure from the regime in Montenegro,⁹ the success of the Serbian List (which was created despite invitations from Belgrade for the preservation of the anti-referendum coalition) shows that the Serbs in Montenegro are determined to preserve their traditional identity, so the Serbian List will probably remain a factor that all the actors Montenegrin political life should count on.

The newly formed Movement for Change party won 13 per cent of the vote, and although it won fewer votes than everyone had thought it would, the fact that it emerged at all is significant. This party presented a comprehensive and detailed programme which anticipated a series of expert reforms at all levels, somewhat reminiscent of the G17 party in Serbia. It took advantage of all opportunities that presented themselves to give an expert critique of the government's economic and social policies, and in doing so it introduced a different discourse and a different way of pursuing politics. If it survives and if it manages to build a strong infrastructure, it could become a significant rival to the DPS. If it fails, it will quickly be reduced to a small party which will bear further resemblance with their colleagues in Serbia.

Finally, there has been a noticeable change amongst the Albanian voters. The DUA party led by Ferhat Dinoša, which has been one of the regime's partners for years, was defeated in the municipalities of Ulcinj and Tuzi, where Albanians are a majority. Apparently, the voters turned to some more radical parties bringing fresh energy, like Bardi's DSA and Albanian Alternative. The regime's independence project received significant help from the Albanian and Muslim-Bosniac national communities. In the days leading up to the referendum, parliament passed a law on minorities' rights which included generous concessions to ethnic minorities; shortly thereafter, the law was abolished by the 'independent' Constitutional Court. Albanians and Bosniacs viewed this as fraud. At the same time, the dissolution of

the State Union of Serbia and Montenegro and subsequent removal of Belgrade as a common political opponent set the scene for political conflicts between the regime and the part of the Albanian population prepared to confront it in order to protect its own interests. As a result, this group turned away from the pro-regime DUA and leaned towards the opposition parties.

Recently it has become evident that Muslims have started politically organizing themselves into movements based upon the ethnic principle. In the past, they acted as members of the governing Montenegrin parties. However, they began to express serious doubt, especially when it came to the new constitution. The proposal for the new constitution was openly criticised by Rifat Rastoder from the SDP party, by the members of the Matica Bošnjaka organization, and by the members of the Bosniac Party, which also managed to win seats in the Parliament. All the parties asked for a constitutional position for the Muslim community, and they suggested that the alternative draft of the new constitution by the Serbian List was by far superior to the one examined by Parliament.

With the dissolution of the state union of Serbia and Montenegro, the regime lost Belgrade as its universal scapegoat, so now it has to confront all the internal issues along with resolving a long line up of social, economic and political problems. In summary, the revolution that took place in the opposition field on September 10 meant that the real political struggle in Montenegro was about to unfold.

Milo Đukanović unexpectedly retired from the leadership of the government immediately after the campaign and election victory. Although he spent 16 years as a leader of Montenegro, Đukanović is a rather young politician, so his retirement does not appear to make much sense. Amongst all the explanations that were offered, two were particularly interesting:

- The first was that Đukanović grew tired of politics; at a time when the former substantial state monopoly was cornered by the emerging forces of private capital and new political players, he estimated that his influence would be greater and safer if executed from the shadows. His brother Aleksandar is one of the richest men in Montenegro, and some say that Đukanović himself acquired significant wealth. The position of tycoon may have become more attractive than that of the formal leader of the country burdened with problems.
- The second explanation is that Đukanović's move was arranged with western officials before the referendum. He simply stepped aside and let Željko Šturanović, as someone unencumbered and not perceived as corrupted, become the new prime minister, which should enable him to reach out towards the opposition and bridge the gaps which might tear Montenegro apart. To take this point one step further, one of the conditions for continued Euro-Atlantic integration is a decisive struggle with corruption and crime. Đukanović, who has been for a period of time the target of the Italian Attorney General's office, does not appear to be the right person for this job.¹⁰

Whatever the reason, Milo Đukanović retreated from high-level politics holding on to his seat in parliament and his position as party leader. Will he continue defining the political life and all significant issues in Montenegro, or will his formal retirement at least partially open the way for the erosion of his power that so far has been absolute? The congress of the DPS party, expected to take place in May 2007, will probably provide some answers to this question.

While on this topic, an interesting article written by the influential judge Blagota Mitrić was published in the *Pobjeda* daily, and in it the author lists a series of flagrant violations of laws and the constitution committed by the regime, and in

conclusion begs for Đukanović to come back, because – in the author's opinion – he is the only guarantee that the system will continue functioning. The interpretation of these violations is that they are an obvious sign that the current government does not have the strength to run the country which Đukanović allegedly had.¹¹

State symbols and minorities

Our basic thesis – that potential conflicts about the identity and rights of certain ethnic groups represent the greatest source of instability in Montenegro – can be illustrated with two recent examples. The symbols of state, particularly in the Balkans, arouse emotions and passion. The majority of the population of any country should accept that country's state symbols; the population should see them as inherent and should feel emotionally attached to them. At the same time, such symbols should not be offensive to a part of the population which does not necessarily share the views and sentiments of the majority, but is still expected to respect and accept the state symbols.

The state symbols of Montenegro are at the epicentre of a major conflict. They were adopted in 2004, when the ruling majority outvoted the opposition, which, as one could see at the referendum, represents around 45 per cent of the population. With this act, the government clearly demonstrated its intention to impose a new identity upon all citizens.

The new symbols are problematic in a number of ways. Instead of the double-headed eagle mounted on the old Serbian tricolour, which had been the basis of the Montenegrin state flag since the 18th century and which continued playing that role until recently, the government adopted a version of the red flag (also known as 'Alaj barjak'), which used to be an army flag and which until the present day had only been declared a state flag by the occupying forces of the Austro-Hungarian Empire in 1917 and Italy in 1941.

The national anthem poses an even greater problem. Instead of the old royal anthem 'Ubavoj nam Crnoj Gori' or the popular anthem 'Onamo 'namo', the government chose a version of the song 'Oj lijepa majska zoro' written and published in 1944 by Sekule Drljević, a fascist war criminal and a close ally of the Ustasha regime in World War II. Understandably, members of Serbian and pro-Serbian parties reject such symbols as they find them rather offensive. This was apparent when during the first session of the new Parliament, deputies of the Serbian List and of the SNP-NS coalition refused to rise for the national anthem.¹²

Their act provoked harsh criticism from the government, accusing them of being against the state itself, but it also brought forward reasonable suggestions that the government should rethink its position and try to come up with a compromise solution. In the search for such a solution the role of the international community would likely be crucial. If the new constitution leaves the present symbols unchanged, they will become the object of perpetual conflict and the best indicator of how deeply the population is divided.

Members of other ethnic groups voiced their objections to such symbols as well, but matters continued to worsen. As mentioned earlier, soon after the elections the Constitutional Court, which was very close to the regime, abolished the Law on Minorities' Rights. Understandably, this caused profound dissatisfaction. Over the past ten years, the Albanian population, which makes up around 6 per cent of the population, gathered around the party close to the regime and thus managed to

obtain many privileges, such as education in its own language, school books printed in Priština in Kosovo, etc. But this group's demands went beyond such gains. It requested special status for the Tuzi municipality, an Albanian-speaking university faculty and other privileges. However, there are indications that the goal of the Albanian people living in the area is not so much the struggle for ethnic rights as for a territorial separation of the Albanian inhabited parts of Montenegro and the accession of these territories to Kosovo and thus to a Greater Albania.¹³

On the eve of the elections, in a spectacular and rather controversial action, the police arrested several members of an alleged Albanian terrorist group in the municipality of Tuzi; according to the police, the group was preparing various terrorist acts and was about to start armed conflicts. Amongst the members of the group called 'The Eagle's Flight' were even a few candidates from the Albanian Alternative's electoral list. The regime used this as a propaganda move before the elections, and the trial is yet to take place. But this does not diminish the fact that serious indications exist that this region is about to become another one where Albanians will become radicalized.

Such incidents should be viewed in the context of a long-term analysis of the Albanian issue. The Albanians, who have rightfully felt threatened for decades by surrounding nations, have acquired a warrior mentality that keeps them on a permanent alert and in a form of militarized political organization that is in perpetual tension with other nations. Unlike the 'shrinking' nations characterized by an extremely low birthrate prevalent in Western Europe, the Albanians are a young and dynamic community that despite high rates of unemployment and poverty continues demographic and geographic expansion. This has potential to become a source of escalating regional instability: as Albanians continue mobilizing their ethnic presence in a cultural, geographic and economic sense, they further the process of creating a Greater Albania.

Another issue that is a source of conflict is the Church issue. The most influential religious institution in Montenegro is the Serbian Orthodox Church (SPC), i.e. its metropolitanate in Montenegro led by Archbishop Amfilohije Radovic. According to regular polls by the NGO CEDEM, it is the most popular and the most trusted institution in this state. However at the beginning of the 1990s the so-called Montenegrin Orthodox Church (CPC) has been established. It is led by former SPC priest Miras Dedeic, who had been defrocked and expelled due to financial irregularities. This new religious community is unrecognized among Orthodox churches, but it was officially registered by the Montenegrin Ministry of Internal Affairs, at Cetinje, in 1999. It appears to be part of a whole package of institutions for identity construction in the new Montenegro: including the Diocletian Academy, the Montenegrin language etc. It is promoted by state television and state institutions (especially President of the Parliament Krivokapic and his SDP). In its draft Constitution, the government proposes to recognise the legitimate religious community together with traditional churches such as the SPC, the CPC as a Catholic Church or the Islamic community. The CPC demands to take over the objects, property, monasteries and churches of the SPC. Several times already there have been violent conflicts when the supporters of the CPC tried to take over some religious object belonging to the SPC.

Old friends or new?

During the 2006 NATO summit in Riga, Montenegro was invited to join the Partnership for Peace, together with Bosnia and Herzegovina and Serbia. This presents the three countries with an opportunity to formally integrate into the Euro-Atlantic security infrastructure. It is an important step in the right direction, offering a new kind of guarantee to potential investors as well as hope that internal political stability will improve.¹⁴

When President Vujanović signed the Partnership for Peace on 14 December 2006, he may have solved the dilemma concerning the future position of Montenegro in international and security relations. In the past three years, the Đukanović government entered into significant co-operation in Russia. Aware of the fact that his reputation in the West after the Belgrade Agreement was somewhat tarnished, Đukanović appointed Milan Roćen, his most trusted and highly capable associate (and Montenegro's current minister of foreign affairs), to be the ambassador of Serbia and Montenegro in Moscow. Roćen established strong contacts with political structures and tycoons in Russia and single-handedly opened the door for a rapid injection of Russian capital into Montenegro. Oleg Deripaska became the owner of the KAP Aluminium Processing Factory and hence of a significant segment of the Montenegrin economy, while Russian tycoons and wealthy citizens, methodically and at alarmingly high prices, began to acquire apartments, houses and hotels, as well as undeveloped land on which they constructed architecturally bewildering structures.¹⁵

This kind of economic colonization understandably raised a question of the political and security relations existing between Russia and Montenegro. On several occasions Montenegro was invited to drop the Euro-Atlantic integration processes, while the Russian army expressed an interest in using ports, maintenance facilities, and other objects that used to belong to the former army of Serbia and Montenegro. The Russian presence significantly strengthened the position of Đukanović, who started using it as an implicit threat to the West, effectively tying his country's fortune to Russia as its historic friend. Perhaps this could explain the September 2006 visit of the then US defence secretary Rumsfeld, who offered important and decisive support to Montenegro and encouraged it to continue its Euro-Atlantic integration.

The significant presence of Russian capital causes political and economic dilemmas in Montenegro because Russian control of important economic resources, large stretches of land and property, will introduce Russian power structures as an important factor in internal politics and a strong influence in the processes of setting economic and social priorities.¹⁶

When discussing foreign affairs, it is impossible to avoid the topic of problematic relations with Belgrade. Serbian President Tadić was the first Serbian political leader to visit Podgorica after May 21 and congratulate the country on its independence. He insisted on good neighbourly relations between Belgrade and Podgorica on several occasions. There are modest examples of co-operation,¹⁷ but generally speaking the relations cannot be described as particularly good. It is appalling that the leading Serbian politician, Prime Minister Koštunica, appears to be indifferent to Montenegro's existence. For example, he chose not to react to the referendum results, and many of the legal and practical issues between the two countries have not been addressed. It is perversely interesting that Belgrade keeps refusing to send an ambassador to Podgorica, although – by all measures – it should be one of its top priorities. Establishment of an embassy and a cultural centre would have great significance, especially to the many Serbs living in Montenegro. Belgrade appears not to have taken a position at all. It is a matter of waiting for the new Serb government to establish a working dynamic. Future

relations will depend on that, as well as the position of Podgorica on the status of Serbs in Montenegro.

Unconstitutional processes

The ruling coalition used the slogan *We reach out (Evo ruke)* to win the September elections, insisting that it did not wish to behave in a manner exhibiting unrestrained triumph over the accomplishment of independence, and that it was offering instead to cooperate with everyone willing to work on creating a prosperous and European Montenegro. But in reality, the new government has failed to truly demonstrate such a stand. Furthermore, the recent period was marked by the disrespect of legal recourse.

Firstly, the opposition's proposal to make Goran Danilović (a deputy of the Serbian List) a vice-president of the parliament was turned down. Secondly, on December 12 a bizarre incident marred the parliament in a scandal that may have revealed this government's hidden agenda. During the debate on the Law on Pension Funds, the opposition party PzP introduced several amendments. The parliamentary vice-president put to vote an amendment, which was to transfer the control of fund work from the Commission for the Bonds to the Central Bank; the amendment was adopted and enacted by the vice-president. After the finance minister raised objections, the chairperson of the parliament walked into the session, called a break and annulled the vote that had just taken place, without any explanation. After the break, the ruling majority organized another vote in which the deputies had to vote publicly, one after another.¹⁸

The sequence of events repeated itself ten days later; this time amidst the debate on the 2007 budget and again a PzP party amendment was initially passed, only to be subsequently put up for another vote. In doing so the government violated not only the procedure, but also the basic principles of parliamentary democracy. It appeared that the government had no control over its deputies, and the *Vijesti* daily even speculated about the beginning of an inter-factional power struggle within the DPS party after Đukanović's departure.¹⁹

It is worth pointing out in this context that the programming of the public sector broadcasting service is biased and there are effectively no free electronic media in Montenegro.²⁰

The most important political conflict of the moment is related to the new constitution. In order to prepare the text of the new constitution, a Constitutional Committee was formed within the parliament. The opposition had objections to the Law on the Procedure for Adopting the New Constitution, which was adopted without the opposition's agreement and which it therefore considered unconstitutional; it sought an opinion of the Montenegrin Constitutional Court on the issue. The ruling majority maintained an aggressive position, assigning certain parts of the constitution to its representatives, who proceeded to write chapters of the new constitution based on the so-called expert proposal.

The heavily contested law is a curiosity that has never been seen in constitutional-legal practice.²¹ It was passed by a simple majority of the deputies present in the parliament at the time, and it suspended the procedure defined in the still valid Constitution of 1992. Article 117 of the Constitution notes that a motion (initiative) for the change of the constitution can only be introduced by means of a request

from 10,000 voters or 25 deputies, or by the President of the Republic or the government. The law passed on 26 October 2006 ignores this and states instead that such a motion can only be made by the Committee for Constitutional Issues. To make matters worse, in order to draw up a new proposal for the constitution, the only base this committee is allowed to use is 'The Expert Version of the Constitution made by the Council for Constitutional Issues' (Article 5). This means that all other proponents are effectively denied an opportunity to offer their proposals, including the deputies of the Assembly which declared itself constituent.

The 'Expert Version' is a product of Mijat Šuković, an academic and the current government's unofficial legal counsel, the author of the most of the DPS party's proposals for the rearrangement of the state union, etc. The draft constitution was strongly criticised by the opposition, especially the Serbian opposition, because it offers a platform for the complete eradication of the Serbian identity in Montenegro. A Montenegrin Bosniac and the vice-president of the governing SDP, Rifat Rastoder, was also opposed to this proposal, claiming that beneath the mask of a civil constitution it was actually hiding a platform for assimilative behaviour of a single (Montenegrin) nation that did not have anything specific to offer to other nations.²² This draft was criticised by some legal experts as well, such as the well-known judge Blagota Mitrić.

Yet another proposal – the draft of the Serbian List,²³ took for its departure point the constitutional rights of the Serbian and Montenegrin nations and wanted to organize Montenegro as a functional con-sociative democracy, according to the census results. This proposal was put forward by the Serbian List party's deputy Zoran Žižić, Ratko Marković (the former vice-president of Mirko Marjanović's government in Serbia, but at the same time the best constitutional law expert in the region) and by the former Judge Vešović. The leaders of the Bosniac party argued it was superior to the regime's proposal.²⁴ Knowing the nature and the history of the relationship between Serbs and Muslims, this seems an encouraging sign.

Despite its generally positive remarks, the most recent progress report of the European Commission on Montenegro's development points out a series of problems concerning the essential functioning of the republic. These involve the elementary capacity for coordination and strategic planning, as well as a list of concrete issues suggesting that the whole political and social system is under serious threat. The report, for example, notes that there are no consultations between certain ministries. Public administration is considered irresponsible and unable to implement laws, and its political neutrality and professionalism are also questioned.²⁵

The report points out that a series of efforts were made in reforming local government, but it calls for further progress in the decentralization of power, which includes creating a stable financial base for local government. However, the government's proposal takes a completely different direction. Article 2, paragraph 2, of the draft constitution reads that the state owns all public property, and paragraph 3 notes that the local government entities are only entitled to use it. This proposal does not leave any room for municipalities to have their own property.

The state of the legal and judicial system is seen as particularly bad. Everything in it is considered problematic – the way in which judges are appointed, the financing of courts, the political influence on judges' appointment and removal, etc. There are no statistical data on the efficiency of the courts although there are only 225 judges.²⁶ The general conclusion is that there is no confidence in the legal and judicial system, and that the executive power has excessive influence over it.

The problem traditionally reported as most significant is an extreme level of corruption and organized crime. The whole legal system, with all its gaps and the inefficiency of the judicial system, represents a perfect foundation for mass corruption. At the same time, the number of people accused of corruption is extremely low. Therefore, the report calls for immediate action.²⁷ Corruption and organized crime are damaging the image of Montenegro and turning away potential investors, which directly diminishes the country's GDP and keeps poverty and growing social divisions at high rates.

At this point it would be appropriate to mention an important publication by MANS, a Podgorica NGO, *Pravo da znam* ('Right to Know'). Published in November 2006,²⁸ this is a summary of 1,000 lawsuits this NGO initiated against the government for its refusal to present specific information, contrary to the Law on Free Access to Information. The government restricted access to information in a series of cases, including data about people placed under surveillance, the number of individuals working for the Secret Service, data on the environmental pollution caused by the KAP Aluminium Processing Factory (the largest pollutant in Montenegro), the names of the judges whose immunity has been suspended over the allegations they might have committed criminal actions, data on individuals and firms who obtained loans from the government, etc. The availability of Masters and PhD theses of two ministers was also restricted; the procedure for accessing them lasted longer than seven months.

The European Community's report indicates that Montenegro is a country of transit but also a destination of women trafficking. It underlines the increasing number of drug addicts and the problems of money laundering. The report states: 'Organised crime remains a source of serious concern in Montenegro.'²⁹

Montenegro has defined itself as an independent and sovereign state, but its constitutional and legal framework is yet to be determined, as are its relations between constituent nations or its final demographic and ethnic structure. Despite the EU's positive remarks on the progress made, it appears that Montenegro is on the verge of a perilous phase, with the government exhibiting no signs of readiness to compromise, either with the opposition or with the representatives of other constituent nations. Major conflicts many require international monitoring as a guarantee that certain compromises will be reached, that internal political affairs will be stabilized and that a move towards integration will continue. Conflicts over the constitution, the position of the church, state symbols and the relationship between the government and the opposition represent fertile breeding grounds for new clashes. One should not forget that the governing ranks inherited the continuity of domination and that they do not see compromise as a means of ending the conflicts. The government has shown little consideration for the opposition and other political factors, and in doing so it has demonstrated an attitude suggesting that the only way it is willing to deal with issues is by unconditionally imposing its own will.

On the other hand, all ethnic groups manifest increased political awareness and homogeneity. A crucial task within the Montenegrin political scene will be to create opportunities for compromise and consensus building. This is currently not possible without the involvement of the international community. It is important for Montenegro to join the Council of Europe as soon as possible so that its political life and inter-ethnic relations can become an object of constructive monitoring and it can be encouraged to adopt accepted European standards. Consensus is not only

necessary for stability, but for expanding capacity for fighting corruption and crime, as well as for Euro-Atlantic integration. However, the government presently does not appear to be ready to look for consensus or to encourage it. The government will in the near future find itself forced to choose between progress on European integration and the preservation of absolute power. Careful monitoring and conditioning spearheaded by the international community will become more necessary than ever.

Endnotes

¹ The 2006 film of Ian Fleming's novel 'Casino Royale'.

² The unemployment rate for 2005 was 27.5 per cent.

³ For example Beba Džaković, member of parliament representing the DPS, in the Parliament on November 23, 2006.

⁴ In how much of a hurry the regime was to have the elections as soon as possible can best be seen against the fact that the campaign coincided with the tourist season; tourism is the main source of income for Montenegro. See Miša Đurković, Na talasu referenduma, *Politika* daily, 18 July, 2006.

⁵ See VOA, 21 July 2006: 'Velika koalicija: Demokratska partija socijalista i Socijalistička narodna partija?'.

⁶ See the book *Prava Srba u Crnoj Gori*, Igam, 2006, edited by Želidrag Nikčević. It is a compilation of articles written by the authors that have progressively defined this programme, as well as of other documents and the election programme of the Serbian List.

⁷ This is another essential difference between the Serbian list and the SNP that dominated the opposition scene until the elections: SNP voters are mostly older people from rural areas.

⁸ See Gordon Bardoš, an interview for the *Slobodna Evropa*, 10 June 2006 and Judy Batt, 'Crnogorci ne smeju dozvoliti da im se dogodi Mečijer', *Danas*, 24/25 June 2006.

⁹ The most pressing issue in December 2006 was the problem of 86 policemen who were transferred to remote parts of Montenegro without basic necessities; in doing so the government *de facto* forced them to quit their jobs over the fact they were identified as people who at the referendum voted for the preservation of the Union. See VOA, 24 November 2006, 'Opozicija: Premeštanje politički nepodobnih policajaca iz Podgorice'.

¹⁰ One of the latest significant affairs from Montenegro dates from October 2006 when Jevrem Brković, known as a leading ideologist of the Diocletian movement and Montenegrin independence, published his novel *Ljubavnik Duklje*, DANU, Podgorica, 2006. Using pseudonyms, he directly linked Đukanović with some of the most influential members of organized crime in Montenegro. The *Tabloid* in Belgrade published some parts of the novel and along with it an explicit list of names represented by the pseudonyms in the novel. See issues of 2, 9 and 16 November 2006. Soon after the novel came out, Brković was attacked and brutally beaten, while his bodyguard was killed. The investigation gave no results, and rumour has it in Montenegro that the characters depicted in the novel attacked its author.

¹¹ Mitrić, 'Primuse vrati se!', *Pobjeda*, 18 December 2006.

¹² The Serbian List announced that it would address the Council of Europe and Simon Wiesenthal Centre on this issue because it considers this anthem to be a disgrace to Europe as a whole. See www.sns.cg.yu

¹³ See Dr Amadeo Watkins, 'Moving Kosovo Forward', CSRC, Defence Academy, 06/55, December 2006.

¹⁴ On the other hand, the case of Macedonia clearly shows that this is not necessarily a guarantee that inter-ethnic armed conflicts and civil war will be avoided.

¹⁵ It is a real fever that made real estate prices double in only six months. For example, Roman Abramovich's brother owns a villa near Ulcinj, and Abramovich himself spent his summer holidays in Montenegro. A large estate on Luštica peninsula was acquired by the mayor of Moscow Yuri Luzhkov. Recently nationals from other countries joined the trend, and one of the estates was purchased by Formula One driver Ralf Schumacher. See *Blic*, 15 November 2006.

¹⁶ There have been some rumors about KAP paying electricity utility charges at one third of the market price. During the election campaign, the leader of the PzP party, Medojević, made several accusations against Russian tycoons for tax evasion and declaration of

fraudulent losses aimed at avoiding payment of contributions to the Montenegrin budget. There has been some speculation about Montenegro becoming a money laundering haven now that Cyprus has joined the EU.

¹⁷ The Memo on Collaboration and Strengthening the Administrative Capacities Considering European Integration was signed in November. An agreement on pension payments was signed in December.

¹⁸ For details of this case and its motives see the *Monitor* of 15 December 2006, 'Skupština u mreži Vukotića'.

¹⁹ See *Vijesti*, 27 December 2006.

²⁰ On this subject see European Commission, 'Progress Report on Montenegro' 2006, p. 13.

²¹ The law is not available either on the official web site of the Parliament <http://www.skupstina.cg.yu> or at any other place on the Internet.

²² See *Slobodna Evropa*, 16 October 2006.

²³ This draft was in its entirety published in the daily *Dan*, 18 December 2006, and can be viewed at <http://www.sns.cg.yu>

²⁴ See *Dan*, 22 December 2006.

²⁵ Commission of the European Communities, *Montenegro 2006 Progress Report*, page 8. In January the question of the diplomatic representatives' election criteria came up, since it had been discovered that high ranking officials' family members were nominated to serve as the country's diplomats. See *Vijesti*, 17 January 2007.

²⁶ *Dan* published data from a justice system efficiency seminar, according to which 72 per cent of lawsuits have become outdated because of continued adjournment. *Dan*, 23 December 2006.

²⁷ The German ambassador, Mr. Thomas Schmidt, recently suggested this. He pointed out that corruption and organized crime represent the biggest problem of the Montenegrin economy. This, together with the absence of an adequate legal framework, causes German investors to hesitate in entering the Montenegrin market. See *Vijesti*, 14 January 2007.

²⁸ See Vanja Čalović and Milena Deletić, *Pravo da znam*. MANS, Podgorica, 2006.

²⁹ See Commission of the European Communities, *Montenegro 2006 Progress Report*, p. 14, 40.

Want to Know More ...?

See:

Elizabeth Roberts, "Realm of the Black mountain", *Hufit & Co*, 2007.

Elizabeth Roberts, "Serbia-Montenegro - A New Federation?", *Conflict Studies Research Centre*, G108, March 2002.

Amadeo Watkins, "New Montenegro and Regional Stability", *Conflict Studies Research Centre*, Balkans Series, June 2006.

European Commission, 'Progress Report on Montenegro' 2006, http://ec.europa.eu/enlargement/key_documents/reports_nov_2006_en.htm.

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