

Potentially Critical Points
in the Functioning of
the **New Government**
in Montenegro



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After the parliamentary elections in 2020, we found ourselves in a situation in which the political group whose dominant actor is the current Montenegrin president, Milo Đukanović, does not have the majority to form the government for the first time in the last 30 years. Although this political group has linked its political action to the EU accession and succeeded in bringing Montenegro into NATO, its rule was marked by corruption scandals, shortcomings in the rule of law, clientelism, weak official institutions, strong informal power, and the dominance of its leader over the entire political system.

The new majority is a heterogeneous three-bloc coalition in which the key force is “For the Future of Montenegro” (66%) – a predominantly pro-Russian, anti-NATO and ethno-nationalist bloc, led by the Democratic Front (DF). The rest of the ruling majority consists of the seemingly both civic and populist bloc “Peace is Our Nation” (24%), in which the most significant force is the Democratic Montenegro (DCG), and the “Black on White” movement (10%) made up mainly by the civic and green party United Reform Action (URA). Both of the smaller coalition members have a pro-EU and pro-NATO orientation.

The establishment of this coalition was made official by a written agreement in which all three blocs undertake to responsibly implement all international obligations, strengthen and improve cooperation with NATO, rapidly implement all the reforms related to the European integration process, and depoliticize key government institutions, so as to ensure an uncompromising fight against corruption and crime. The DCG leader Aleksa Bečić was elected President of the Parliament, while the mandate for forming the new government went to one of the more moderate representatives of the strongest group in power, Zdravko Krivokapić, a candidate close to the Serbian Orthodox Church (SOC) which had a significant influence on the election results.

The future government, whose constituents declared enthusiasm for the implementation of the necessary EU reforms, has an important reform opportunity in terms of tackling the difficult issues that the Democratic Party of Socialists (DPS) and their partners governments avoided in previous periods. Their potential for real reform needs to be encouraged and supported.

However, several important issues have been flagged by the fact that the strongest coalition party formally renounced part of its pre-election program, by the presence of political and ideological differences between individual coalition actors, by the inherited sour relations between the coalition constituents, and finally by the contradictory statements we have had the chance to read in the aftermath of the elections. Three coalitions who are about to form the Government, have limited their term in office on no less than 200 day and no longer than year, with special focus on preparing next election. This was confirmed by the leader of Democratic front, the strongest part of the “For the Future of Montenegro” coalition.



First of all – was the bloc surrounding the DF honest when it signed the agreement?

The smallest member of the coalition, URA, apparently had the same doubt, since they explicitly demanded that all security-related functions in the new government (defence, internal affairs, police, and the two intelligence agencies) go to their close expert associates who are committed to the independent Montenegro, and to NATO. This raises an important political question – if the opposite occurs, and the DF takes over these departments, is it safe to assume that the same actors who pursued a clearly pro-Russian policy will now contribute to the development of quality relations between Montenegro and NATO?

There is an additional obstacle here: the DF firmly holds that there is no reason for a disproportionate division of power, or for the smallest member of the coalition to receive a disproportionately large share of it.

It seems that URA has taken the correct, and the only logical approach here, and that diplomatic efforts should be aimed at supporting this proposal because of its obvious public interest.



The second question in this regard is **whether such a majority can follow the foreign policy of the EU**

Regardless of the possible personnel solutions in the Ministry of Foreign Affairs, it seems that the new majority is bound to face great challenges in this regard. For example, how will the government, following the EU policy, extend the sanctions on Russia, given that two DF leaders have been convicted in the first instance of attempted terrorism, which had been, according to the verdict, devised by circles with close ties to Russian intelligence. Regardless of the final court decision, this policy will not be easy to pursue. The future prime minister Zdravko Krivokapić avoided to precisely say will the new Government end the sanctions on Russia, saying that the new Government will establish good relations with all of the countries, including Russia. One of the DF leaders, Milan Knežević said that he personally thinks that the sanctions should not extend, but that he won't insist on that for the sake of the Government stability. Also, the question of the new government's potential to lead a successful regional policy – which has been Montenegro's key comparative advantage in foreign policy so far – still remains to be seen.

Once again, the key task of the European partners is to provide a clear framework in which to conduct foreign policy by intensifying negotiations in this area, and to make it clear through their diplomatic communications that anyone who wants to join the EU must effectively accept its values and policies.



The next important question is whether a coalition that is strongly against Đukanović can secure two-thirds of the votes for key judicial and electoral reforms, for which the DPS votes are needed

Toppling Đukanović's regime has been the strongest tie-in between the constituents of the ruling majority. That is why the issue of cohabitation, i.e. the cooperation of the new coalition with the DPS, will be very interesting. If the new majority wants to launch key reforms halted under the DPS, it must elect the Supreme State Prosecutor, the president of the Judicial Council, and pass a new election law, which will be impossible without an agreement with the DPS, as the single strongest party in the Parliament.

In order to find the best compromise solutions to these issues, it would be necessary to affirm the parliamentary dialogue that has been missing for several years. Laws on the Government and the Parliament should be adopted in order to establish the power-sharing model that would balance current asymmetry of power in which the Government exercises considerably more influence than a parliament, and that would and enable Parliament to act as arena to mediate political differences. Parliamentary strengthening is critical at this stage, especially after years of full or partial boycott, and both funding and technical assistance should be provided to the Parliament. Parliament's public credibility should be increased through different models of outreach to the people, explaining policies and legislations to citizens, collecting their inputs and responding to their needs. Political dialogue and political decision-making must return to the Parliament, while the informal centres of power must be prevented from negatively influencing this process. New majority in Parliament should not waste time and should proactively offer solutions and start dialogue with the opposition on this issue. This should be first thing for EU to insist on after the forming of the new Government.




Another important emerging issue is whether the new majority **has a solution for the national financial recovery**, or whether missing funds will be sought from undemocratic actors

Tackling public finance deficits and the large public debt seem to be vital for the success of the new government. The situation is further complicated by the economic crisis caused by the coronavirus. Analysts estimate that no favourable opportunities for additional borrowing will be available from international institutions and the capital market. If this assumption proves correct, the government could reach out for corrosive capital by following in the DPS footsteps in their previous arrangements with Russia, and especially with China for the high-way project.

Here, the role of the EU and its member states seems to be twofold: to help Montenegro secure money by launching joint projects and through financial arrangements, but also to influence the curbing of potentially large inflows of corrosive capital. The biggest barrier to this capital is the inflow of healthy capital. In this sense, Montenegro is in a more favourable position compared to the countries of the region, because it is a small country, and a small economy. Even an allocation that is seemingly very small from the EU's point of view may noticeably boost the Montenegrin economy, help in building resilience against unwanted foreign influence, and have a multiplier effect on the most important sectors of the economy.

In its new enlargement methodology, the EU indicated expectations that candidate countries show commitment to the strategic goal of joining the Union. This strategic commitment cannot be appreciated only on the basis of statements of officials and political slogans, but on the readiness of the state to respect European standards and rules in all sectors. Investments must not be an exception. EU should ask from Montenegro to establish an effective investment screening mechanism, clearly aligned with the country's EU strategic orientation. Allowing entrance of foreign capital into key industries must be evaluated from the perspective of national security and economic development. Montenegro also should be encouraged to refrain from taking up more loans incompliant with the EU regulations, especially from creditors that limit competitive procurement procedures. EU funding can be utilized to limit the space for corrosive funding from untrusted parties.



Moreover, the question arises **whether the new Government will have the strength to successfully meet the political criteria** for EU membership. Will it be dominated by forces that actually want to break the political monopolies of the DPS, or rather by the ones who want those monopolies for themselves?

The three winning coalitions have reached an agreement for the formation of the new Parliament of Montenegro, and the election of its President. A radical discontinuity with the bad practices from the previous period has also been announced, so that the parliament may become an actual House of Representatives, and not a mere verification body of any executive government. A stronger control role of **the Parliament and of parliamentary democracy**, as well as an improved status of the opposition have been emphasized as the key goals of the new parliamentary convocation.

An effective fight against **corruption** entails the adoption of a new strategy, and the revision of the action plans for Chapters 23 and 24. In addition, a significant issue will be the selection of new officials, first and foremost of the Supreme State Prosecutor, and an improved coordination between different institutions. Improving the legislative framework in the **judicial reform** process has not been enough to achieve the independence of this branch, to free it from political influence, or strengthen its efficiency. The procedure for the election of judges, strengthening the disciplinary liability of judges, and the rationalization of the judicial network will also represent a challenge. The excessive concentration of power resulting from the multiple consecutive mandates of court presidents has been criticized by the international community, and an adequate response from the judiciary is persistently lacking. A reformed **public administration** is still only an ideal; in order to achieve it, it is necessary to carry out the difficult process of the optimization and drastic reduction of the number of employees, establish a merit-based employment model, and improve public services. There are still a lot of open issues in the field of the **media freedoms** and conditions for functioning of media outlets, given that the environment was not significantly improved by the enactment of the new laws.

In the area of **electoral reform**, there have been a number of failed attempts to reach a political agreement for legislative improvement, while the legitimacy of the electoral process and democracy in general has been questioned for a long time. Strengthening confidence in the electoral process needs to be the priority goal of the new Parliament, by resolving issues of depoliticization of electoral administration, improving of electoral register, control of political

party financing, prevention of misuse of public resources, more balanced media reporting and equality of all participants in the elections.

Another open question is whether the new government, which has no experience in governing so far, has the necessary knowledge, experience, and a critical mass of determined and adept individuals, to carry out this far-from-simple reforms.

The support of the EU (and of individual countries) through projects, but also bilaterally, could help overcome the resistance to reforms that will certainly occur. Sector budget support (SBS) in Montenegro has proven to be a better and more efficient model than project financing. However, control mechanisms as well as EU conditionality policies need to be strengthened, as a form of pressure and a guarantee for meeting the set goals.

Moreover, experts with experience in implementing these policies in their own countries would be of great use in this area. There is no need for general practitioners and consultants, but for professionals who perform similar jobs in their countries, and who can help with their experience and advice in the short run.



One of the important topics that could sway the prospects of the new Government is the way in which the DF will handle the issues related to **the preservation and strengthening of the civil state of Montenegro**

Some parts of the DF do not acknowledge Montenegrin national symbols and the existence of the Montenegrin nation, or they see Montenegro not as a civil, but a nationalist state. Some of them have already announced that their goal is to change the demographic picture in the upcoming census, so that Serbs become the dominant national group. Statements have been made about eventual changes to the Law on Citizenship, and of opening much more liberal ways for acquiring it. This would mean that a large number of people from Serbia could attain the right to vote in the next elections, and that the DF could therefore free itself from the influence of URA and the DCG. The issue of the upcoming census, i.e. of the way it will be organized and conducted, is therefore also of crucial importance here. We believe that if the DPS and the DF continue their game of pitting Montenegrins and Serbs against each other, the reform capacity of the new government will be significantly reduced. It is necessary to break this vicious circle in which divisions and tensions are created so that they may gain the support of citizens.

It is very important that the DCG and URA gain political strength and put a stop to these processes, which, in times of rising tensions, could not only cause conflicts but also lead to an uncertain political future of the new Government. EU needs to closely monitor proposals for changes to the Law on Citizenship in the upcoming period.

Financial and technical support of the European Union and individual countries in Montenegro is primarily directed to state institutions, especially the executive branch, as well as nonstate actors - non-governmental organizations and the media. Montenegrin political parties, an essential component in representative democracy, barely receive any kind of support. It is not rational to assume that in this country only political parties will develop independently and spontaneously, and it is the lack of democratic development of political parties that leads to numerous problems in the functioning of democracy. In this sense, intensive investment in form of knowledge and expert help is necessary for non-populist, reformist political parties.

In order to overcome possible problems, our organization has sent an initiative to key actors to abandon, during the next census planned for 2021, the practice of collecting data on ethnic (national) and religious (non-) affiliation, as well as on the language spoken by citizens. As a statistical action, the census should facilitate, support, and direct state policies, and not instigate interethnic rifts. This idea respects the constitutional determinations of the civil state, takes into account the acquired rights of minority peoples, and follows the EU policies in this field. It is a political and statistical discontinuity from the previous practices of the DPS governments and directs the public policy towards the most pressing problems of the citizens.

The DCG's and URA's efforts to uphold the principles of the civil state should certainly be openly encouraged by the EU, and the changes that encourage nationalist frictions and practices prevented.

EU might request the conditions for the register-based census to be met as soon as possible. It is in line with the future EU obligations of Montenegro, which imply that censuses are conducted based on the data drawn from various registers, without the field collection of information from the citizens. Traditional approach used for data collection and processing so far has proved to be out-of-date, obsolete, and less reliable. Furthermore, EU may play the role of the stakeholder that seek to relax tensions during the implementation of the next census, given that those tensions may affect the accuracy and objectivity of important policy data that need to be collected.



Is Montenegro in danger of clericalization?

The Serbian Orthodox Church was certainly one of the actors who had a significant political role in the 2020 elections. After the adoption of the Law on Freedom of Religion, it instigated protests that were attended by a large number of citizens. During the election campaign, it sent direct messages against Đukanović, and officially called on voters not to vote for the then government. Several DF leaders stated that Prime Minister-designate Krivokapić was the representative of the Serbian Orthodox Church on the DF list. The SOC played an important role, and even organized meetings with politicians during the discussions on the Prime Minister designate. The agreement of the three coalition constituents is to change the contended Law on freedom of religion, as the Serbian Orthodox Church requested. The questions here

are if the Serbian Orthodox Church will continue to play such a dominant role in the political life in Montenegro, and if it will start to use their influence in the new Government and Parliament majority to request the amendment of other laws as well. It is not clear if the Serbian Orthodox Church has given up its involvement in politics, as it justifies it with comparative examples of church involvement “when it comes to the intertwining of social and civic issues that are at the same time important for the life of the church”¹, so the question is if it will try and bring about changes in the legislation in the direction of the clericalization of education, regulation of family relations, and especially women’s (abortion) and LGBT (same-sex) rights.

1 | <http://www.rtcg.me/vijesti/politika/292806/crkva-nema-plan-da-sastavlja-vlada-cg.html>

It is necessary to resolve the issue of the amendments to the Law on Freedom of Religion as soon as possible (which was agreed among the members of the new coalition), and then work on restoring the church to the place it holds in secular democratic societies. The current Law on Freedom of Religion has for the most part been positively assessed by the Venice Commission as modern and liberal. In accordance with these assessments, it is necessary to support the preservation of the positive achievements of this law and make only the necessary corrections. At the same time, the EU needs to support those social actors who are fighting for civil and secular society with both political messages and funding. The threat of clericalization of Montenegro cannot be removed from the outside, but it is necessary to support consistently and patiently internal actors who are a barrier to that clericalization.

These are only some of the open issues that our organization felt should be considered as important. There are others, equally important, but which are not in such a strong focus of our activities.

Our closing message is that it is highly important to be aware of these potential “critical points” of the reform process beforehand, in order to be prepared for any outcome – both for its successful and democratic implementation, and for eventual problems or operational delays. The role of the international community in overcoming possible reform bottlenecks can be crucial. A more assured hand extended to Montenegro, and stronger messages from the EU and the most influential European countries would ensure that these and other difficulties that may arise in the functioning of the new Government are overcome much more easily.



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