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Assessment of progress  
of Montenegro in  
fulfilling political  
criteria with the EU

**Spinning in  
circles:  
No progress  
made in key areas**

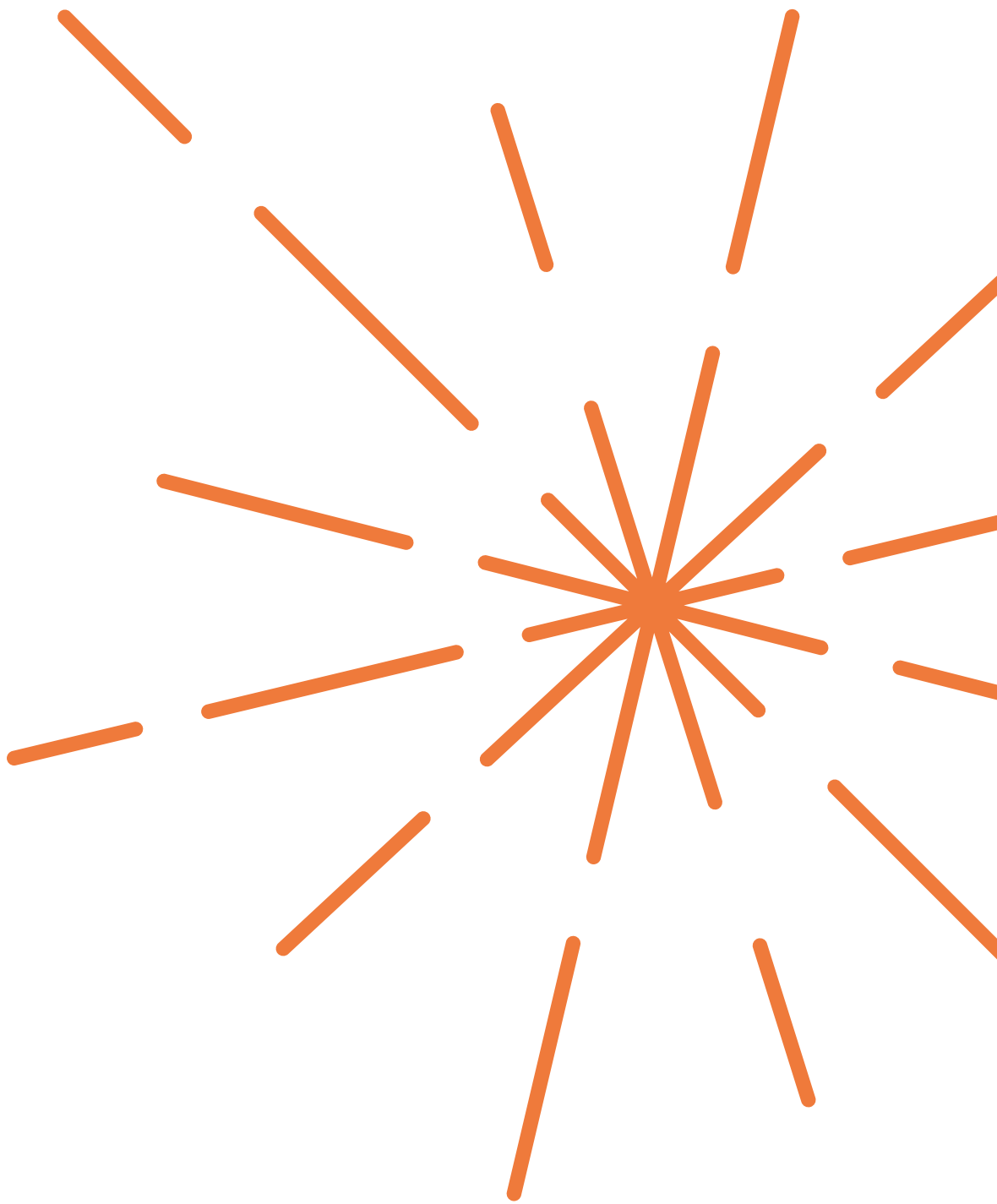
**B | T | D** The Balkan Trust  
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Podgorica,  
December 2021

In December 2021, an Intergovernmental Conference was held between Montenegro and the European Union, at which nothing significant happened. The usual courteous messages of encouragement were sent, along with underscoring that the interim benchmarks in the area of the rule of law must be met in order for the integration process to move forward.

This did not come as a surprise or disappointment to anyone since there has not been any progress in the area of the rule of law. In addition to numerous analyzes of non-governmental organizations and other internal actors, this was confirmed by this year's progress report by the European Commission.

Montenegro has not closed a single negotiating chapter since 2017 due to the then informal conditionality mechanism that meant that other chapters could not be closed until sufficient progress had been made in the chapters related to the rule of law. With the adoption of the new negotiating methodology, this informal approach has become a formal requirement – there will be no closing of chapters until the interim benchmarks in Chapters 23 and 24 are met.

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*“Progress towards meeting the interim benchmarks set in the rule of law Chapters 23 and 24 will be key to achieve further progress in the negotiations overall, no further chapters will be provisionally closed before this milestone is reached.”*

*Annual Report of the European Commission for Montenegro 2021.*

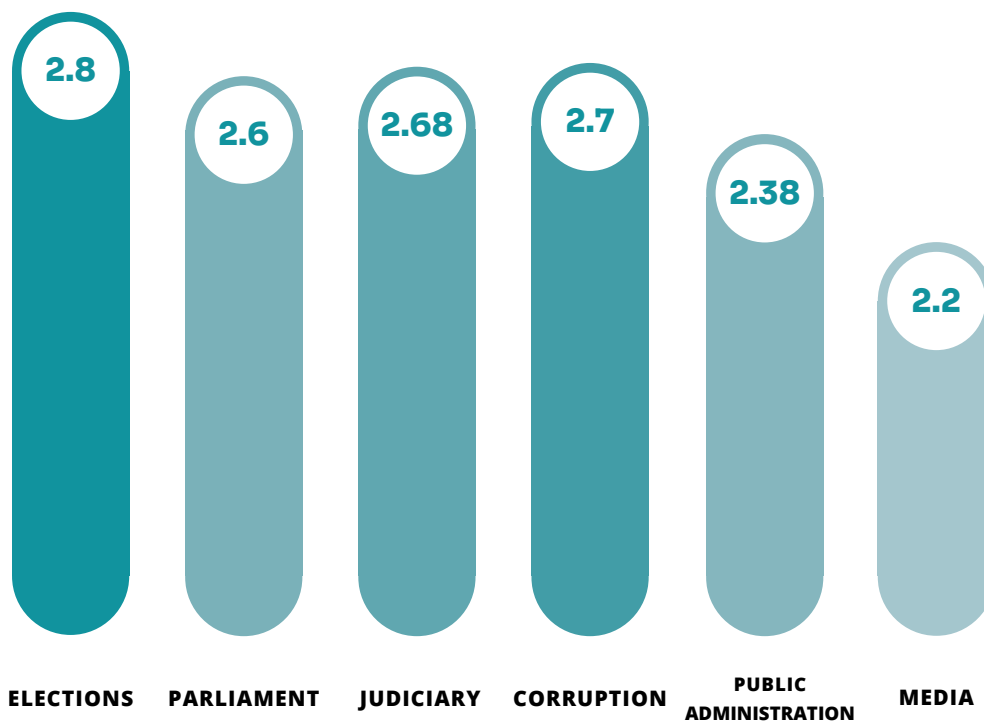
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This was supposed to raise awareness of the negotiation process leaders and the end of confusing the public and creating the illusion of progress, claiming that we are doing good in many chapters and that we meet the technical requirements. All the messages were clear – political criteria, democratization, and the rule of law – these remain our biggest problems and our sole priority. No progress achieved in terms of food safety, transport or agriculture can kickstart the stalled integration process.

However, over the past year, political and social elites have chosen some other priorities. This year, the Center for Democratic Transition (CDT) monitored and analyzed the progress in meeting political criteria in the areas of elections, the role of parliament, judicial reform, the fight against corruption and crime, public administration and media reform. Our analysis and assessments produced by external experts in said areas indicate that, in the previous year, there was little improvement, some regression, while in most cases – everything remained the same.

## Ratings according to areas (1-5)

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Montenegro has not implemented the necessary reform of electoral legislation and institutions, which would ultimately lead to credible, universally accepted elections and the legitimacy of the entire democratic system. In the last year, the long-ignored problem with the judiciary has escalated, leading to a number of vacant or ad interim positions in the prosecutorial and judicial systems, which poses a serious threat to the protection of citizens' rights to legal security. The Parliament of Montenegro, which should be a key forum for resolving the issues that require a qualified majority, does not have the power to initiate a dialogue on these issues and plays a marginal role, ceding the ground to political parties. In such circumstances, concrete results in the fight against corruption remain beyond the reach of institutions. While the general stagnation is apparent, we are watching the public sector jobs becoming prey of political parties who employ echelons of those recruited based on party affiliation. Without urgent and strong support for journalism that serves the public interest, all this will be reported to us by media that are under the direct influence of political and financial centers in the country and the region.

## Area: Elections | Rating: 2.8

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*“A change of government did not necessarily change the conditions for holding elections and the credibility of the process. It did not in itself improve the quality of the electoral register. It did not put an end to election administration where the interests of political parties prevail. Citizens were not given the opportunity to stand as candidates nor to vote for MPs instead of closed lists. There has been no increase in women’s political representation. Misuse of resources has not been prevented, transparency of political party financing has not been increased, and suspicions of illicit financing are more prominent than ever. Employment based on party affiliation has not been done away with. Election-related media reports were not sufficiently objective. Disinformation campaigns have not been prevented. Foreign political and financial interference, as well as interference by third parties that have no place in the election process, have not disappeared. There has been a shift of government, but the problems remain, nevertheless.”*

Read our publication:

## Area: Parliament | Rating: 2.6

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*“Although a significant step forward has been made in terms of increasing the transparency of the Parliament and although some progress has been made in strengthening its oversight function, MPs lacked authority to initiate a real dialogue on complicated issues requiring a qualified majority, meaning that the Parliament played an episodic role in these areas.*

*In addition to being detrimental to our European path, this position of the Parliament – its inability to positively affect internal stability and solve problems together with its institutional inferiority – leads to a situation where more and more public actors advocate the involvement of the international community as a mediator in resolving the social crisis.”*

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## Area: Judiciary | Rating: 2.68

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*"In his exposé, the Prime Minister emphasized that the previous convocation of the Parliament failed to secure a qualified majority needed for important appointments in the judiciary, which led to key functions being performed in ad interim manner, thus creating space for potential abuse.*

*However, even the current convocation of the Parliament failed to make an effort to initiate a dialogue between the parliamentary parties on resolving these and other important issues in the first year of its work. Due to all this, we still do not have any of the judicial institutions whose appointment requires dialogue and compromise between the government and the opposition, such as the Judicial Council, the Supreme State Prosecutor, and the Constitutional Court."*

Read our publication:

## Area: Corruption | Rating: 2.7

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*"Concrete results in the fight against corruption remain beyond the reach of institutions, and instead of them – we keep reading about occasional monetary fines for public officials who fail to adequately fill their Income and Assets forms, which most of them can afford to pay without any difficulties."*

*Instead of insistence on the anti-corruption strategy, the citizens of Montenegro continue to witness that the parties constantly give priority to their interests, and instead of dedicated work on eradicating corruption, they work busily on mutual accusations and achieving their goals."*

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## Area: Public administration | Rating: 2.38

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*“There is still not enough political drive in Montenegro that is crucial for success in implementing public administration reform, the Government shows lack of ability to resist the misuse of public resources in the interest of political parties, while the Ministry of Public Administration, Digital Society and Media is trying to implement reform activities facing resistance from other ministries and local self-government units.*

*The shift of government did not bring about a new approach to public administration. Instead of the anticipated optimization and depoliticization, the new ruling majority is actively creating new ways of hiring its supporters into the already cumbersome public administration.”*

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## Area: Media | Rating: 2.2

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*“Media freedoms in Montenegro have been showing a downward trend, the coronavirus pandemic has significantly affected the sustainability of the media and waves of disinformation have been surging one after the other.*

*During the observed period, several important media outlets operating in Montenegro changed management and ownership structure. If this trend continues, the Montenegrin media scene may become homogeneous and controlled by individual political and economic centers of power.*

*The national broadcasting service has been drawing criticism from all quarters, and amendments to the laws governing its work have yet again failed to transform it into a professional service that caters for the needs of citizens instead of the interests of political parties. “*

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At the moment, there is only one way to kickstart the process of European integration of Montenegro and overcome the impasse it reached. The investment of all forces in further democratization and improvement of the rule of law and the achievement of the first measurable results would lead to the fulfillment of interim benchmarks in the short term. And all this with the full understanding that the practice of checking boxes on the lists belongs to the past, and that the EU will simply not accept a state that cannot hold regular elections, whose political elites cannot agree on anything and whose institutions cannot guarantee the rule of law and human rights. Only by means of investing this enormous effort can Montenegro win the chance to be seriously reconsidered as a future member in a rather long and uncertain process.

According to recent surveys, 71% of citizens want Montenegro in the European Union. They want a true Europe, not alternative solutions and populist pamphlet slogans. They seek to live in a democratic and economically developed society, a standard that cannot be reached through shortcuts. These wishes can only be fulfilled by the responsible political elite, who will perceive achieving this goal as more important than the number of votes obtained in petty daily political victories.

