



GLOBAL
GOVERNANCE
INSTITUTE

MONTENEGRO'S ACCESSION TO THE EU: TAKING STOCK AND SUGGESTING AREAS FOR PROGRESS

Maša Lekić

Abstract

With the opening of the EU accession negotiations at the end of June 2012, Montenegro has been awarded with recognition of making progress in the past years and endorsing its political dedication to become an EU member. As a candidate state and a relatively young country at the international stage, Montenegro is particularly devoted to joining the Union. In order to fulfill the EU membership criteria, Montenegro is focusing on matching the political and economic criteria set by the EU, implementing the *acquis communautaire* (the EU legislation), and endorsing the EU principles of: democracy, the rule of law, respect for human rights and protection for minority groups, as well as economic criteria. Nevertheless, Montenegro is still facing obstacles in reform implementation, the most challenging being public administration reform, reforming the judicial system and strengthening the rule of law, protecting minority rights, enhancing media freedom and fighting corruption and organized crime.

The Global Governance Institute has identified three major challenges obstructing Montenegro's path to EU membership: protection of women's rights, overcoming regional differences and reforming the judicial system.

GGI Briefing Paper 3/2012

GGI Briefing Paper Series
Peace & Security Section

© The Global Governance Institute (GGI)
August 2012

The Global Governance Institute
Pleinlaan 5, Brussels
B-1050 Belgium
Email: info@globalgovernance.eu
Web: www.globalgovernance.eu

Montenegro's path to EU membership

30 June 2012 marked the opening of EU accession negotiations with Montenegro, one of the final decisions under the Danish presidency. These negotiations guide the candidate countries to implement reforms to match the criteria set out in the *acquis communautaire* (the EU legislation) endorsing the principles of the European Union. For Montenegro this is important as recognition of the country's progress in the past years and as symbol of its political dedication for reforms. Shortly after gaining independence from Serbia in June 2006, the Montenegrin government placed European integration as a top priority declaring to have become strongly committed to adopting and implementing EU standards. Its application for EU membership in November 2009 received a positive opinion from the Commission and Montenegro became a candidate country status in December 2010. The European Commission outlined seven priority areas for reform¹, which the Montenegrin government was required to address in order to begin the screening process of the EU *acquis*. This process helps a candidate country to familiarize itself with EU legislation and better harmonize its national law with that of the EU. In May 2012 the screening of Chapter 23 (Judiciary and Fundamental Rights) and Chapter 24 (Justice, Freedom and Security) began in Brussels.²

Montenegro has so far made significant efforts to become an EU member state, but it still needs to tackle the final challenges. The Global Governance Institute highlights the most critical areas for progress and advises how to overcome the major difficulties.

Women's rights need to be enforced with zero tolerance to violence against women

The current lack of women's rights presents a serious threat to achieving gender equality in Montenegro. Domestic violence against women is a particular problem with an estimated one in three Montenegrin women experiencing violence

within the family.³ A very high tolerance for violence against women is present both among state institutions and within society. While a solid legislative framework protecting women exists in Montenegro (see *Strategy against Domestic Violence in Montenegro* of 2011), the state is ineffective at implementing this in practice. Rather than respecting adopted legislation, police units and the judiciary are guided by patriarchal Montenegrin laws whereby women are immediately "found guilty" and humiliated. Women have repeatedly reported that members of a police unit, specially established for treating the issues of domestic violence, have told victims of abuse "to go home and not argue with their husbands".⁴ A prominent police figure once declared that women are abused because they simply "pick the wrong time to ask the wrong questions of their husbands".⁵ The judiciary in Montenegro is another state organ that fails to protect women from violence. Victims are discouraged by slow and costly procedures, which they are often unable to finance. In the Montenegrin courts, the application of traditional laws mean that women often undergo humiliation throughout the judicial proceedings and the violators ultimately receive very lenient punishments, if any.

The phenomenon of tolerating family violence is strongly rooted in the highly patriarchal culture of Montenegrin society. The most recent CEED research on this topic found that every fourth citizen of Montenegro considers violence in families to be justified. Given the lack of understanding and support for violated women in both state and society and due to the economic dependency of these women on their violent partners, victims of domestic violence often choose not to report it. Domestic violence is treated as a private problem to be solved within a family sphere and is rarely addressed publicly. As a result, it is very difficult to fight against and domestic violence is marginalized in the EU Progress Reports.

Another alarming issue threatening the safety of women is the presence of small arms and light weapons (SALW) in families and their usage in installing discipline through threat and

¹ Seven priority areas of reform are: improving legislative framework in line with international recommendations (OSCE-ODHIR, Venice Commission); Public administration reform; Judicial System reform and the rule of law; Corruption; Organized crime; Media freedom and Anti-discrimination policies.

² European Commission 2011: Montenegro Progress Report, 14 October 2011. Brussels: ["http://ec.europa.eu/enlargement/pdf/press_corner/keydocuments/reports_nov_2011/"documents/reports_novhttp://ec.europa.eu/enlargement/pdf/press_corner/key](http://ec.europa.eu/enlargement/pdf/press_corner/keydocuments/reports_nov_2011/documents/reports_novhttp://ec.europa.eu/enlargement/pdf/press_corner/key)

³ CEED, SOS Niksic 2012: Study on Domestic Violence and Violence against Women in Montenegro, 12 July 2012. Podgorica: <http://www.gendermontenegro.me/wpcontent/uploads/2012/07/Summary.pdf>

⁴ UNDP Montenegro Gender Programme. Podgorica: <http://www.undp.org.me/home/mdg/si/gender.html>

⁵ *Ibid*

intimidation. In Montenegro, every sixth person owns a registered weapon and many more possess illegal ones.⁶ While the Strategy for Control and Reduction of SALW exists at the national level, it lacks the action plan and consequently is ineffectively implemented in practice. Unlike state institutions, NGOs are very active in supporting victims by offering consulting services and psychological and material help. Some NGOs are also forming a network of SOS hot lines and providing safe shelters to the victims of violence. Nevertheless, the financial and technical resources of these organizations are very limited. A Female Safe House in Podgorica, for example, consists of three sleeping rooms with six beds.⁷ Other than in the capital, there is only one more similar institution existing in the North of the country (in Pljevlja) making it difficult for women to seek protection in other cities.

Overcoming regional differences with better economic policies

Despite its size, Montenegro is a country with large, persistent and increasing regional disparities in economic development. The entire Northern region lags significantly behind the Centre and the South in terms of employment, social development and poverty. Over the last ten years this negative trend resulted in North-South migration and a net population decrease of 8% in the North.⁸ In order to overcome this, future development and regional policies should focus on utilizing development potential in sectors with comparative advantages. In particular, agriculture and tourism may stimulate private sector development in the northern rural region through the development of Small and Medium Enterprises (SMEs). In Montenegro, the SME sector makes a significant contribution to economic development constituting 61.7% of total employment and 31% of total exports.⁹ Thus, SMEs in agriculture and tourism can

deliver an important contribution to the economic growth of the region. However, due to their size and isolation, SMEs face growth barriers and are unable to achieve economies of scale on an individual basis. Operating as single entities, small-scale entrepreneurs have limited ability to access financial resources, introduce innovative technology and take advantage of market opportunities that require a regular supply of large production quantities.¹⁰ Through the collaboration of SMEs in the region and the grouping of interrelated companies producing similar goods or services (i.e. through *cluster development*) these disadvantages can be overcome, competitiveness of the domestic economy through SMEs enhanced, export potentials strengthened and employment opportunities increased. In this respect, in mid-July 2012, the Montenegrin government adopted a Strategy for Introduction of Business Clusters running until 2016. However, additional efforts guaranteeing a successful and effective implementation of the Strategy remain.

Establishing an independent judiciary remains an area of concern

Strengthening the judicial system in Montenegro is another key challenge. The major issues of concern in this field are the independence of judges, transparency and administrative capacity.

In 2011 the Montenegrin government introduced amendments to the *Law on the State and Judicial Council* and the *Law on Courts* in order to increase the independence of judges and prosecutors from political actors.¹¹ Prior to these amendments, the national Parliament had the power to appoint these positions, raising serious concerns about the politicization in this process. With the recent changes, the Conference of Judges (a gathering of all judges in the country) now appoints the members of the Judicial Council, which respectively appoints and dismisses the judges. Nevertheless, Constitutional changes did not immediately follow these amendments, leaving room for future improvements, which could eventually improve transparency. Further areas, which need to be strengthened in order to enhance transparency, include the technical conditions of many local courts where the right for transparent

⁶ UNDP: National weapons registration and record-keeping system established in Montenegro. Podgorica:

<http://www.undp.org.me/home/2011/weapons/index.html>

⁷ Mikulic, V./ Milatovic, I./ Zekovic, B. 2007: Violence against Women: Do the Governments Care? Foundation Open Society Institute, November 2007. Podgorica:

http://89.188.32.41/download/nasilje_nad_zenama-cg.pdf

⁸ ISSP 2008: Socio-Economic Analysis of the Northern Region of Montenegro, June 2008. Podgorica: http://www.bjelastica-komovi.com/files/useful_docs/SEA_engl_2_avg_08.pdf

⁹ Directorate for Development of Small and Medium Sized Enterprises 2011: Strategy for Development of Small and Medium Sized Enterprises 2011-2015, 11 January 2011. Podgorica:

<http://www.nasme.me/eng/documents/SME%20Development%20Strategy%202011-2015.pdf>

¹⁰ Government of Montenegro 2012: Strategy for Sustainable Economic Growth in Montenegro through the Introduction of Business Clusters, 7 June 2012. Podgorica: <http://www.mek.gov.me/biblioteka/strategije?alphabet=lat>

¹¹ European Commission: Montenegro Progress Report 2011

public trials cannot be respected (the court in Kotor is a good example). The rooms in which trials are held can accommodate only the most essential judicial staff, and so do not allow public hearings. Very long judicial proceedings are another problematic issue. A lack of institutional coherence between the police, prosecutorial institutions and judiciary is often outlined as the major cause of slow judicial proceedings. Finally, a lack of administrative capacity and professional, skilled judicial staff presents a challenge to the reform of the judiciary. The frequency and quality of professional training thus needs to be improved, especially in the field of aligning the national laws with EU legislation.

Recommendations

The Global Governance Institute has identified three major challenges obstructing Montenegro's path to EU membership: protection of women's rights, overcoming regional differences and reforming the judicial system.

The protection of women's rights and the issue of domestic violence in Montenegro require urgent attention. Firstly, women need help becoming financially empowered. Female entrepreneurship should be highly encouraged as only with their own economic resources women can afford to leave violent partners. The second most important task is increasing awareness of victimization, which requires stronger institutions and greater capacity especially within the police units and the judiciary. There should be educational seminars and awareness campaigns, targeted also towards the general population with a special emphasis on youth. At the same time, it is important to strengthen women's awareness of their rights as well as their knowledge of the legislative acts and procedures. In this respect, the media could play a very important role. Thirdly, more focus should be placed on strengthening the financial and technical resources of the NGOs providing shelters and other type of help to the victims of domestic violence. Currently, international donors are the only source of funding for these organizations, with no government budget reserved for the victims of domestic violence.

The second major challenge is overcoming regional differences between the impoverished North and the more developed South and Centre. This can be achieved through private sector development, particularly SME cluster development with particular attention placed on

utilizing development potentials in agriculture and tourism. In order to ensure an effective implementation of the cluster development strategy, the Global Governance Institute suggests the following steps. Firstly, Montenegro needs to build institutional capacity and strengthen the qualifications of national experts through regular training. Secondly, the Montenegrin government needs to raise awareness and build trust at SME local/regional and national levels, again achievable through training and workshops. Through pilot activities among the chosen clusters, collective efficiency needs to be developed and the effectiveness of the cluster approach demonstrated. Thirdly, because potential lies in utilizing the EU technical assistance funds (especially the components for regional and agricultural development), it is necessary to build institutional capacity and upgrade administrative capacity in order to ensure the effective usage of these funds. It is also important to raise awareness about the EU funding possibilities for the Montenegrin SMEs among the potential beneficiaries.

The third major challenge is strengthening the judicial system in Montenegro. Firstly, the independence of judicial appointments needs to be improved. This process has already started in Montenegro and should be further enhanced by the required Constitutional changes. Secondly, in order to enhance transparency, the establishment of a country-wide single recruitment system based on anonymous tests is needed as well as the improving the technical conditions of the local courts with increased financial investments. Thirdly, improving the qualifications of judicial administrative staff can be achieved through more frequent seminars and training.

Without addressing the issues identified as major obstacles to the Montenegrin progress (especially the women's rights, private sector development and judicial reform), further integration into the EU will not be sustainable.

About the author

Maša Lekić is Analyst in the Peace and Security Section where she focuses on the Western Balkans. She has work experience with UNIDO, the Montenegrin Embassy in Austria, the European Parliament and civil society organisations. Ms. Lekić holds a BA in International Affairs from Vesalius College, Free University of Brussels (VUB), and a MA in International Studies from the Diplomatic Academy in Vienna.