



Weekly Briefing

**Montenegro political briefing:
Continuation of political divisions
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Continuation of political divisions

Summary

Tensions between the government and the opposition have continued, and new developments suggest that a constructive dialogue on any topic will be difficult between such polarized parties. Quite simply, the political goals are so opposite that neither the government nor the opposition make too much effort to fix the political reality colored by sharp divisions. Unilateral decision-making with a false display of respect for democratic principles is something that is often resorted to. It seems that there is no ruling party on the political scene where the national interests of Montenegro are ahead of party, or individual interests. This was also shown by the example of prosecutorial laws. However, such developments are not sustainable in the long run, so it would come as no surprise that relations will be redefined in the near future, either between individual parties in power, or within the parties themselves that are most exposed to public condemnation.

Introduction

Legislative changes are a desirable political issue if existing laws are not in line with the principles of democracy and the public interest. However, it seems that new authorities often resort to changes in the law only to satisfy the interests of one party or interest group. Such is the case with the amendments to the prosecutor's laws that were initiated even earlier and which have already passed infamously once when it comes to informal approval by the EU. However, this did not sway the new government to put similar changes on the agenda again, which strengthened the bipolarity of the Montenegrin political scene. Such moves may already lead to further straining of relations in conditions of political cohabitation. Also, such events do not preclude taking different positions of certain political entities, and even their restructuring.

Political arbitrariness with disregard for the opinion of international advisory bodies

The parliamentary majority prepared a proposal for amendments to the prosecutor's laws and, before the opinion of the European Union (EU), declared these amendments "reform"

which will solve all problems of the work of prosecutorial bodies and ensure the independence of the prosecutor's office. However, the government also stated that the proposed changes were fully in line with European best practice and EU opinion, although at the time the changes had not even been sent to the Venice Commission (WC) for review. It is obvious that such unilateral moves indicate a gross disregard for dialogue not only with the opposition in Montenegro, but also with the international EU institutions to which, at least formally, the new government is referring.

After the negative opinion of the VC on the proposed changes, new changes were made, in the absence of public discussion. The goal was obviously to realize the intention of the Democratic Front to adopt legal solutions through which they could control the appointment of prosecutors. Because, despite the fact that the work of the prosecutor's office should be independent, the changes envisage a great influence of the parliament on the selection and dismissal of prosecutors. First of all, the position of the Special State Prosecutor seems to be the main target of these changes, as this prosecutor has previously conducted several proceedings against members of the Democratic Front, which now has the most seats in the new parliamentary majority. However, it is strange that the main representative of the DF's interests is the Deputy Prime Minister, also the president of the other party - the United Reform Action (URA), who stands out as the DF's lawyer and as someone who must push for the adoption of these laws. Because, that person was the first to falsely present to the public that the laws are in line with EU requirements, and he also convened a press conference after the second opinion of the VC to show the public that opinion as a "green light" for the proposed changes. And is that so?

After the law was finalized, the VC again gave its opinion in which it "welcomes the efforts of the Montenegrin authorities to find a solution in accordance with European standards, encourages them to continue such efforts and remains at their disposal for further assistance in this matter." The opinion also adds that while using its legislative power to design the future organization and functioning of the judiciary, Parliament should refrain from adopting measures that would jeopardize the continuity of membership of the High Judicial Council and the independence of the judiciary (judges and prosecutors). Therefore, the opinion of the VC was again negative, with the encouragement of the Montenegrin government to continue working on the improvement of this legislation. However, this did not prevent prosecutorial laws from being passed in parliament, with the false representation of the consent of EU

institutions. Thus, the parties in power seem to be taking a step backwards¹ in terms of transparency, democracy and the rule of law in relation to the already poor rule of law personified by the previous government.

The silence of the EU

Despite this violent adoption of prosecutorial laws, with which they formally disagree, EU officials have been fairly quiet on the issue of undermining democracy and the absence of dialogue. Despite the fact that the strongest opposition party, the Democratic Party of Socialists (DPS), proposed delaying the adoption of the law and continuing the dialogue, there was no hearing in the Montenegrin parliament. Due to the "soft" and quiet reaction of the EU, the party decided not to participate in the work of the parliament, so a similar situation can be expected as in previous years, when the opposition (which now represents the government) boycotted the parliament. Only the roles are reversed now. But, the question remains whether the EU, with its passivity to a kind of collapse of the rule of law (about which it gave its opinion through the VC), led to such a situation? And why? Does the apparent democracy suit EU, which means that those parties that replaced the 30-year rule of the DPS should stay in power at any price? Or did the EU show with this gesture that it is not too interested in Montenegro and that it has its own problems? Or, something completely third? These are open issues that touch on the very essence of different interests, but also expose the sincerity of individual EU diplomats. On the other hand, very few EU officials have made it clear that the adopted laws violate the rule of law and EU principles. However, some media stated that EU, in addition to a clear views, should express their views loudly, which was not the case.

Cohabitation testing

In accordance with his constitutional powers, the President of Montenegro (who is also the president of the opposition DPS) did not sign the proposed changes of the law and returned them to the parliament for reconsideration. This was an expected move, just as the re-enactment of the law in parliament was expected. A new decision by the president is now awaited. But whatever he decides, this state of cohabitation seems to bring to the surface only the worst of such a system. That means complete politicization of all issues, non-transparent attitude

¹ The current draft provides for the complete composition of the Prosecutorial Council to be replaced and for the newly appointed members to be elected by a simple majority in parliament. This does not ensure the independence of the Prosecutorial Council, nor neutrality.

towards each other (not only the government towards the opposition or vice versa, but also politicians towards the entire public). Such friction puts the public interest in jeopardy, which is reflected in the adoption of prosecutorial laws. Montenegro needs an independent judiciary to fight corruption effectively. New laws do not allow this.

Possible political changes

Excessive polarization of relations between the government and the opposition, but also increasingly tense relations within the ruling coalitions could soon result in some significant changes. It is simply impossible to maintain a state in which the public is under constant tension and where conflicts on the political scene are becoming more frequent. Also, those parties that are under public pressure may undergo certain changes. This primarily refers to the URA, which is "traitorous" for a part of the public because it pursues the interests of the DF, and not the voters who voted for the pro-Montenegrin reform party. This party, through its support for the DF, has repeatedly shown that its party interests are ahead of the national ones, and on the other hand that they are behind the individual interests of party's president. The disintegration of the URA's political council is confirmation of previous statement.

From month to month, political events in Montenegro point to increasing polarization and intolerance between the Montenegrin government and opposition. The atmosphere for constructive dialogue is disturbed at every opportunity, as shown by the latest attacks on the independence of the prosecution. Although political parties are formally in favor of dialogue, this does not seem to be their goal. The desire for greater control over various functions and greed for power and authority are obviously the determining factors of most political entities. The antagonism that exists between the parties is obviously spilling over to the people, which can affect social peace.