

**POLICY BRIEF**



The first 100 days of the new  
**MONTENEGRIN GOVERNMENT**



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CENTRE FOR MONITORING AND RESEARCH

## The first 100 days of the new Montenegrin Government

### "(Un)desired Government"

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*Three months after the Parliamentary elections, a new Government of Montenegro was elected on 4 December 2020. For the first time in 30 years, the Government was formed without the DPS and its traditional coalition partners, including minority parties. Throughout this policy paper, CeMI will attempt to provide an overview of policy trends from the first 100 days of the new Government – which have been overall marked by intense internal political developments and no progress in meeting the EU reform agenda. Although, some may say that this is still a short period for drawing certain conclusions, particularly given the extent of the problems the government has faced, in our view, this is an appropriate period in which primarily the trends of Government's policies must be realistically considered. Furthermore, CeMI will provide policy guidelines for the upcoming, almost certainly challenging period which the Government will face.*

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In the 30 August parliamentary elections, the three opposition coalitions – the Democratic Front's coalition "For the Future of Montenegro", the Democrats coalition "Peace is our Nation" and URA's coalition "Black on white" achieved a slim electoral victory – by gaining 41 of the 81 seats in parliament. For the first time in 30 years, the long-ruling Democratic Party of Socialists (DPS) was not in a position to form a Government, even though with 30 seats, it achieved the strongest single-list election result.

Several ethnic-based incidents, whose perpetrators have not yet been found, have marked the post-election period. Although it seemed that the country was on the brink of instability, a confirmation of election defeat by President Djukanovic and an agreement between the leaders of the winning coalitions (Krivokapic, Becic and Abazovic) led the post-election process into a more stable course. Leaders have promised that the new Government will continue the country's "pro-EU" and "pro-NATO" path, highlighting that it will be "an expert government" composed of "honorable professionals". Following this agreement, one of the leaders of the winning alliance Becic, was elected as the new President of the Parliament. In this way, the process of transition of power was formally launched.

Forming a government was the first serious challenge for the new ruling majority. The entire process was marked by tensions in relations between constituents and disagreements on the proposed "expert government" con-

cept. Bearing in mind that the Serbian Orthodox Church in Montenegro was one of the most interested actors for/in the outcome of the transition process, the death of Metropolitan Amfilohije brought additional confusion among election winners. Relations between the DF leaders (Mandic, Knezevic and Medojevic) and the holder of the DF list and the direct exponent of the Serbian Orthodox Church, Krivokapic, have strained to the point that Krivokapic, who at the time was Prime Minister designate, had to distance himself from the DF leaders and look for allies among the leaders of the other two winning coalitions. Considering that Becic had already been appointed as the President of the Parliament, URA leader Abazovic was the optimal solution, which could provide Krivokapic a new image primarily among Western partners (EU and US). Although it was initially agreed to have an expert government without political background, Krivokapic proposed Abazovic as the Deputy Prime Minister, causing further dissatisfaction among constituents of the ruling majority. The DF sharply criticized the proposed concept, arguing that instead of a government of experts, Montenegro will have a "government of Krivokapic and Abazovic". Planned voting in the first half of November was postponed for the first week of December, due to complex circumstances and relationships between the constituents of the ruling majority. In the meantime, Krivokapic presented the list of candidates for ministerial positions, revealing his intention to involve professionals with similar pro-Church background into the Government. On one occasion, Krivokapic stated that

there will be 12 ministers in the new government "as 12 apostles of Jesus Christ", which will send a message to the citizens that "they are not interested in any treasure but in sacrificing themselves for the people." Since then, the Government has had an epithet: "apostolic".

Krivokapic presented the new Government and its programme during a three-day parliamentary discussion (from 2-4 December 2020), in an atmosphere marked by serious mistrust between the constituents of the ruling majority. He emphasized that the Government would be built on seven pillars - green economy, IT transformation, regional cooperation and connectivity, improving competitiveness, social protection, equal opportunities and good governance. By proposing 12 non-partisan members of the cabinet, Krivokapic formally satisfied URA's demand for an expert Government. Arguing that rationalization of ministerial positions would be the first step towards improving the efficiency of state administration, Krivokapic left the public without an explanation on how the simple merging of existing ministries will positively affect the optimization of state administration.

The Government was elected on 4 December, by 41 votes of the new ruling majority. In this way, the process of transition of power was completed peacefully and in a democratic way. Several "experts" with very close ties to the Serbian Orthodox Church in Montenegro became members of the Government, increasing the influence of the Church on Government's policies and decision-making processes. Professionals from the circle of intellectuals close to the URA represent a smaller part of the cabinet members. Even though Krivokapic invited representatives of minority parties to discuss their eventual participation in the Government, representatives of minorities did not receive his invitation as an indicator of his genuine openness towards minorities. It seemed that representatives of minority parties were discouraged by the strong influence of the Serbian Orthodox Church on the formation of the Government, and that among cabinet members persons with radical pro-Serbian attitudes were recognizable. Consequently, minority parties have not been represented in the Government for the first time since the 2006 referendum.

Dominantly composed of professionals with limited political exposure and no experience in "government affairs", in the first 100 days, the Government has not shown the political ability to continue the reform processes and govern the country in the challenging times of the COVID-19

pandemic. With few allies to rely on in extremely complex circumstances, the Government has, in a short period of time, become the subject of serious criticisms from the ruling majority, the opposition, the civil sector and the media, as well as the international community. At the beginning of its mandate, the Government enjoyed declarative support from all relevant international addresses. German Chancellor Merkel was among the first to congratulate PM Krivokapic by emphasizing that Germany will continue to support Montenegro on its EU path, and highlighting that rule of law reforms and the fight against corruption and organized crime are of particular importance. A similar message arrived from EU Commissioner Varhelyi, who expressed expectations that the new Government will "speed up and deepen the reforms on Montenegro's EU path". The US and UK Ambassadors congratulated the Government, both highlighting that strengthening the rule of law and Euro-Atlantic security should be its key priorities. Undivided support of international partners, with enthusiasm felt at every step, marked the beginning of the Government's mandate. However, some decisions primarily related to controversial appointments in the security sector and a lack of proactivity of the Government in fulfilling EU reforms, provoked the first "unspoken" reservations of international partners. Following the first 100 days, the support of key international partners still exists but is not unconditional or unreserved. The Government will have to demonstrate its full commitment to democratic principles and rule of law reforms in order to retain the title of credible partner of the West.

In the first 100 days, the Government held 14 sessions and failed to adopt essentially the most important annual documents - the 2021 Annual Working Program and the 2021 Budget. Although, in his inaugural speech, Prime Minister Krivokapic announced that the key priority will be the adoption of certain systemic laws, such as the Law on the Origin of Property, the Law on Lustration, the Law on Government, the Law on Parliament, none of these laws have been drafted or discussed by the Government during this period. On the other side, driven by populism and expectations of the Serbian Orthodox Church and pro-Serbian electorate, the Government was focused on immediate adoption of amendments to the controversial Law on freedom of religion or beliefs and legal status of religious communities. This was the first and the only legislative initiative adopted by the Government in December 2020. With a significant amount of symbolism, this Government's legislative initiative was assessed as a compensation for the Serbian Orthodox Church's support in the election cam-

paigned and in the post-election period. The author of the proposed amendments was the Ministry of Justice, Human and Minority Rights, who used to be a member of the Serbian Orthodox Church's legal team until he took over the ministerial position. This case represents an illustrative example of the unequivocal influence that the Church has had, and still has, on the functioning of the Government.

By supporting certain legislative initiatives of the ruling parliamentary parties, falling outside of the context of the EU accession process, the Government's policy was on the verge of conflict with the EU, for the first time since the opening of accession negotiations in 2012. Criticism from the EU followed as a logical outcome of the Government's initial wanderings in the implementation of rule of law reforms. Although the EU initially turned a blind eye when the amendments to the Law on civil servants and state employees were adopted in December, a similar scenario was not allowed in the process of adoption of the two prosecution laws. The EU has benevolently warned the Government that rule of law is one of the fundamentals of the EU accession process. Following warnings from Brussels that the country should not reverse in the judicial reforms, Krivokapic demanded from the Parliament to reschedule discussions on prosecution laws, "so that the Government would be able to hold the necessary consultations with the EU". For the first time, Krivokapic was direct in his statement towards the parliamentary majority, by warning them that the adoption of the amendments to the Law on State Prosecution and the new Law on prosecution for organized crime and corruption would mean that the country has "crossed the red line" in the accession negotiations. Part of the parliamentary majority showed readiness to support the Government's initiative, and the discussion on prosecution laws was postponed. Unexpectedly, already within the first months of its mandate, the Government faced a possible halt in the EU accession negotiations. It can be expected that this situation will be repeated, since parts of the new ruling majority (primarily gathered around the DF) do not show a genuine willingness to implement the EU reform agenda in close communication with Brussels.

Prime Minister Krivokapic has recently announced the Government's plan to change the Law on Montenegrin Citizenship, aiming to "solve the problem of a large number of citizens who have been living in Montenegro for years and have not received Montenegrin citizenship". In our view, the announced changes of the citizenship law are aimed at changing the overall structure of the electorate, and

thus influencing the outcome of the upcoming election processes in Montenegro through electoral engineering. Furthermore, these changes can also affect the national structure ahead of the upcoming 2021 census. In our view, the current Law on Montenegrin Citizenship is quite pertinent, and the focus of this Government should be to enhance its implementation.

Prime Minister Krivokapic reiterated on several occasions that his Government will be a Government of discontinuity, and argued that the transparency of the Government will be the object of special attention. However, the first 100 days revealed deficiencies in the transparency of Government's work. Some important actions and decisions of the Government, such as the one on issuing national bonds in the amount of 750 million EUR, have been completed without adequate public and inter-institutional discussion. A characteristic statement was made by the Prime Minister, who said that the Government operated "secretly and in an organized manner" in order to avoid obstructions to this operation. The prime minister's statement and the completely "mysterious" operation of issuing national bonds provoked a barrage of criticism from political opponents and part of critically oriented media. The SDP proposed a parliamentary investigation to obtain all relevant information about the procedure of issuing national bonds, but the ruling majority rejected this proposal during a session of the Parliament on 26 February.

The government sought to impose activities related to the fight against corruption and organized crime as a priority. It has established a National Anti-Corruption Council for High Level Corruption, composed of two government members and three recognized experts in the field of anti-corruption policies, but with unclear institutional competencies. Announcements that this body will deal with obtaining documentation from the executive authorities in cases of alleged corruption and crime during the previous government (construction of a highway, cigarette production, "Mozura case"), raise the question of the nature of this body - as a body that was originally supposed to be an advisory body to the Government. A positive step has been made with regard to the Government's insistence on the prosecution's actions in certain corruption cases involving officials of the former government and ruling party ("Real Estate Administration" and "Abu Dhabi fund"), which had been lying in the prosecution's drawers for several years.

In his inaugural speech, PM Krivokapic highlighted that the Government and the Ministry of Interior would review

the voter's registers. The Government has formed a Council for the Control of the Voters' Register, but the overall contribution in improving the voters' register ahead of the local elections in Niksic was almost insignificant. As an organization which closely followed the local elections in Niksic on 14 March, CeMI identified 961 citizens who were parallelly registered in Montenegro (Niksic) and in the voter's registry of Serbia, which represents a serious violation of the Montenegrin law. This is the first time that suspicion on the existence of double-registered voters is verified and documented.

The cohabitation between the Government and President Djukanovic has functioned with some difficulties. As one of the first steps of its mandate, the government made a decision to withdraw eight ambassadors, who allegedly "inflicted damage to Montenegro" through their actions in the months before the Government was elected. Although the Ministry of Foreign Affairs highlighted that the decision of the government is not an act of revanchism, a conclusion that can be drawn with a high level of certainty is that the Government recalled ambassadors because of their close relations to the former ruling party (DPS) and President Djukanovic. As a measure of political strength between the two parts of the executive branch, the Government at the end had to follow Djukanovic's demands for the respect for formal procedures. Insisting that the President is constitutionally entitled to sign the final decree on recalling ambassadors, Djukanovic forced the Government to comply with relevant procedures, thus indirectly hinting at the incompetence of the Government in this concrete case. The "ambassadors issue" was resolved after a meeting between President Djukanovic, Minister of Foreign Affairs Radulovic and Deputy Prime Minister Abazovic, following which, acting on the decision of the Government and the opinion of the Parliament's Committee on International Affairs, Djukanovic issued a decree on the recall of eight Montenegrin ambassadors.

The Government has proclaimed that fulfilling the obligations arising from NATO membership will remain among key foreign policy priorities. Within the first 100 days of its mandate, the national security system was shaken by a number of personnel issues that could have caused certain skepticism and concern of important foreign policy partners. This primarily refers to the appointments within the Intelligence and Security Department of the Ministry of Defense, which were sharply criticized by opposition members of the parliament and some experts in the area of security and defense - claiming that by these appoint-

ments "Russia completely took over the control of the security sector in Montenegro". Surprisingly, only a month following his appointment, the Head of Intelligence and Security Department in the Ministry of Defence resigned from the function under unclear circumstances. Following the dismissal of the longtime head of the National Security Agency (NSA) Perunicic, the Government appointed Vuksic - the leader of the DF coalition list in the local elections in Kotor and the elected president of the local parliament, as acting head of the NSA. It remains uncertain whether Vuksic will be elected to the position of NSA Head in full capacity however, since the entire appointment process was followed by legal and political controversies. The former head of the local police in Kotor Brdjanin was elected acting Police Director, after a competitive procedure in which 19 candidates participated. The Government will most certainly appoint Brdjanin for the Police Director in full capacity following the finalization of a consultative procedure, currently pending in the Parliamentary Security and Defense Committee. After the resignation of former Director of Police Veljovic, all deputy police directors were left without a function, including the most influential ones Lazovic, Djurovic and Bakovic. New deputy police directors have already been appointed, bringing the staffing process of key Police positions to an end.

Although the Government has faced a very difficult economic situation at the beginning of its mandate, described by Prime Minister Krivokapic as "scorched earth", it managed to "temporarily buy" economic and social stability through an operation on the international capital market - by issuing national bonds in the amount of 750 million EUR. Despite firm promises that the 2021 budget will be proposed on time, the Government has failed to adopt the 2021 Budget by the end of December. The country is in a "temporary financing" regime, which will last until the adoption of the budget. It can be expected that the Government will soon face challenges in the budgetary process, because some parties from the ruling majority will almost certainly condition its adoption to concrete political demands. Over the reporting period, some important decisions such as the one which led to shutting down national airline company "Montenegro Airlines", were made by the Government without wider inter-institutional debate and a clear view of its long-term effects. Bearing in mind that the complete budget and financial system of the state depends on revenues from tourism, it is expected that the government will sustain economic activity throughout the year despite the serious danger of worsening of the epidemiological situation due to COVID-19. During January, the

Government adopted a fourth package of financial measures to support the economy and citizens in the amount of 163 million EUR. According to Standard & Poor's (S&P), Montenegro's credit rating has been downgraded from B+ to B, which is the lowest credit rating in the last 15 years, while the national public debt is extremely high and which, according to some estimates by economic experts, has already exceeded 100% of the national GDP.

Government's response to the COVID-19 pandemic is a major cause for concern. The Ministry of Health and newly established ad-hoc bodies dealing with fighting against COVID-19 have lacked genuine political will and professional strength to impose timely and stricter epidemiological measures. Their actions have resulted in the deterioration of the health situation throughout the country. Unfortunately, Montenegro is at the moment ranked second worldwide with 129,684 registered cases per 1 million inhabitants; and seventh worldwide with 1,751 death cases per 1 million population (source: Worldometer statistics - 11 March 2021; 14h:00). Irresponsible behavior and disrespect

for the epidemiological measures by Prime Minister Krivokapic and several ministers, who on several occasions attended mass religious events during which they did not wear protective masks, negatively affected the perception of citizens about the necessity of respecting epidemiological measures. Montenegro has so far secured over 40,000 vaccines, of which 30,000 doses have been donated by China. With only 3062 vaccinated citizens (0.5% of the population - source: <https://www.covidodgovor.me/> - 11 March, 14h:00), the vaccination campaign is significantly delayed. The current epidemiological situation does not guarantee that Montenegro will be an epidemiologically safe destination for the upcoming summer tourist season, which could negatively affect the economic plans of the Government. At the beginning of March, the Government requested from the EU Civil Protection Mechanism doctors and medical staff, to prevent the health system from collapsing.

## Policy guidelines

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1. The Government needs to be more intensively stimulated to implement the EU reform agenda, in order to be ready to finalize EU accession negotiations by the end of 2024. During his recent visit to Montenegro, EUSR Lajcak rightly stated that "small politics should not derail Montenegro from its EU course and jeopardize its frontrunner position". In that respect, the Government needs to be focused on enhancing the rule of law, and the fight against corruption and organized crime.

2. It is of particular importance to establish a political dialogue between the Government and the Parliament on topics related to the EU agenda, which have been burdening the EU accession process of Montenegro for a certain period of time. The Government must be forced to intensify political dialogue with the Parliament regarding the election of the new Supreme State Prosecutor, the election of members of the Judicial Council, the election of judges of the Constitutional Court and the issue of com-

prehensive electoral legislation reform - with an aim to speed up the reform process and to prevent complete dependence on parliament in fulfilling internal-policy goals on the country's path towards the EU.

3. The Government has to be urged to draw up a short and concise plan of fulfillment for the interim benchmarks in Chapters 23 and 24, addressing the issues of independence, professionalism, efficiency and accountability of the judiciary and state prosecution, in line with the recommendations of the Venice Commission, CEPEJ and GRECO by the end of 2021.

4. The Government needs to be recalled on the need to establish a functional negotiating structure that will be able to continue accession negotiations with the EU, which has been significantly weakened in the previous couple of months. The Government has to be urged to strengthen existing administrative capacities, in order to be able to

maintain the dynamics of the negotiation process with the EU.

5. The government has to constantly prove its pro-EU and pro-NATO commitment. Given that the Government will be targeted by pro-Serb and pro-Russian parts of the ruling parliamentary majority, it seems likely that initiatives to test the government's EU commitment will become more frequent. In that sense, the Government should be supported by international partners, as long as it maintains the pro-European course, positive trends in the dynamics of EU accession negotiations and unreserved compliance with EU foreign and security policy, as was the case so far.

6. Experiments such as changing the Law on citizenship, which could have far-reaching consequences for the electorate and national structure in Montenegro, should be placed out of the focus of the Government's work, since they could significantly jeopardize the essential framework of state independence, and open space for the influence of third parties.

7. The government must be encouraged to be actively involved in the electoral reform process, because the role of the Ministry of the Interior is of inestimable importance in establishing a new and completely reliable voter register with full integrity. In that sense, it is necessary to encourage regional cooperation of all Governments in the WB region to ensure the availability of information on persons registered in the voter registers of several countries, in

order to prevent abuses of multiple exercise of the right to vote. This will, to a certain extent, relieve relations between the states and improve citizens' trust in the electoral process in all WB countries.

8. As the first European country outside the EU which has legally recognized rights of same-sex couples, the Montenegrin Government must create full conditions for the implementation of the law. This implies the adaptation of related laws with the Law on Registered Partnership, creating bylaws, registers and determining the procedures for institutions in charge. The Government must take further steps in promoting the rights of the LGBT population. The excessive influence of the Serbian Orthodox Church on the Government raises concerns that conservative views on LGBT population will affect their overall social position. Therefore, the Government should be constantly encouraged and reminded of the importance of involving the LGBT community in decision-making processes, as their visibility and acceptance by the general community and full equality in society will be beneficial to the country.

8. The Government has to deliver necessary reforms in the defined seven key policy pillars - green economy, IT transformation, regional cooperation and connectivity, improving competitiveness, social protection, equal opportunities and good governance. So far, the government has not presented strategic guidelines on how to improve at least one of these seven strategic policies.

## About CeMI

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The Centre for Monitoring and Research – CeMI is a non-governmental, non-profitable organization, founded in March 2000, whose main goal is to provide infrastructural and expert support for continuous monitoring of the overall process of transition in Montenegro.

During its long and consistent work CeMI has contributed to changing social and political circumstances in which it was created, and consequently expanded the scope of its work towards legislative initiatives, public opinion polls, fight against corruption and respect of human rights and

freedoms.

Amendment of the constitutional status and progress in the European integration process have positively impact the development of civil society in Montenegro, giving it an entirely new framework of the work. In that context, CeMI deviates from the work of regular non-governmental organization and is getting closer to the concept of a research center for the creation and representation of policy proposals.

CeMI, with the support by the OSI Think Tank Fund, Budapest, CeMI has restructured an internal organization in order to achieve optimal capacity utilization. Also, the mission and vision of CeMI have changed in line with the newly established objectives.

From five programs that CeMI had in the past (Elections, Rule of Law, Good governance, Civil society and European integrations), CeMI has passed on to three clearly defined programs: (1) Democratization and Human Rights,

(2) Fight against corruption, (3) Euro-Atlantic Integrations. In this way, CeMI will limit its work on the areas where has a significant experience and within which the actions of our organizations are recognized. Each program has a coordinator who manages all projects and assigns responsibilities. In this way, the professional stuff of CeMI has an opportunity to specialize in one of the three areas, and at the same time to provide support on the projects within other programs – which contributes to maximizing efficiency and expertise at the same time.

## About Author

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Zlatko Vujović is currently the President of Governing Board of the Centre for Monitoring and Research CeMI ([www.cemi.org.me](http://www.cemi.org.me)), a think tank and election monitoring organization from Montenegro and Secretary General of the European Network of Election Monitoring Organizations (ENEMO/[www.enemo.eu](http://www.enemo.eu)). Since 2017 he is a member of the Global Network of Domestic Election Monitors (GNDEM) Board of Directors ([www.gndem.org](http://www.gndem.org)). He graduated from Law School in Podgorica and got M.Sc. in Political Science at the University of Montenegro. He has a Ph.D. in Comparative Politics at the Faculty of Political Science in Zagreb. He served as the Head of the International Election Observation Mission three times (Kosovo in 2010 and 2013, and Ukraine in 2015, Armenia 2018, Ukraine 2019 for the Presidential Elections and Ukraine 2019 for Parliamentary Elections, Serbia 2020 and Ukraine 2020), as well as the LTO and STO in different EOMs run by ENEMO or OSCE – ODIHR. Currently, he is assistant professor at the Faculty of Political Science of Montenegro. He led more

than 10 domestic EOMs in Montenegro. He published articles in different international scientific journals, as well as been one of coauthors of a book published by international publishers like Palgrave, Routledge. His research interests include: personalization of electoral systems, presidentialization of political parties, democratic transition and consolidation, as well as intra-party democracy.