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Montenegro's EU Membership: Tough Talks Ahead

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Autumn in Montenegro won't be short of excitement. Not only are there early general elections due to be held on October 14, but EUROPOL's first report on the state of organized crime in the country, which was said to require solid progress in the European Council's decision to open talks with Montenegro at the end of June, is supposed to be completed soon. The report may not upon first glance appear to bear the significance of the former, but its importance is manifold.

Firstly, it illustrates the European Union's new approach towards the Western Balkans. This new approach is much more strict than that of the previous waves of EU enlargement. Instead of opening membership talks with the least demanding chapters such as education and culture, Montenegro began negotiations with the screening of chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security). In lay terms, these chapters, and the EU conditionality attached to them, can be simply translated as "the fight against organized crime and corruption". Indeed, this fight is among the seven key priorities that the EU streamlined for Montenegro – the rest being the strengthening of the work of parliament, independence and accountability of judiciary, professionalism and de-politicization of public administration, media freedom, cooperation with civil society, implementation of anti-discrimination policies and improvement of the status of displaced persons.

Secondly, EUROPOL's report is a result of "bargaining" among EU member states that shared different views regarding Montenegro's progress before unanimously deciding to open talks with this former Yugoslav republic. For example, the Swedish Foreign Minister, Karl Bildt, had openly stated that his country might block Montenegro's advance towards the EU if it doesn't get strong guarantees that reforms are closely monitored. As a result, EUROPOL, for the first time, was given the task of preparing a report on organized crime in a candidate country. The Council also urged the European Commission to make sure that the report's conclusions are taken into account in its forthcoming screening reports.

Finally, the report is expected to provide an objective assessment concerning the real magnitude of the problem of organized crime in the country. This is of significance given the many speculations and claims that Montenegro is a transit country for various types of smuggling and that even some state officials have been involved in these illegal activities in the past.

Diagnosis of Organized Crime

Recent references to Montenegro in international circles once again brought issues of organized crime under the spotlight. The U.S. magazine *Foreign Affairs*, in its May/June 2012 issue, published an article, which described Montenegro as a mafia state. The Montenegrin embassy to Washington subsequently protested the article, but that didn't spare the country of further international criticism. In addition, a bit later in May, BBC's *Newsnight* posted an article on its website that openly questioned Montenegrin readiness to join the EU due to leaked documents raising concerns over corruption in the functioning of one of the country's banks. The article focused on Milo Djukanovic, Montenegro's former long-time leader, since he and his family members own majority share in the bank.

The Montenegrin government once again denied allegations, but a reliable diagnosis of the alleged organized crime activities in the country is pending. Hence, the news that EUROPOL's report will be released was welcomed by both civil society organizations and Montenegrin officials. They all praised the fact that a professional organization was given a task to assess the situation in the field. Indeed, Montenegrin officials expect that the forthcoming report will put an end to the rumors and stories that taint the image of their country. More importantly, its findings will largely determine the speed by which Montenegro will continue to progress towards full EU membership.

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The EU's New approach

Croatia will officially become the 28th EU member state on 1 July 2013, nine years after it became a candidate country and eight years after it opened membership talks. However, it seems that Montenegro may have to wait considerably longer. As soon as the country was granted candidate status in late 2010, it was apparent that it won't open membership talks automatically but only if it enforced certain reforms. In December 2011, the European Council only conditionally gave a green light for the opening of talks in the following June. Their actual start was dependent on further progress in meeting the seven key priorities.

With the start of the negotiations Montenegrins are again being warned that the process won't be easy. The EU is 'demanding' that chapters 23 and 24 will be opened first and that they will be the last to close, because the EU, drawing from the experiences of previous enlargements, especially of Bulgaria, Romania and Croatia, is aware that tangible results in these fields need continuous efforts.

In a recent interview for EurActiv, the EU enlargement Commissioner, Stefan Fule, said that the first chapters for Montenegro might be opened next year. Previously, local media reported that in order for chapters to be opened, Montenegro will have to prepare specific action plans. Aleksandar Pejovic, the country's chief negotiator, even stated that apart from certain conditions for opening and closing the chapters, temporary milestones and benchmarks for chapters 23 and 24 will be introduced. As Fule explained, these two chapters are a fundamental instrument of full consolidation of democracy, and the same attention will be given to them in any future negotiations.

Yet, the lack of political consensus concerning specific issues is one of the factors, apart from EUROPOL's potential findings and recommendations, which might hamper Montenegro's EU membership talks. The EU's appeals for prosecution of high profile corruption and organized crime cases in the country are deeply intertwined with concerns over politicized and inefficient judiciary. So far, the negotiations between the political parties about constitutional changes, aimed at increasing the judiciary's independence, are stalled.

Montenegro's talks as "good news" for the region

Given the tougher EU conditionality, it doesn't seem very likely that the small Adriatic republic will meet the ambitious deadline, set by the participant countries of the South East Europe Cooperation Process this June, for joining the "European club" by 2020. Nevertheless, Montenegro is seen by many no less than a "rescuer" of the enlargement process since it "keeps the ball rolling" for the Western Balkans in a very critical period for Europe. EU officials proudly stress that, despite the severe eurozone crisis, soon after the talks with Croatia were completed, new membership negotiations were launched, this time with Montenegro.

Key Events on Montenegro's EU Path	
January 2007	European Council adopts European Partnership for Montenegro.
October 2007	Stabilization and Association Agreement (SAA) signed.
December 2008	Montenegro applies for EU membership.
December 2009	Montenegrin people gain visa-free access to most of the EU member states.
May 2010	Stabilization and Association Agreement comes into force.
December 2010	Montenegro given EU candidate status.
December 2011	With the view of opening accession negotiations in June 2012, the European Council tasks the European Commission to further examine the country's progress, mainly in the fields of rule of law and fundamental rights, and to present its findings in a special report to be issued in the first half of 2012.
May 2012	The European Commission reiterates its recommendation from October 2011 for opening of the membership talks with Montenegro in June.
June 2012	The European Council opens negotiations with Montenegro.

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Despite the problems with weak institutions, organized crime and corruption, the EU accession of a small country like Montenegro cannot do much harm to the current member states. What is more, despite Montenegro's communist and authoritarian legacies in politics and the economy, the country did make considerable progress since the Zagreb Summit of 2000 when the ex-Yugoslav republics were for the first time given an uncertain prospect of joining the EU.

Praised for good neighbourly relations, having no issues with political instability and borders like Serbia, Montenegro seems to be the "least worst" Western Balkan candidate at the moment. The EU, however, must persist on its pro-reform leverage in order to trigger substantial changes in the country. Precisely due to the nature of the EU conditionality toward Montenegro, which insists on prosecution of high-profile corruption and organized crime cases, it is important to secure that those processes are undertaken in an impartial and transparent manner. Otherwise, they might turn into ammunition for political revenge when political power changes hands in the country.

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