

# European pulse

Electronic monthly magazine for European integration

No 111, December 2014



## FOCUS

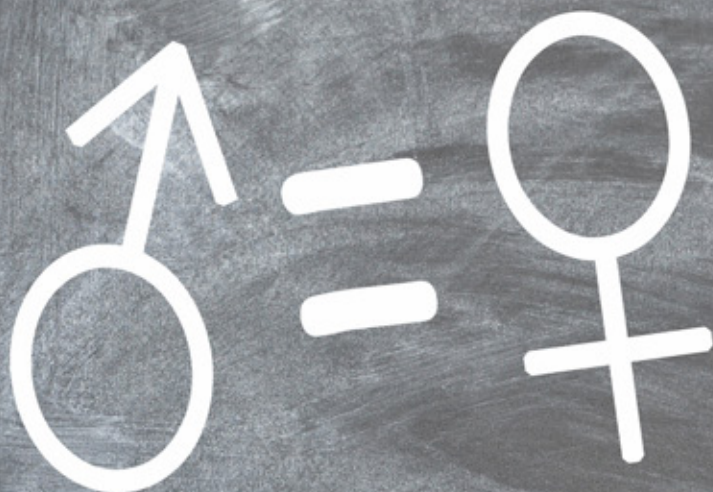
Gender equality and women's rights  
in the light of European integration

## Interview

Director of MONSTAT,  
Gordana Radojević

## Region

Four scenarios for the Balkans



Foreword:

## Abstinence crisis 2015



Vladan Žugić

Throughout 2014, Montenegrin government and institutions behaved like passionate nicotine addicts or overweight persons. When the doctor shot them a stern warning they swore, quite unconvincingly, to leave tobacco and never again stuff their heads into refrigerator after midnight.

Prosecution of the critics of the government, abuse of public resources for electoral purposes, lack of transparency, feigned reforms of judiciary, politicised public administration, unfair competition, Prime Minister's threat that we could halt negotiations, just like Iceland have been balanced to some extent over the past year by the decision to adhere to the Council of EU's sanctions towards Russia, keep up the good relations with the neighbours and adopt more laws that are yet to be implemented.

Only in October, when we received a seemingly serious warning reminding us of the balancing clause, the ruling coalition was bent to task and in the first fortnight of December pushed through the Parliament new laws on the financing of political parties, prevention of corruption, lobbying etc. Meanwhile, the Government prepared draft laws on the special prosecutor, state prosecution, Constitutional Court, and got down to revising Action plans for chapters 23 and 24.

In response, the EU rewarded Montenegro with the opening of four new chapters, bringing the total number of opened acquis chapters up to 16. According to the head of the EU Delegation to Montenegro, this shows that there is no enlargement fatigue in the EU.

At the same time, ministers of foreign affairs of EU member states sent a clear message – from now on, the reforms in the area of the rule of law, especially corruption, and above all high level corruption, will require “strong political will”.

The first half of 2015 would have to be a period of abstinence crisis for the 26-year old Montenegrin government, if it wishes to get an invitation into NATO and continue the European integration process at the present pace, which already seems to be knocking the breath out of the ruling elite.

Ministers of NATO member states will not worry about the rule of law in Montenegro at their meeting in late June. If their colleagues, the foreign ministers of EU member states find that there is progress on chapters 23 and 24, there is no need to fear activation of the balancing clause or being passed over for invitation to the NATO. On the other hand, the possibility of snap elections in 2015 that would likely slow down reforms testifies clearly that those in power are keenly thinking of the cigarettes at the bottom of the drawer and of the greasy leftovers in the fridge.

## Calendar

1-2 December

**SAPC demands and end to the campaign against the civil sector** / Stabilisation and Association Parliamentary Committee (SAPC) expressed concern over the decline of professionalism and objective reporting by the news channel of the public service and other media. “We express serious concern over the article published in the paper “Informer” which incites hate on national and religious grounds, and we severely condemn the attacks by this paper on civil society activists. We urge the authorities to protect the activists and ensure they can continue their work without fear of retribution. We call on the Supreme State Prosecutor to investigate this case of negative campaign by the “Informer” towards a civil society activist”, states the Declaration which was endorsed by all members of the European Parliament and all members of the Parliament of Montenegro, with the exception of DPS representatives.

8 December

**Drobnjić: seize the property** / Head of the EU Delegation to Montenegro **Mitja Drobnjić** expressed his hope that Montenegro will soon begin seizing proceeds from crime. He reminded that it had been almost a year since the opening of chapters 23 and 24 but that the country is still facing a large number of challenges in the domain of anti-corruption. “Montenegro will be expected to produce tangible results in investigating, prosecuting and convicting crimes of corruption, including high-level corruption, as well as to begin a systematic use of authority to seize and confiscate criminally acquired property”, Drobnjić said at a special meeting of the parliamentary committee for anti-corruption on the occasion of the Day of Fight against corruption.

10 December

**Holland: fight against organised crime of top importance** / President of France **Francois Holland** told Montenegrin Prime Minister **Milo Đukanović**, during the latter's official visit to Paris, that the country ought to continue reforms on the rule of law, especially with regard to the fight against organised crime. “President of the Republic reminded the Prime Minister of the French support in the ongoing negotiations with Montenegro. He stressed that Montenegro must continue with reforms in the area of the rule of law, especially as regards the fight against organised crime”, states the official communication from the Presidential palace.

16 December

**4 New chapters opened** / At the Inter-Governmental Conference in Brussels, EU and Montenegro opened another four accession chapters. These are: Chapter 18 – Statistics, 28 – Consumer and health protection, 29 – Customs union and 33- Finance and Revenue.

16 December

**Progress now depends on strong political will** / Council for General Affairs of EU said it was good that Montenegro is “now reaching the stage of negotiations where it needs strong political will to attain tangible and lasting results” in the rule of law and anti-corruption, “especially at the highest level”. Ministers of foreign affairs of EU member states welcomed Government's efforts at reform, but stressed that further efforts were needed to ensure freedom of expression and media.



## Delays in EU enlargement will bring Russia and Turkey to the Balkans



By: Dušan Reljić

The author is the chief representative of the German Institute for International Politics and Security (SWP) in Brussels

The accomplishment of integration of Western Balkans into the EU cannot be, even in theory, prevented by the interference of Russian, Turkish or any other “third” factors. The only danger comes from the continuous postponement of the entry of the remaining West Balkan states into the EU and from pushing them into an ever more uncertain future.

The reasons lie, above all, in the difficult economic contradictions of the European integration process, and especially in the failure of the economic transition of former socialist countries. This fundamental problem is further compounded by an inconsistent enlargement policy of the EU, political priorities of some of the more powerful EU member states, and the opportunism of EU members from South-Eastern Europe that use the enlargement process to further their national goals. The transition of former socialist countries of Eastern Europe ought to have led to convergence with the old members. Instead, even East Germany, which has received over two thousand billion euro from the western part of the country did not manage to catch up to its standards of living. Europe's East seems condemned to forever lag behind the northwest of the continent in social and economic terms.

In former Yugoslavia, despite Slovenia's and Croatia's accession to EU, the transition did not bring the promised benefits: the best evidence comes from the low living standards, the collapse of the “real” economy and widespread despair among the young people, who are increasingly moving towards the northwest of the continent, much like their peers from southern Europe. The enlargement policy did little to acknowledge these glaring contradictions.

Instead, political actors in Brussels tried to appease dissatisfaction of the EU citizens, among whom less than 50% has been in favour of further enlargement in the last few years (the figure is the lowest in Germany, with only 20% in favour). They do so by imposing ever more complex conditions for the EU entry. The candidates should be 110% ready for membership, the former enlargement commissioner **Štefan Füle** recently told the aspirants. The stern treatment of the new member states was expected to prevent the spread of xenophobia in the EU, but judging by the success of right-wing populists at the recent elections, the strategy is not paying off. The EU also neglected the fact that its financial and economic crisis over the last half decade had had devastating effect on the Western Balkans and had undermined these countries' ability to catch up with the EU in economic and every other way. In order to link up with the EU as much as possible even before the accession, countries of this region directed two thirds of their foreign trade towards the EU, while their banking systems are 90% owed by a handful of banks from EU. The crisis led to a contraction in trade, withdrawal of capital from the western banks and drying up of the capital flows from the EU. The remittances also fell.

As there is little hope that the EU economy will soon perk up drag the Balkans forwards, countries of the region are looking for new economic partners in China, Russia, Turkey, Arab countries, and wherever the economy still seems to be growing. In the long run, this will create the basis for a stronger political influence of these countries, but geography alone makes the thought of membership of, e.g. Serbia in a Eurasian union under Moscow's leadership ridiculous. Just like nobody in the countries of former Yugoslavia, including the champions of SDA in BiH or **Hashim Taci** in Prishtina, cares for the calls from Turkish politicians to join their march, presumably with Turkey at the helm, towards the EU – at a moment when Turkey itself is rapidly moving in the opposite direction.

Nevertheless, the war in Ukraine has stirred some of the EU decision makers and led the German government to convene a conference on improved economic cooperation with the Western Balkans. For now, however, there is little indication that this action could give rise to a “Marshall Plan for the Western Balkans” – a large scale investment plan that would be necessary to restart economic growth and employment and prevent the region's slide towards a Greek scenario.

Leaders in Belgrade and Podgorica are trying to convince their Western partners in various ways to soften the conditions of access to the EU. With a bit of loosening, Serbia and Montenegro could avoid a “Russian breakthrough” into the Balkans which, they insist, is becoming increasingly noticeable. It would be a spectacular swoop indeed if their bluff was to succeed.

But the accession of new members is not a technical process (“those who fulfil the conditions advance”) as it is often presented. It is a political process based on the EU member states' interest in strengthening stability and security of the continent. The EU was created to rein in the power of Germany, and has later accepted Greece, Spain and Portugal in order to prevent the return of fascistoid regimes and even later the former members of the Warsaw pact in order to prevent the return of the communist rule and Russian hegemony. Former Yugoslav countries were offered membership in order to demonstrate *urbi et orbi*, following the failure of West European countries to prevent a bloody dissolution of Yugoslavia, that the EU is after all capable of maintaining stability in its own backyard. Will the fear of an imagined Russian influence in South Eastern Europe suffice to force West European powers to work harder on making their good intentions and big promises into a reality for the remaining candidates for EU membership? That might be the only silver lining in the torrent of evils created by the war in Ukraine.

*Source: excerpts from the article originally published in the journal “Political thought”, Euractiv.rs*

Gender equality and women's rights in Montenegro in the light of European integration

## In second class on the train Brussels



By: Svetlana Pešić

It passed nearly unnoticed that this year European Commission (EC) gave the exact same assessment of Montenegro's progress the issues of corruption and the rights of women and gender equality – the progress is still limited.

The issue of gender equality and women's rights is assessed by two chapters – chapter 19 (Social policy and employment) and chapter 23 (Justice and fundamental rights). “The legal framework in the field of equal opportunities needs to be aligned with the EU acquis. There was limited strengthening of financial and human resources to ensure that gender equality mechanisms work well, particularly in rural areas, but also that the gender equality action plan is implemented. Women remain underrepresented in the labour market. Gender-segregated statistical indicators need to be provided” states this year's Progress Report in the section on chapter 19. On chapter 23, EC reminds that legislation implementing the law on domestic violence was adopted, providing for counselling and protection, and that local action plans on gender equality have been adopted in 5 out of 23 municipalities, and two offices set up. The EC, however, warns that institutional capacity remains weak, “with the central gender equality department facing high turnover”. The report also notes that better cooperation with the civil society is needed, while the role of the Parliament and the involvement of MPs in issues related to gender equality remain limited. According to EC, the newly adopted amendments to the law on the election of MPs and municipal councillors have only marginally improved representation of women in the political life, and more effort is needed in this direction. It is also stressed that the statistics on domestic violence are unreliable and that inter-institutional cooperation, especially between social services and the law enforcement authorities, needs to be significantly improved. “Further efforts are needed to strengthen the capacity of the police and social services dealing with individual cases of violence against women, and to consistently implement the relevant protocol of procedures. The first rehabilitation and re-socialisation centre for drug-addicted women is under construction”, notes the Report.

President of the Committee for Gender Equality in the Montenegrin Parliament, DPS MP **Nada Drobnjak** told *European Pulse* that the Montenegrin legislative framework, from the Constitution to the Law on Gender Equality and other laws and regulations, recognises full equality of men and women. She points out, however, that in practice a dominant traditional view of a woman's place and role in a society is still reproduced, and creates inequalities. According to the latest population census from 2011, women make up about 50.61% of total population in Montenegro (around 313.793), but their involvement in decision-making positions is far lower.

“Women in Montenegro are not equally represented in decision-making positions. In the Parliament of Montenegro women make up altogether 17.28% of MPs (14 out of 81 members) and in the government three out of 17 ministers are women. In local governments, there is only one woman mayor and two presidents of local parliaments. There are very few women in the management positions at public institutions, banks, companies, and there is only a handful of them among the entrepreneurs. The average woman's wage in Montenegro is about 14% lower than that of men. We should also not forget that women are targets of domestic and other forms of violence and that they suffer various forms of inequality at work. All of this indicates that further efforts are needed to strengthen the position of women in Montenegro and achieve equality in practice”, Drobnjak said.

However far along we may have moved toward European integration, the tradition still stipulates that the family property is inherited by men, while



Nada Drobnjak

women are expected to give up theirs. According to non-governmental organisations that deal with issues of gender equality, women find it harder to prove their contribution to common property during divorce, which is one of the key reasons for why they choose to stay in dysfunctional marriages. Less than 2% of women owns property, less than 10% has own business, and some trade union activists claim that women earn up to a quarter less in the private sector. At the same time, women make up the majority of population with higher education degrees in the country.

Insufficient representation of women in political and generally public life is often criticised, not only by the European Commission but also by OSCE, UN Committee for elimination of all forms of gender based discrimination, Council of Europe and European Parliament. The common element of all these critiques is that Montenegro ought to mandate by law greater representation of women on the party electoral lists, in order to ensure them access to political life. The recommended quota is usually around 30% for electoral lists and the Parliament, but as it happens with most laws and regulations in Montenegro in practice the share of women in the

Parliament has never been above 15%.

Montenegro ranks last in the region according to the number of women MPs. In Bosnia and Herzegovina their share is 21.4%, in Croatia 23.8%, in Albania 30.9%, in Slovenia 33.2% and in Serbia 32.4%. Few women in the highest offices of the parties ensure that they are also underrepresented in the legislative and executive positions. Contrary to the public offices where women are a minority in decision-making places, the civil sector is dominated by women.

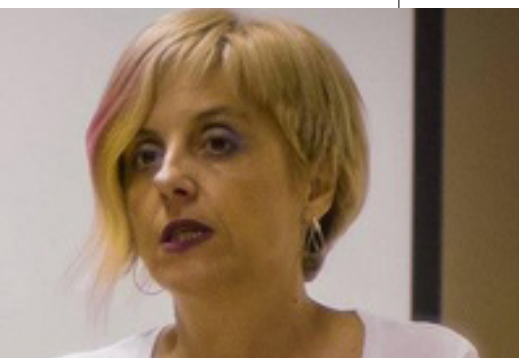
**Ervina Dabižinović**, psychologist in ANIMA – Centre for women's and peace studies, believes that the resources available to public institutions in charge of promoting gender equality policies have not been increased since 2003, and that the expertise they offer to other institutions is below the standard that could enable changes. "They ignore the achievements and initiatives of women's organisations whose aim is to develop critical reflection of the patriarchy. A good example of rejection of the proposals of women's NGO is the electoral law. A significant number of women's organisations offered comments and suggestions on the draft law in order to ensure adequate political participation of women, but their proposals were sidelined, resulting in an exhaustion and abuse of

### Dabižinović: reassertion of patriarchy that stigmatizes all critical voices

Dabižinović believes that in Montenegro we are witnessing a reassertion of patriarchy in which every critical voice becomes stigmatized, and that in political and media circles organisations that make public interventions in the political community are being actively sidelined. This, according to her, reduces awareness of the importance of gender equality for societal democratization.

"There are numerous indicators of everyday violations of women's human rights: reducing their participation in decision-making on economic, legal and political issues, growing rates of all forms of violence against women. An average woman in Montenegro is forced to fight for the mere existence, her rights are violated in all areas of life, she suffers high levels of violence without any recourse, and there is not even a developed, accessible and sustainable segment of the civil society dealing with such issues to support her", Dabižinović said.

She also stressed the difficulties and violations of rights of women workers which they suffer in all sectors – both private and public. "The most common forms of violations concern the basic labour rights – compensation, working time, right to daily breaks and paid holidays, wages, social protection. Sexual blackmail is widespread in all segments of society, from professors to employers. The pressure to introduce issues of gender equality and women's studies into the educational system in Montenegro remain modest and sporadic, without systemic and obligatory content or subjects that would deal with these issues", Dabižinović said.



Ervina Dabižinović

knowledge and resources of these organisations. Women's NGOs were not consulted when preparing the second report to the CEDAW committee, and given their experience with the previous report, as well as the lack of financial support, women's organisations simply had no resources to compile another shadow report on their own", Dabižinović said.

She added that the Law on gender equality, formulated as a declaration, has yielded no improvements in the six years since it had been adopted, while the political parties still prioritize identity issues and political corruption, with a cursory nod to human rights and no attention to women.

The civil society, Dabižinović warns, has a very small number of women's organisations which focus on domestic violence and advocate a critical attitude to the political community and alternative approaches to politics, and that have invested a lot of effort and expertise in changing the position of women in Montenegro.

Drobnjak agrees that more effort is needed in order to strengthen gender mainstreaming in all aspects of development policy, strategy, projects and programmes that ought to demonstrate clearly and precisely the importance of equality between men and women in Montenegro.

### The traditional division of labour and home work

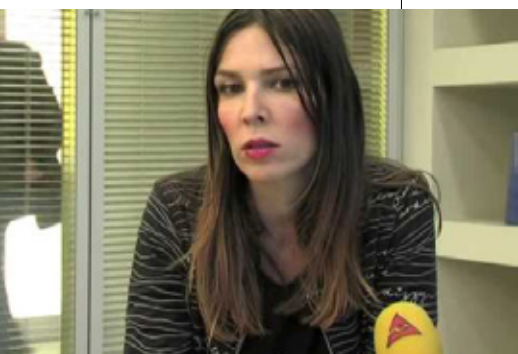
President of the Committee for Gender Equality in the Parliament of Montenegro warns that women must be conscious of their value, knowledge, abilities and importance to lead the process of change in gender roles, undermine stereotypes and build a society of equal chances and opportunities.

"This is a difficult task and sometimes it seems impossible to change anything but it is fun to do impossible things. I think that apart from the still widespread acceptance of traditional gender roles, another reason for the unequal position of women can be found in their resource: time. If a woman spends four hours a day doing unpaid work at home, because it is understood that this is "woman's work", she cannot have the same opportunities as a man. Gender equality produces a chain reaction of benefits for all, just like the effects of inequality will be spread from the individual to the family and society", Drobnjak warns.

### Everything begins with education and clear political will

"As the women are traditionally the ones who take care of children and educate them both at home and in the public institutions where they dominate the professions that relate to care and education, they are also the ones who perpetuate the messages they have been imbued with by their patriarchal environment. And this environment is intolerant towards everything that exceeds the limits of deep-rooted notions and expectations. This is why one of the keys to change is a different process of upbringing and education that would teach girls and boys, women and men, that there is another constellation of gender roles that results in greater equality both in the family and in the public sphere", **Maja Raičević**, executive director of the Centre for Women's Rights, told *European Pulse*.

"Of course, this process must include learning through positive examples, and in that sense it is very important to pay attention to the construction of the public sphere, media policy etc. All of this points to the importance of the state, which must show a clear political will to deal with this process in a serious, consistent and committed manner, which includes providing adequate resources", Raičević said.



Maja Raičević



Director of MONSTAT Gordana Radojević  
on the opening of Chapter 18

## The EU integration process will contribute to great trust in official statistics

Montenegro committed itself to implement all legislation under Chapter 18 by the accession to the EU, by which time all data on Montenegro should be available on the EUROSTAT's website in the same intervals, in the same form and according to the same methodology that applies to all EU member states, **Gordana Radojević**, director of MONSTAT, told *European Pulse*, following the opening of Chapter 18 – Statistics.

*» For Montenegro and MONSTAT negotiations on chapter 18 won't be easy, although the experience of most "recent" EU members, such as Croatia, suggests that this chapter is largely technical in nature. Why is this the case? Were there any benchmarks, official or unofficial, for Montenegro to meet before we could open this chapter?*

*The progress on other chapters affects the pace of negotiations on chapter 18. This is why from the very beginning the statistical office demanded membership in all negotiation chapters which we considered important for progress on chapter 18. There are altogether 12 such chapters*

objectivity, confidentiality, expertise etc.) I believe that the conclusions of these revisions contributed to the fact that there no additional benchmarks were set for the opening of chapter 18, officially or unofficially.

*» Since you were appointed to head MONSTAT, the EC has registered certain progress. Nevertheless, every year the progress report notes "inadequate human and financial resources" as the main reason for concern. How can the problem of staff and money be solved? How many people work in MONSTAT right now, and how many should be employed to meet the EU standards? Did you ask for more funding?*



Gordana Radojević

Impartial and objective official statistic of EU member states, as well as of candidate countries, is based on the impartial, objective policy of the European Commission towards the EU member states, and this is why this chapter is considered a matter of technical expertise. Quality and objectivity are the key characteristics to be monitored with respect to the official data of EU member states. The audit and control of statistical data in EU member states is conducted by EC's statistical office – EUROSTAT.

On MONSTAT's request, EUROSTAT conducted such audits in 2009 and 2011. The audits concluded that MONSTAT is compiling its data in a professionally independent manner, without political or other interference, and in accordance with all international principles (impartiality,

The statistical office has been making progress for a number of years now, but the successes we accomplished with two large statistical activities in a single year (Agricultural census in 2010 and Population census in 2011) made sure that EUROSTAT has trust in the expertise of the Montenegrin statistical office. This is also why for the third year in a row the EC notes good progress in the area of official statistics. The gap between the current number of employees (102) and the optimum number (200) is something we have been trying to solve through other forms of strengthening of administrative capacities, above all through education. With EUROSTAT's support, through the IPA regional project, we have

access to professional trainings for MONSTAT's employees in the EUROSTAT for up to six months. 20% of employees in various statistical areas have been through such trainings, which contributed tremendously to the improvement of official statistics in Montenegro.

» *Do you think that negotiations on Chapter 18 may affect negotiations on other chapters, above all those concerning the economy, given the lack of adequate macroeconomic and business statistics?*

From the experience of some more "recent" EU members I would say the influence is rather the other way around. The progress on other chapters affects the pace of negotiations on chapter 18. This is why from the very beginning the statistical office demanded membership in all negotiation chapters which we considered important for progress on chapter 18. There are 12 such chapters altogether, among them chapters dealing with agriculture, economy, finance, science, education and social issues. Implementation of European standards in these areas will result in the creation of electronic, inter-connected databases, producing a substantial source of official statistics according to the current EU standards. The process of accounting for official data, as well as the quality of data sources is the result of the implementation of EU standards in all socio-economic areas whose various aspects are quantified by the official statistics.

» *One gets the impression that the Montenegrin society does not trust much the official data, even though statistics have played an important role in the development of some societies, such as the USA. What is the reason for this? Do you agree with me that the reasons should be sought in the often confusing estimates of various institutions on the level of unemployment or employment, number of tourists, etc. How can we change this negative image?*

As long as there are statistics and figures there will always be criticism – this is not specific to Montenegro, this is the case everywhere. Statistics is a science of mass phenomena, and when you describe one of these phenomena – employment, average wage, consumer basket etc. – through a single figure at the level of the country as a whole, it is a fact that

*The gap between the current number of employees (102) and the optimum number (200) is something we have been trying to solve through other forms of strengthening of administrative capacities, above all through education. With EUROSTAT's support, through the IPA regional project, we have access to professional trainings for MONSTAT's employees in the EUROSTAT for up to six months. 20% of employees in various statistical areas have been through such trainings, which contributed tremendously to the improvement of official statistics in Montenegro.*

we all create these trends, the figures give us security and allow individuals to easily interpret these figures, evaluate their credibility and accuracy, all of that based on their personal assessment and experience. This is the most frequent form of criticism we get, and they are, I would say, a product of misunderstanding of statistics as a science. I believe that the EU integration process will contribute to dispersion in the use of official statistics and greater trust in the official figures.

» *In some EU members (I believe UK and Italy) GDP estimates include, or will include, the income from the sphere of organised crime and corruption. What do you think of this?*

As the director of the Statistical office I believe that all EU member states should apply international methodology in calculating GDP in a standardized manner, both for legal and illegal activities, as this guarantees a just financial participation of the member states in the common EU budget. However, it is another question whether the methodology of GDP accounting as such corresponds to the contemporary social and economic relations, and this is something I have been exploring in my PhD work at the University Donja Gorica. Under mentorship of professor **Veselin Vukotić** I am working on a research that demonstrates the limits of GDP accounting methodology under circumstances of globalization, and I expect the final results by the middle of next year.

V. Žugić



### Romania not eager to confiscate proceeds from crime



While the European Commission considers confiscation of illegally acquired assets a strategic priority in the fight against organised crime and corruption, Romania is not too eager to implement this in practice. Two years ago Romania introduced extended confiscation of proceeds from crime. Thanks to this, it is now also possible to confiscate property which is not linked to the crime one has been convicted for, and the law also regulates confiscation of criminal proceeds from family members.

One obstacle, however, comes from the decision of the Constitutional Court that extended confiscation can only be applied to the property acquired after 2012, when the new law came into force.

One of the first cases in Romania in which the prosecutor asked for extended confiscation was that against the former conservative senator **Dan Voiculescu**. He was sentenced to ten years in prison and a fine of 60 million euro because of fraud in the privatization of the Institute for Food Research. The process against Voiculescu took six years, and was very controversial as among the confiscated property was also the building of the TVs Antena 1 and Antena 3, Romania's most popular channels.

### EU spends three billion for air traffic



EU air companies and airports will receive EUR 3 billion to connect and improve infrastructure and management systems, European Commission announced. The funds are meant to support the creation of a single air space in the EU, which is still quite divided, adding to the costs of air traffic. Also, the current air management systems are insufficient to meet the pressure of the growing number of flights and the need to reduce costs and CO2 emissions.

### A 15 million fine for garlic



In an unusual dispute over garlic, the UK would have to pay the European Union a fine of 15 billion pounds because it applied a too-low duty on garlic from China some ten years ago.

Judges of the European Court of Justice ruled that the UK must pay the fine as it classified the imported garlic as frozen, instead of fresh, and applied a lower customs duty than it was supposed to. The Commission is also suing the UK for the limits imposed on welfare benefits to migrants, and the judges in Luxembourg are also busy investigating the UK's complaint over the limits of bank bonuses, which have dealt a blow to the London City. Critiques of EU in the UK claim that the "Dracula tax", named after the belief that garlic can ward off vampires, aptly illustrates the power of EU institutions and the way they have been treating the UK.

### Scandinavians spend about EUR 2 000 per year on online purchases



Nearly 20 million consumers buying over the Internet in northern Europe spent EUR 200 more than other consumers in Europe on such purchases in 2013 – on average, EUR 1 780 per person.

The poll by Ecommerce Europe focused on Internet sales to consumers in Norway, Denmark, Sweden, Iceland, Finland, Estonia, Latvia and Lithuania.

Norwegians spend the most on Internet purchases, on average EUR 2.688 per buyer. They are followed by Denmark with EUR 2.149 per online buyer and Finland with EUR 1.996. Among those in northern Europe, Estonians spend the least on online purchases – EUR 542 on average. Across Europe, buyers spend on average EUR 1.376 per year on e-purchases, while the average for EU 28 is somewhat higher at EUR 1.500.

Balkans In Europe Policy Advisory Group (BIEPAG) on the relations between the EU and the Balkan states in the condition of economic, institutional and Ukrainian crisis

## Four scenarios for the future of Western Balkans



By: Vera Šćepanović

### *The unfulfilled promise*

At the Thessaloniki summit in 2003, the European Council declared that “the future of the Balkans is within the European Union”. It provided for a strong incentive for the societies of the Balkans by the EU and seemed to entail the promise that the future of the region will be stable, prosperous, and within the EU. More than a decade later, the promise is still unfulfilled. Of the seven countries of the Western Balkans, only one, Croatia, succeeded in joining. The enlargement perspectives for the rest of the Western Balkans are remote and there is a real risk that EU enlargement may be stalled. It took Croatia six years to conclude formal negotiations and another two years for the final accession phase before the full membership. Even Montenegro and Serbia which commenced their formal negotiations are not likely to join before 2020. Citizens of the Western Balkans will thus have to wait for more than 20 years since the launch of the Stabilization and Association Agreement in 1999, and 30 years since the end of Communism, to join the EU. This, of course, plays into the hands of domestic “gatekeeper elites” who are not interested in quick EU membership, such as the new economic elites, who are content with a quick profit-maximizing logic against EU rules enforcing more competition, or political predatory elites who will avoid rule adoption and implementation if they fear negative consequences for their support in the next elections. In conclusion, the momentum generated immediately following the democratic changes in the region in 2000 has stalled and the current situation can be best described as the consolidation of unconsolidated democracies. While EU accession continues on autopilot, it is not clear that it will be able to integrate the countries of the region fast enough or even if it does, whether it will be able to have a transformative effect as previous enlargements have had.

In this policy paper we outline four European futures of the Western Balkans: one of continuation of the current enlargement dynamics of gradual but slow progress; two scenarios wherein the EU loses the Western Balkans and the Balkan Big Bang that prioritizes rapid enlargement. We do not assign probabilities to these scenarios, but all are possibilities.

### *Scenario A: Business as Usual*

This scenario is based on an evolving EU policy towards the Western Balkans that has increasingly sought to manage and overcome the particularities of enlargement to the region, while reflecting the increased scepticism towards enlargement in many EU member states. The criteria formulated by the 1993 European Council in Copenhagen remain the blueprint for accession: stable democratic institutions, a functioning market economy and the capacity to adopt and implement EU law. However, these conditions have acquired a very precise meaning for the Balkans. For one, the EU's overall approach to the region is based on a strong security dimension, with its own repertoire of action, including various peace and political agreements – from Dayton and UN Resolution 1244 to Ohrid and Belgrade agreements, the Stabilization and Association Process; and the multilateral Stability Pact for Southern Europe. These set additional and politically-sensitive conditions to be fulfilled before accession, such as full cooperation with the ICTY, refugee return, regional cooperation, and the resolution of bilateral standoffs or statehood dilemmas. The second leg of the conditionality for the Balkans includes an increased focus on ‘good governance’ criteria – maintenance of the rule of law, independent judiciary, efficient public administration, the fight against corruption and organized crime, civil society development, and media freedom. Rule of law issues are now salient already in the pre-accession phases, and the Union has tightened its oversight, becoming more rigorous in the way it applies its improved conditionality. New mechanisms were introduced, for instance: opening, intermediary, equilibrium, and closing benchmarks; safeguard clauses to extend monitoring; more routing procedures to suspend negotiations; and the strict requirement for the Balkan countries to demonstrate that they are able to implement the policies adopted.

Last but not least, member states favour a more hands-on approach than in previous rounds. Some countries, such as France, have announced a referendum on any further enlargement of the European Union. Compared to the past, the frequency of instances in which member states block or delay decisions on enlargement in the

Council appears to have increased, including in relation to early milestones on the EU path, (for instance, granting candidate status to a country). Together with existing bilateral issues between EU members and aspiring member states (for instance, Slovenia-Croatia; Greece/Bulgaria- Macedonia; Romania-Serbia), these are significant obstacles for the new aspirants.

The Union's enlargement strategy has managed to keep the process rolling, even if only on a step-by-step basis. Given the very difficult economic and political climate both inside the Union and the region, this achievement is not insignificant. However, the drawbacks to the current tactic are neither few nor minor. The development of an ever-larger universe of detailed and strict conditions, coupled with a more haphazard commitment of the member states to enlargement, have led to a frontloading of conditionality, and increased strategic attention to specific political issues, often at the expense of structural reforms and core EU conditions, including the Copenhagen criteria. This trend of retreating from agreed standards and procedures in the name of changeable priorities has reduced the speed of the process, undermining its credibility in the region. The more the goal of EU accession resembles a moving and elusive target, the lesser the commitment of Balkan political leaders to Brussels-demanded reforms, and the support of the Balkan people for European integration.

### *Scenario B: Turkey's path away from the EU*

The Western Balkans or some of its countries could experience serious logjams preventing its accession to the EU, similar to Turkey's experience. As EU integration gets bogged down in endless accession talks and is put on the back burner, the status quo will increasingly resemble stagnation, until eventually elites and citizens in some countries lose confidence and interest in EU membership. The lack of progress is likely to halt democratization leading to semi-authoritarian regimes that control the media, change the constitution, and undermine checks-and-balances in favour of a stronger executive branch. This scenario draws on the experience of Turkey, where the formal accession process remains on track, while key EU member states oppose Turkey joining the EU and within Turkey itself the support for joining the EU in opinion polls and among the government has declined over the years. Given the crisis and the negative mood in the EU, the Balkans are no longer given the type of promises vocalized in Thessaloniki in 2003. There are growing fears that this status quo might transform itself into lasting stagnation for much longer than the Western Balkan countries were prepared for. If this gives further rise to authoritarian practices, this will only enhance scepticism among EU member states about the readiness of the countries for membership.

Thus a vicious circle can lead to a "Turkey scenario" where all sides pretend that accession is continuing, but for all intents and purpose it has stopped.

All seven countries of the Western Balkans exhibit features belonging to all scenarios. All of them have serious obstacles to overcome, which may put them on a slower path or halt their integration altogether. Serbia has the most significant capacity of administration but its risk derives from its difficult relations with Kosovo. Bosnia and Herzegovina remains mired in political deadlock, and Kosovo may soon face similar disputes. Macedonia's return to nationalistic rhetoric will test the patience of its Albanian minority, who may increasingly rebel due to the country's lack of progress. Of all the countries, Montenegro has the best chances of avoiding this scenario, but even without significant obstacles, Montenegro faces a serious problem of the lack of administrative capacities for EU integration. The lack of significant opposition and the rule by the same coterie of individuals for decades has consolidated an authoritarian class that is likely to constitute a challenge down the road in accession talks.

### *Scenario C: Abandoning Enlargement and New Unpredictability in the Western Balkans*

Following the crisis in Ukraine, the attention of the Western world shifted to the countries in the Eastern neighbourhood. But the job in the Balkans is not yet finished. The Western Balkans too might be a collateral victim of the new geopolitical competition between the West and Russia. In Serbia, as well as in Republika Srpska, some have always seen Russia as an alternative to the Western liberal-democratic model. In a new strategic competition, the EU might lose some of its significance and alternatives might gain in attractiveness – all the more so if the remaining countries of the Western Balkans remain for too long outside the EU. Under this scenario, the EU is not able (or willing) to offer a clear prospect of accession. It leads to a de facto abandonment of EU enlargement in the Western Balkans and the rise of political, economic and security alternatives. The economic crisis in the EU, in particular in the countries close to the Western Balkans (Greece and Slovenia) suggest that EU membership neither guarantees economic prosperity nor does it protect from painful reforms. Euroscepticism become more fashionable, commentators in the region talk about multi-polarity and Western decline. Governing elites speak at length about the opportunities to attract investment and political support from powers such as Russia, Turkey as well as China and the Gulf. The juggling for influence and power by different, competing outside powers might also lead to increased tensions in the region as countries pick new allies. The weakening of EU anchor wipes out the positive effects of democracy and rule-of-law conditionality. Parts of the political elites are only too happy to break out from the straitjacket



imposed by Brussels. State and economic capture risk becoming pervasive, and ideological divisions are blurred as politics is colonized by parties representing business interests and oligarchic networks.

Renewed competition by powers over the Balkans would strain interethnic relations in the region. Actors such as Russia and Turkey employ a foreign policy rhetoric laden with references to culture, religion and history that polarize societies and countries. BiH suffers the most from this, with Republika Srpska's push for secession, which stirs trouble with the Croats in the Federation. Kosovo would also not be spared from the turbulence. With the slowdown or virtual freezing of Serbia's accession negotiations, the incentives for Serbia to keep the agreement with Kosovo would decline.

Although such a dire scenario remains less likely than others sketched out in this policy paper, the risks are real, even if not equally for all countries of the region. The key triggers of such a scenario lie outside the region, in the ability of the EU to overcome the economic and political crisis, the trajectory of the conflict in the Ukraine and the ability of Russia to confront the West, as well as the credibility of Turkey to project its political and economic influence beyond its borders.

#### *Scenario D: The Balkans Big Bang*

In a big bang scenario, the EU would accelerate the integration process, rather than slow down its pace. All countries of the region would be offered accession talks and they would negotiate simultaneously for membership similar to the countries of the 2004 enlargement. For this to be achieved, the EU would need to invest considerable resources to resolve crucial obstacles, such as Greek-Macedonian dispute and the non-recognition of Kosovo by five EU members. In addition, the EU would not set any additional conditions to begin accession talks.

Once all countries negotiate, a competitive dynamic will unfold in which no country wants to be left behind. This will encourage faster reforms among laggards to avoid falling behind. While the EU would seek to integrate all countries simultaneously, it will make it clear that if some countries lag behind, they might join in a second round, as did Bulgaria and Romania. By abandoning additional conditionality, the EU would focus rather on the implementation of *acquis* and provide extensive assistance on how complex states such as Bosnia and Herzegovina can implement EU legislation effectively, rather than on resolving additional issues not directly related to the *acquis*.

The question remains, why would the EU be interested in pursuing this scenario as on numerous

occasions various EU officials claimed that there will be no "shortcuts" towards the membership. The ongoing crisis in Ukraine should come as a sobering reminder that the old geo-political paradigms no longer hold, and consequently business in the Balkans is still far from finished. Leaving the Western Balkans outside of the EU more than another decade would effectively mean keeping another potential crisis area with far greater spill-over eventuality within the EU frontiers. Integration is also potentially a more effective and efficient tool to resolve conflicts and provide security to the region than the remaining international presence in parts of the region and the risks of renewed tensions.

Despite these advantages, the Big Bang scenario highlights a fundamental dilemma of EU enlargement: If conditions are too difficult, imposed at an early stage, and perceived as unfair, the credibility and transformative capacity of the EU is limited. If on the other hand, conditions are lowered and the process is sped up too much, domestic reforms might be rushed through or remain purely on paper, missing out on the transformative capacity of the accession process. Thus, the implications of the Big Bang scenario will vary, depending on whether the EU will still uphold the reforms required through the implementation of the *acquis* and the monitoring of the real reforms, rather than just the legal one.

#### *Conclusions*

The longer the process is protracted, the greater the risks that elites and citizens in the Western Balkans consider the process either as hopeless or of little effect for their lives. The different scenarios highlight the opportunities and risks for the enlargement process. The status quo keeps moving ahead, but risks not resolving the hard cases of unfinished business and leaving some countries behind. These might become susceptible to the second and third scenario, where the enlargement is de facto taken off the agenda, with possible negative repercussions for democracy and rule of law in the region. A quick and comprehensive enlargement towards the Western Balkans might be against the appetite of the EU at the moment, but would likely create a new regional dynamic in joining, and reduce the instability a prolonged waiting period might entail. What emerges from these scenarios is that the current approach is not enough. The risks are too great and the transformative potential of the EU too slow to fully mitigate the risks of keeping some countries of the Western Balkans out for another one or two decades.

*The Balkans in Europe Policy Advisory Group (BiEPAG) is a co-operation project of the European Fund for the Balkans (EFB) and Centre for the Southeast European Studies of the University of Graz (CSEES).*

## Chapter 24: Justice, Freedom and Security



By: Boris Marić

Chapter 24 consists of several areas of EU acquis. “Justice” refers to judiciary cooperation in criminal and civil proceedings, freedom mainly concerns the movement of people, i.e. the visa policy, management of migration, asylum, border control and implementation of the Schengen Agreement. Security concerns cooperation in the areas of drug trade, terrorism, trade in human beings, as well as police and customs cooperation, with an emphasis on the fight against organised crime. Negotiations on this chapter include primarily the process of alignment of the national legislation with the EU acquis, but also the tangible and measurable results in the implementation of this legislation.

At the very beginning of negotiations, Montenegro faces a very demanding chapter which concerns some of the key obstacles to the overall development of the functioning rule of law.

Improving judiciary and police cooperation

with the EU and countries of the region, as well as fast and effective processing of organised crime cases, are the tasks Montenegro needs to fulfil if it wishes to bring its European integration process up to quality and speed. The need to institutionalise the immediate, close cooperation between the Department for the fight against organised crime and corruption in the Police Authority and the responsible unit in the Supreme State Prosecutor’s office is a priority, as it constitutes the precondition to raise the fight against organised crime to a much higher level and produce the necessary results.

The responsible working bodies in the Parliament should be informed and reported to continuously on the work of the institutions in charge of justice, freedom and security. The role of the Parliament of Montenegro in the process of European integration remains insufficient, we could even say systemically underdefined. The Parliament should finally establish the necessary control function over the work of public institutions and, of course, over the very process of EU negotiation.

It should be noted that institutional networking, in the context of the process accompanying negotiations on chapter 24, and which implies close cooperation of police, prosecutors, court bodies and other relevant institutions does not only take place on the national level. The focus is on cooperative links at the EU level among the member states in order to protect the external borders and guarantee the safety of citizens within the EU.

One of the most important questions that is dealt with in this chapter is the issue of the European arrest warrant. The procedure of





handing suspects between the member states and the principles of mutual recognition of verdicts is of special importance. This is one of the sections of the *acquis* which transfers part of the national sovereignty of the member states to the level of justice, freedom and security of all EU citizens.

As chapter 24 is of strategic importance to the EU legislation, Montenegro must pay special attention to the efficiency and effectiveness of anti-corruption and fight against organised crime. EU's legal *acquis* in chapter 24 envisages establishment of direct communication channels between the legal institutions of different EU members, as well as the possibility of joint investigations in cases

of organised crime.

Montenegro has a solid basis for alignment of its national laws with the EU *acquis*. It has already endorsed the relevant international documents such as the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. Agreements on rendering own citizens who are suspected of crime in other countries have been signed with a number of countries of the region, and the process should continue. Integrated border management was found to be relatively advanced. The procedures are under way to adopt the Strategy for Integrated Border Management for the period 2013-2016.

*Chapters 23 and 24 – Judiciary and Fundamental Rights and Justice, Freedom and Security are often confused, although the two chapters differ significantly in their content, despite some overlaps. It is therefore often thought that the fight against organised crime belongs primarily to chapter 23, while the truth is that the progress and conclusion of chapter 24 will heavily depend on the results in the fight against organised crime. The example of Croatia serves as a powerful illustration.*





Further, when it comes to legislation, it is necessary to align the Law on asylum, Law on foreigners and the Law on interior affairs. Special attention should be given to effective implementation of the Law on criminal proceedings, as this issue is to remain for a long time under monitoring of European institutions. Montenegro's visa policy remains an open issue, as there is no system in place to issue visas with the necessary level of security, and too many visas are issued directly at the border. Montenegrin government should also strive to resolve open issues of borders, including that of Prevlaka.

It should be noted that the fight against organised crime and eradication of drug trade have been recognised as issues of major difficulty for Montenegro. Montenegrin institutions have a very weak track record in this field and this will have to change for the better, in institutional, legislative and practical terms.

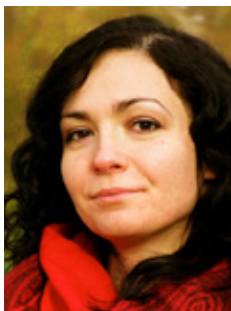
Ensuring effective implementation of the Law on managing temporarily and permanently

confiscated property in order to secure implementation of court verdicts on cases of organised crime will likely increase trust in the work of relevant institutions and demonstrated that the fight against corruption and organised crime can have very real results.

With the progress of negotiations under this chapter, the country will slowly but surely also create a more attractive space for foreign investment and strengthen the trust of citizens in the institutions that guarantee security.

Troubles over the investor dispute settlement mechanism in the Trans-Atlantic Trade and Investment Partnership

## Arbitration biased towards investors



By: Vera Šćepanović

On Tuesday, 9 December, an estimated 60 “Stop TTIP” activists gave the Commission President **Jean-Claude Juncker** a giant 60th birthday card signed by one million opponents of the Transatlantic Trade and Investment Partnership. But Juncker needs no card to remind him that TTIP – and in particular the issue of whether it should include an Investor State Dispute Settlement mechanism within it – poses his presidency with an early test of its authority.

Investor-State Dispute Settlements (ISDS) are legal provisions often included within investment treaties between two states, which offer public and private sectors recourse to arbitration with the states which have signed the treaty if they allege a breach. Supporters believe such clauses guarantee the terms of treaties, since they offer an independent resolution mechanism for parties who did not sign the treaty. Arbitrations are carried out by a number of specialised bodies, proceedings are usually conducted in private, and often result in a settlement between the parties, rather than leading to formal tribunal decisions, except when the parties cannot come to an agreement.

Detractors claim that such clauses allow big business to sue governments, enabling corporate interests to challenge the sovereign will of democratic states in un-transparent fora.

Trade unions, consumer groups and environmentalists have all been vociferous in their opposition. In addition, the European Parliament’s centre-left groups – including the large Socialists & Democrats grouping – have voted against it. So have the French and Dutch Parliaments.

Noted cases highlighted by opponents include tobacco giant Philip Morris’s ongoing arbitration cases against Uruguay and Australia over health warnings on cigarette packs, and Swedish energy giant Vattenfall’s call for damages from Germany following its government decision to phase out nuclear energy. In a communication on ISDS, BusinessEurope, the group representing European

employer organisations, has stated that “under no circumstances does a ruling under ISDS require a state to revoke a law, regulation or any other measure, even in cases where the particular law, regulation or measure has been found to violate the bilateral agreement”.

Detractors have argued that Philip Morris’ request that Australia should suspend or revoke its plain packaging laws shows this is not true, although this case cannot yet be a benchmark since the proceedings against Australia are not yet concluded. Meanwhile, Trade Commissioner **Cecilia Malmström** has indicated that any EU agreement concluded by her will provide “absolute clarity that a state cannot be forced to repeal a measure”.

That will not silence those critics who believe that governments can be effectively bullied by the threat of arbitrations, however.

“Even if arbitrators cannot force states to revoke a law, this won’t stop governments from doing so ‘voluntarily’ once a multi-billion-dollar lawsuit has been filed or threatened in order to avoid the potential risk of a huge fine,” according to a paper by Corporate Europe Observatory (CEO), a campaign group.

Bruno Maçães, the Portuguese minister for European affairs, said that the Commission’s mandate is unambiguous on the issue.

Opponents of the ISDS clause have emphasised that they believe arbitrators have a vested interest in pleasing investors, and that investor-state arbitration has a built-in pro-investor bias. Since arbitrators are effectively “judges for hire” and depend on their appointments for their fees “in a system where only the investors can bring claims, this creates a strong incentive to side with them – as investor-friendly rulings pave the way for more claims, appointments and income in the future,” according to CEO’s paper.

“These private tribunals are comprised of three for-profit arbitrators who issue their decisions behind closed doors and often have a conflict of interest

### Arbitration increasingly common

Although investor-state arbitration clauses have been included in investment deals since the late 1950s, arbitration has emerged strongly in the last two decades. According to the United Nations Conference on Trade and Development, of the 247 concluded cases known by the end of 2013, around 43% were decided in the state's favour and 31% in favour of the investor. The rest (26%) were settled. Research by the NGO Friends of the Earth which analyzed 127 known ISDS cases brought against 20 EU member states since 1994 shows that substantial sums are at stake. "The total amount awarded to foreign investors – inclusive of known interest, arbitration fees, and other expenses and fees, as well as the only known settlement payment made by an EU member state – was publicly available for only 14 out of the 127 cases (11%)", Friends of Europe warn. "The overall sum paid in these fourteen cases amounts to €3.5 billion," FoE claimed.

as they have a commercial interest in keeping the system alive, and they often work for the same companies that file cases," according to Friends of the Earth, another association which is trying to block the treaty.

It is true that arbitrators often have experience gleaned from the industry or sector for which they consider claims. However arbitration is by its nature an attempt to build trust and agreement between disputing parties. To achieve this, it is essential

that both sides in the dispute have confidence in the machinery of the arbitration. If an arbitrator attracted a reputation for bias, that would render his or her appointment unlikely in a system which gives both parties equal input into the choice of arbitrator. Despite this, what began as a small protest against TTIP has developed into an all-out battle between those who consider ISDS as a tool to protect investors, and those who see it as a way for multinationals to undermine national law.

### The real problem is data protection

While the arbitration clause grew into the key stumbling block for the TTIP, experts believe that it has diverted attention from even graver threats to the national sovereignty of signatory parties, which have so far failed to attract public attention. One of them is the problem of data protection, which has been withdrawn from negotiations for political reasons. The problem is that the data protection law in the EU are much stricter than those in the US, so it is hard to expect any deal with in the TTIP agreement. On the other hand, clarity about international data protection standards is seen as critical for strategic commercial decisions in the booming market.

The outgoing EU Commissioner for Home Affairs, **Viviane Reding**, said that data has become "the new currency". "The value of EU citizens' data was €315 billion in 2011. It has the potential to grow to nearly €1 trillion annually in 2020."

The EU is currently considering new data regulation that could especially impact on the larger US companies offering so-called "over-the-top" data services, such as Google and Amazon.



## Fifth anniversary of the FAST FORWARD Human Rights Film Festival 2014



On 10 December, on the International Day of Human Rights, the fifth FAST FORWARD Human Rights Film Festival 2014 was officially opened in the Montenegrin National Theatre (MNT). This year, the Festival was also accompanied by a pilot edition in Kotor, from 12 to 13 December, in cinema “Boka”. On this occasion, **Daliborka Uljarević**, executive director of CCE gave the prize for contribution to the festival to **Janko Ljumović**, director of MNT and **Mladen Vušurović**, director of the International Documentary Film Festival BELDOCS.

The programme of the FAST FORWARD Human Rights Film Festival was opened by the Montenegrin film **“Living eyes”**, directed by **Send Šahmanović**, who presented his film crew and the members of the theatre ensemble of blind actors “Homer” to the audience after the screening. It was followed by the Montenegrin premiere of worldwide documentary hit **“20 000 days on Earth”**, directed by Iain Forsyth and Jane Pollard. The film follows one fictional day in the life of singer Nick Cave. The next three days of the Festival saw screenings of another nine gems of engaged cinema: the Ukrainian **“Maidan”**, **“The good son”** by **Shirly Berkovitz** from Israel, who was also a guest at the Festival, **“Omar”**, a Palestinian drama which won awards at the Cannes Festival, **“Art/Violence”**, **“Woods”** by director Siniša Dragin on the socialist friendship between Yugoslavia and Romania and a spying affair, and **“Timbuktu”**, the Academy-nominated film from Mauritius. Among other films presented at the festival were **“Mom and dad”**, **“Naked”** a story about a family drama of a political prisoner in Goli Otok by **Tiha Gudac**, who

also talked to the audience about her film as one of the guests of the Festival, and **“Ida”**, directed by Pawel Pawlikowski.

The Festival was closed on Sunday, 14 December, with a screening of documentary **“Salt of the Earth”** by **Wim Wenders** and **Juliano Ribeiro**, which appeared at the FAST FORWARD festival less than two months after its worldwide premiere. Before the final screening, during the closing ceremony, Festival organisers also gave out annual awards to individuals and organisations who made substantial contributions to the promotion of human rights and civic activism: to **Danijel Kalezić**, president of the Montenegrin LGBTIQ association Queer Montenegro and to the Montenegrin Association of Youth with Disabilities, whose executive director, **Marina Vujačić**, accepted the award on behalf of the Association.

As part of the “Echoes of the Human Rights Film Festival” on 23 December at the Department of Political Science, in cooperation with MAPSS, the Festival organisers screened the film **“Witnesses”**, accompanied by a panel discussion on *“Reconciliation with the past and the response of the state to those who speak about the crimes”*. Speakers were **Daliborka Uljarević**, executive director of CCE, **Ivana Lalić Majdak** and **Miloš Teodorović**, co-authors of the film, and **Slobodan Stojanović** and **Jovan Golubović**, former protected witnesses in the cases against the war crimes committed in Kosovo from the 37. brigade of the Serbian Special Police Units.

The Festival is part of a wider project “Fast Forward on Human Rights!” implemented by CCE with support of the EU Delegation to Montenegro and financial assistance from the Commission for distribution of revenues from games of chance, the Canadian Embassy and Heinrich Boll Foundation, and in partnership with the Montenegrin National Theatre, Beldocs and the Cultural Centre “Nikola Đurković”.

Fast Forward Human Rights Film Festival, the first and only of its kind in Montenegro opens the possibility of contributing to the civic awareness through the film media, alerting the citizens to the importance of human rights, their protection and promotion, and supporting the value framework which promotes harmonious relations among people regardless of their differences.

## The process of confrontation with the past in Montenegro – Case “Morinj”

Confrontation with the past is a necessary and unavoidable precondition to the building of a civil society. A tortuous, uncertain battle to uncover and try perpetrators of war crimes on the territory of former Yugoslavia has been taking place for over two decades. Montenegro bears additional responsibility for seeing this process through to the end: many of those who were in various ways involved in the wars of the 1990s are still in decision-making positions today, and are able to obstruct investigations and prosecutions.

Processing the war crimes became a commitment with the opening of chapter 23 – Judiciary and fundamental rights, and the latest European Commission Progress report on Montenegro for 2014 states that *“Montenegro needs to step up its efforts to fight impunity for war crimes, and effectively investigate, prosecute, try and punish war crimes in line with international standards. All outstanding allegations of war crimes need to be duly followed up”*.

In order to strengthen the efforts toward confrontation with the past and encourage further opening and adequate processing of war crimes in Montenegro, Centre for Civic Education (CCE), with support of the Friedrich Ebert Foundation, initiated a series of publications of materials from court acts concerning war crimes. As part of this effort, the first publication: “Confrontation with the past in Montenegro – Case “Morinj”” was recently published, in the hope of providing a tangible contribution to the social debate and multi-disciplinary analysis of causes and consequences of this case. The case is of enormous social importance to Montenegro and its dealings with the past, as it represents the only case of war crimes in Montenegro, i.e. the citizens of Montenegro are directly identified as perpetrators. Montenegrin society cannot be fully satisfied with the epilogue to this process, but it the court proceedings nevertheless remain the most acceptable method of seeking truth about the war crimes. In the publication of court decisions on case “Morinj”, CCE was guided by the fundamental principle of dealing with the past: “show the



public everything”. The publication therefore offers an overview of the process together with the complete authentic materials brought before the Montenegrin judiciary, allowing the reader to study the process and thus contributing to the social and judiciary capacities in Montenegro.

One should stress the role of non-governmental organisations who recognise the importance of dealing with the past, as well as of regional cooperation in strengthening capacities for fact-finding on war crimes. NGO Human Rights Action from Podgorica continuously studies war crime cases that had been brought before Montenegrin courts, and their materials were of enormous help to CCE in producing this publication. Also, Centre for confrontation with the past – Documenta from Zagreb which maintains communication with victims from camp “Morinj” as part of its regular programmes was an important partner to the CCE in identifying the demand for the publication of such materials and their distribution in Croatia.

The case before the Montenegrin judiciary lasted for six years, and stirred strikingly different responses in interested parties. This publication is only one of the ways to contribute to the development of a database on war crimes and material documentation of the memories which are necessary for the process of confrontation with the past to have the necessary effects. It is also an attempt to preserve the lessons in order to prevent such mistakes in the future.

## The path to equality in societies of the Western Balkans – traces of KORAK

On 12 December in Podgorica, Centre for Civic Education (CCE) organised on behalf of the Coalition for Equality KORAK the final conference of the regional project *Civil society networking for human rights in Serbia, Montenegro and Kosovo*, titled “*The path to equality in societies of the Western Balkans – traces of KORAK*”. The goal of the conference was to offer an overview of the current situation with regard to the implementation of anti-discrimination policies, fight against homophobia and empowerment of women in public and political life in Montenegro by presenting the results of the projects implemented by civil society organisations as part of the sub-projects of this larger regional project, as well as the achievements of institutions in identifying challenges and potential for improved cooperation on fighting discrimination and achieving equality. The final conference was opened by **Daliborka Uljarević**, executive director of Centre for Civic Education (CCE) and **Milan Antonijević**, director of YUCOM from Serbia, followed by comments by **Barbara Rotovnik**, advisor on the rule of law in the EU Delegation to Montenegro. **Dina Knežević**, advisor to the Protector of Human Rights and Freedoms, **Jelena Čvorović**, executive director of the Association of Youth with Disabilities Nikšić and **Dr Ilija Vukčević**, executive director of the Institute for Legal Studies spoke about *Implementation of anti-discrimination policies in Montenegro – achievements and challenges*. *How to fight homophobia and hate speech* was the topic of the next panel, with **Shirly Brkowitz**, director of the film “The Good Son” from Israel, **Danijel Kalezić**, president of the Montenegrin LGBTIQ association Queer Montenegro and **Blanka Radošević Marović**, deputy minister for human and minority rights. Finally, **Marina Vujačić**, executive director of the Montenegrin Association of Youth with Disabilities, **Milena Perović Korać** from the Monitor Centre for Media and Democracy and **Slobodan Šabeljić** from NGO Fenomeni talked about *How to attain the goal of gender equality – proposals for action*. So far, coalition KORAK organised 22 presentations and 12 seminars across Serbia, Montenegro and Kosovo, published a trilingual publication *Equality – regulation and reality* and monitored trials for discrimination in these three countries. It also founded the *Network for Monitoring of Judiciary Bodies in Cases of Discrimination*, *LGBT network* and *Network for Women’s Rights*, which consist of representatives of civil society, institutions and media for all three countries of the region. Also, as part of its efforts to pursue its goals in 2014, Coalition KORAK awarded 18 smaller grants in Serbia and Montenegro to civil society organisations through which the NGOs, individuals and media cooperate region-wide to promote ideas of tolerance and equality.

KORAK is a coalition of non-governmental organisations from Serbia, Montenegro and Kosovo, organised with the aim to fight discrimination at the regional level. Members of KORAK are: Committee of human rights lawyers – YUCOM, Belgrade Centre for Human Rights, CHRIS Network, Gay-Straight Alliance in Serbia, Centre for civic Education (CCE) and LGBT Forum Progress in Montenegro, and Humanitarian Law Center and Human Rights Youth Initiative from Kosovo.

### Dealing with the past

Centre for Civic Education (CCE), in cooperation with Friedrich Ebert Stiftung (FES) organised on 16 December in Podgorica a discussion on the topic *The process of confrontation with the past in Montenegro – Case “Morinj”*. The meeting was opened by **Veljko Rutović**, deputy special prosecutor for organised crime, terrorism and war crimes in the office of Supreme State Prosecutor of Montenegro and **Daliborka Uljarević**, executive director of Centre for Civic Education (CCE). **Mira Samardžić**, deputy special prosecutor for organised crime, terrorism and war crimes in the office of Supreme State Prosecutor, **Merima Baković**, head of Directorate for Criminal Justice in the Ministry of Justice, and lawyers **Tamara Durutović** and **Goran Rodić** talked about *Case Morinj – the lessons learned from the proceedings before Montenegrin judicial authorities*. Speakers at the second panel, Regional cooperation and confrontation with the past through the role of civil society were **Vesna Teršelić**, executive director of the Centre for confrontation with the past Documenta from Zagreb, **Tea Gorjanc Prelević**, executive director of Human Rights Action from Podgorica and **Dragoljub Duško Vuković**, PCNEN journalist.

### Seminar on gender equality

NGO “SOS Telephone” organized on 22 and 23 December in Ulcinj a two-day seminar “*Strategic planning for the local strategy for gender equality*”. The activity is part of the programme “*Gender equality and the principle of equal opportunities*”. The final aim is to adopt a local action plan for gender equality by establishing new modes of partnership between the civil sector, local community and municipal government. The partner in the project is the municipality of Ulcinj, and the project is financed by European Union, via Centre for Civic Education (CCE) and Civic Initiatives (CI).



## Equal opportunities for all media in Montenegro?

Centre for Civic Education (CCE), with support of the German Embassy to Montenegro organized on 18 December a conference titled *"Equal opportunities for all media in Montenegro?"*, the final stage of the project *"Equal opportunities for all media"* that is implemented by CCE with support of the German Ministry of Foreign Affairs through the German Embassy to Montenegro. The goal of the project is to contribute to greater awareness about responsible spending of taxpayers' money by analyzing the attitude of the public sector in Montenegro towards the media, as reflected in the spending on media services. The public sector, as defined by the Law on Budget, includes state bodies, municipalities (local government units), independent regulatory bodies, legal persons, public institutions and companies in which the state or municipalities have majority ownership. Between February and December 2014, CCE has collected information on the media, agencies for public relations, production houses and agencies for public opinion research which received money from public sector bodies in exchange for services, specialized services or on other grounds, together with the amounts allocated to each of these entities. The collected data was analysed and published as part of a report that was presented at the conference. In addition to these findings, the publication contains the analysis of the normative and institutional framework, comparative experiences of countries in the region and some EU member states, as well as recommendations for improving the said area. The meeting was opened by **H.E. Gudrun Elisabeth Stainacker**, German ambassador to Montenegro and **Daliborka Uljarević**, executive director of CCE. Their introductions were followed by a presentation of study's findings by **Ana Vujošević**, CCE programme coordinator and **Mira Popović**, CCE programme associate, as well as by remarks on the regional and EU experiences by the visiting panelists and a general discussion with all participants.

## Diplomas awarded to the participants of XXIV generation of Democracy School

In Podgorica, on 20 December, a diploma-award ceremony was held for participants of XXIV generation of *Democracy School*, which is organized by CCE with support of Friedrich Ebert foundation. The participants who successfully completed the programmes received their diplomas by **Daliborka Uljarević**, executive director of CCE and **Prof. Dr Radovan Radonjić**, leader of the School. The goal of the school is to educate and inform the participants about democracy, its values and ways of implementing it, and thus contribute to raising the overall level of democratic culture in Montenegro. The School consists of 5 modules, of a total duration of four months, and the participants have a chance to acquire theoretical knowledge, awareness of comparative practices and practical skills in implementing democratic principle in the everyday life, especially in the political sphere. **XXIV Generation of Democracy School** was successfully completed by 32 participants from all over Montenegro, mainly representatives of political parties, media, NGOs, students and others. As part of the programme, they had a chance to work with renowned lecturers from Montenegro and abroad, including university professors, representatives of the NGO sector and journalists. Diplomas were awarded to: **Aleksa Prelević, Aleksandra Pavićević, Alma Karađuzović, Ana Rašović, Anđela Nenadić, Balša Vujošević, Daria Filipović, Darko Mrvaljević, Darko Smolović, Dejan Mitrović, Dijana Delić, Filip Kruščić, Haris Sijarić, Ivana Đoković, Jelena Šćepanović, Kristina Dedić, Maja Todorović, Marija Filipović, Marija Perović, Marija Tomović, Mevludin Dizdarević, Milica Vukčević, Mirjana Đurković, Nataša Jovanović, Nikola Boljević, Nikola Stijepović, Stefan Boljević, Stevan Krivokapić, Vladana Raičković, Vlado Laličić, Vuk Vujisić and Zorica Šarčević**. The programme was created in 2003, and so far it was successfully completed by 659 citizens of Montenegro. The next generation of the programme is planned for January 2015.

## Legal support for more effective rights of children and youth with difficulties in development

NGO Alliance of associations of parents of children and youth with difficulties in development "Our initiative" from Podgorica held on 12 December in the Academy of Knowledge in Budva, a six-hour workshop as part of the project *"Legal support for more effective rights of children and youth with difficulties in development"*. Lecturers at the workshop were lawyer **Milislav-Mimo Korać** and professor **Slobodan Vuković**. The workshops are organized in ten cities across Montenegro as part of a project financed by European Union via the Centre for Civic Education (CCE) and Civic Initiatives (CI). In addition to parents of children with difficulties in development from Budva, the workshop was attended by representatives of Municipalities of Budva, Centre for Social Work, the Health Fund and local media.

A.V

## Histories of Education Summer School Conference for Postgraduate Students

This conference invites applications from postgraduate students in the history of Education with an interest in the histories of educational spaces and discourses and new ways of working with images, artefacts, and archives. Leading international historians of education will give lectures and workshops, and offer advice concerning the research process. There will be opportunities for students to discuss their dissertation projects with fellow doctoral candidates and receive comments from prominent scholars in the field. The conference language is English. Participation in the conference is free of charge. Accommodation and meals will be provided, but delegates will have to cover the cost for their travel to Luxembourg. The number of participants is limited to 30 students. Venue: Luxembourg University, Luxembourg, 18-21 June 2015

**Application deadline:** 31 December 2014. Successful applicants will be notified in February 2015.

For more information visit the <http://www.eera-ecer.de/season-schools/histories-of-education-summer-school>

## Graz International Summer School Seggau 2015 – *Shifting Perspectives: Europe and the Americas*

Focusing on the emphasis areas of the University of Graz – South Eastern Europe and North, Central and South America – the summer school will take place from June 28th to July 11th, 2015 at Seggau Castle in Styria, in the wine region close to the Slovene border. Emphasizing on the aspects of shifting perspectives, transformation processes and demographic change, interdisciplinary morning lectures will provide the context for the six specialized seminar workshops in the afternoon. The Graz International Summer School Seggau is designed for internationally oriented, highly motivated students from all disciplines, who wish to deepen their understanding of current European and International affairs by studying and discussing global developments and challenges in terms of shifting perspectives reflecting aspects of individual, social, political, religious, cultural, literary, regional, economic, cohort and national identities.

**Application deadline:** 28 February, 2015

For more detail information please visit: <http://international.uni-graz.at/en/gusegg/>.

Published by: Centre for Civic Education (CCE)

*EIC Bulletin – European Pulse* – is an electronic monthly published since 2005 with support of Friedrich Ebert Foundation. Registered under no. 578 with the Ministry of Culture of Montenegro.

Editor-in-chief: Vladan Žugić

Editorial board: Vera Šćepanović, Daliborka Uljarević, Svetlana Pešić

Translation and proofreading: CGO

Design and illustrations: Dragana Koprivica

Production: Centre for Civic Education (CCE)

Address: Njegoševa 36/I Tel/fax: +382 20 665 112, 665 327 [ep@cgo-cce.org](mailto:ep@cgo-cce.org), [info@cgo-cce.org](mailto:info@cgo-cce.org)

You can download European Pulse at [www.cgo-cce.org](http://www.cgo-cce.org)

or subscribe to our monthly e-mail by contacting [ep@cgo-cce.org](mailto:ep@cgo-cce.org)

