

## **Developing a Minority Policy in Montenegro**

### *First Roundtable*

Przno, Montenegro  
October 21-22, 2005

### Introduction

The Project on Ethnic Relations (PER) began its work on Montenegro's interethnic issues in 1998, and our mediation between the state's majority and minority leaders ultimately led to two significant outcomes: the creation of a draft law for the protection of minority rights, and a six-point agreement to satisfy the Albanian minority's immediate demands. The latter outcome, brokered in 2001 and known as the "Ulcinj Agreement," included provisions for establishing a maternity hospital in Ulcinj, restoring municipal status to Tuzi (a predominantly Albanian suburb of Podgorica), opening an Albanian-language faculty at the University of Montenegro, allowing official recognition of diplomas granted by universities in Tirana and Pristina, opening an additional border crossing with Albania, and holding consultations with local authorities to appoint ethnic Albanians as the chief of police and the head judge in Ulcinj. With PER's assistance, all of these points were fully implemented by 2005.

The minority law, however, was still in draft form in 2005, despite ongoing effort by the Ministry for the Protection of Minority Rights and its working group tasked with developing the law. Even as the text was refined and revised in 2003 and 2004 to reflect the comments of outside reviewers such as the OSCE High Commissioner for National Minorities and the Venice Commission of the Council of Europe, it had not been submitted to the Montenegrin parliament due to a lack of a political consensus on several contentious points.

In July 2005, with funding from the British Embassy in Belgrade, PER launched a three-year initiative devoted to helping Montenegro develop and strengthen its state policies toward ethnic minorities. The first stage of the initiative was to organize a discussion among Montenegro's political leaders to break the stalemate over the draft law, and help put it on a firm path to passage in parliament.

After holding consultations with all the principal political actors in Montenegro in July and September 2005, PER organized a roundtable in Przno on October 21-22. The roundtable was chaired by PER President Livia B. Plaks and PER Director for Western Balkans Alex N. Grigor'ev. Senior representatives of all Montenegro's parliamentary parties and officials from the government took part in the discussion, along with experts from the working group on drafting the minority law and outside observers from the OSCE, the Council of Europe, the U.S. Office in Podgorica, and the British Embassy in Belgrade. The first item on the agenda was a consideration of the remaining points of disagreement over the draft law, and an effort to find acceptable compromise solutions.

Several issues were prominent in the discussion, including: the question of the reserved parliamentary representation of minorities in Montenegro; the most appropriate terminology for describing Montenegro's minority ethnic groups and the name of the law; the minority councils called for in the draft law; and the special issue of the Roma. This report will focus on these points and present the consensus that was reached by the participants on solutions to unresolved questions. It also notes points of difference between some participants, and the alternative visions they offered.

### Political Representation of Minorities

The most important unresolved issue in the draft minority law was the question of the reserved representation of minorities in Montenegro's parliament. Article 25 of the current draft law states that 13 seats in the parliament will be permanently reserved for representatives of minorities. While the principle of special reserved seats for minorities was supported by most political parties, the specific arrangements for these seats required further clarification, and an agreement was needed as to how these seats would be allocated and what this would mean for the overall composition of the parliament.

During the discussions a senior parliamentary leader offered the following formula for allocating minority reserved seats: an ethnic minority making up between one and five percent of the population according to the most recent census would receive one reserved parliamentary seat, and minorities making up more than five percent of the population would receive two seats. The holders of these seats would be chosen through a procedure of "double voting," wherein in addition to choosing parties for regular parliamentary seats minority voters would also select representatives from special lists for minority seats.

This proposal was accepted by a senior leader of an ethnic Albanian political party, who provided further elaboration and suggested an additional provision. According to this formula, he explained, Croats and Muslims would receive one reserved seat each, and Bosnjaks and Albanians would each receive two seats. In addition, the special predominantly Albanian electoral district in Montenegro that now elects four members of parliament (despite its population, which would normally entitle it to fewer seats), would now be represented by only two MPs, and these will be set aside for representatives of ethnic Albanian political subjects.<sup>1</sup> Thus, under this proposal ethnic Albanian parties would have four representatives in parliament, up from their current two. This additional provision, he explained, reflects the "language and cultural specificities" of Montenegro's Albanian population.

The plan to set aside seats for minorities according to their percentage of the population was accepted by all the participants in the roundtable except a leader of the opposition Serb People's Party. This participant questioned the constitutionality of the proposal, and indeed many other provisions of the draft law. Another opposition leader, while not rejecting the law overall, also raised the issue of its constitutionality, reminding the group that according to Montenegro's constitution each parliamentary seat represents 6,000 votes, and that plans to alter this formula in

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<sup>1</sup> Currently, two of these four seats are held by representatives of ethnic Albanian parties and two by the ruling Democratic Party of Socialists.

the interests of ethnic minorities would potentially be unconstitutional. Another participant reminded him that if this is the case, the current system of a special Albanian district is unconstitutional as well.

Other participants supported the proposed formulation for granting ethnic minorities reserved seats in the parliament, however, and this was one of the most important points of broad agreement reached in the discussion. As for the mechanics of the “double vote,” it was suggested that these details should be considered by the working group on the draft law, and subsequently resolved in revisions to the electoral law. The important thing is to achieve agreement on the fundamentals of minority political representation, one participant observed.

A final issue was noted in relation to the allocation of minority seats in parliament. According to the most recent census the Roma constitute less than one percent of the population, and thus would not be represented in parliament through a reserved seat. The accuracy of the census with regard to the Roma is highly questionable, however; while the official number of Roma in Montenegro is 2,601, experts put the real number at somewhere in the area of 20,000 (approximately three percent of the population). In addition, as one of the chairs noted, the previous census put the number of Roma in Montenegro at more than five percent. This problem is a significant one and should be taken into consideration, argued a participant. Another participant observed that even if, going by the current census, Roma would not receive guaranteed parliamentary representation, the draft minority law does create the opportunity for them to take part in local assemblies. According to the text of the law, minorities that constitute less than five percent of the local population and who do not win assembly seats through elections have the right to a reserved seat that will be created for them.

### Terminology

A second point of contention prior to the discussion had been the appropriate terminology for referring to ethnic minorities in the draft law. Ethnic Albanians preferred the term “national minority,” since, in their view, it best captures their particular status as a group with strong ties to a “kin state,” and allows them access to European institutions created with this in mind. Others, however, disagreed with this term, finding it less appropriate for other minority groups in Montenegro, and also objecting to any tendency to oblige individuals to take part in a collective identity that may not be of their own choosing.

A compromise over this issue was reached in the discussions. Rather than refer exclusively to “national minorities,” as in the current draft of the law, in its first section a new draft will identify the law as applying to members of “minority peoples, national minorities, and other minority national and ethnic communities.” Further in the text the term “minorities” will be used as a reference to all such groups, and it will be explained that each individual has the right to choose for himself his own status and may elect to exercise the rights guaranteed in the minority law. Further, it was also stipulated that the law will include language to indicate that it applies also to members of the majority population when they are a minority in local settings.

This solution was supported by all the participants in the roundtable.

## Minority Councils

One key provision in the draft law is the establishment of special national-level minority councils. Most participants in the roundtable did not object to such councils, but there was considerable discussion of how they would be formed, who would participate in these councils, and what their powers would be. It was agreed that the councils should include minority members of all parliamentary party lists as well as individuals elected directly to the councils. Some participants also argued that the presidents of local assemblies or mayors should have a seat in the councils. While all agreed that leaders of civil society organizations should be included in the minority councils, two caveats were noted with regards to their participation. First, several participants advised that these council members should be elected rather than appointed to this position, as has been the practice in the case of other governmental bodies in Montenegro. Second, there was also consensus that a majority of council members should be members of parliament and local assemblies, even if only a majority of “fifty plus one.” In this way popularly elected representatives would ultimately have a majority vote in the councils.

Finally, minority councils, the participants agreed, should have powers only in areas related to the “cultural” questions of minorities, including integration policies, and not in other areas that are the proper prerogative of the national parliament and government.

## Roma

A senior parliamentary leader proposed amending Article 8 of the draft law to include reference to a special state strategy for the socialization and integration of Montenegro’s Romani community. This suggestion was accepted by the participants in the roundtable.

## Conclusions

As noted above, while there was broad agreement on most points discussed at the meeting, including, significantly, on the need to adopt the minority law as soon as possible, there were also some dissenting voices. The representative of the Serb People’s Party was the strongest opponent of the proposed draft of the law, asserting that it will in fact damage the current positive interethnic relations in the republic. This participant also expressed skepticism about the state’s ability to implement the provision of the proposed law, as well as about its chances for passage in parliament.

A leader of an ethnic Albanian party also voiced his concern that the draft law would not be properly implemented. He charged that a number of articles of the Montenegrin constitution and previous agreements with the government on special measures for Montenegro’s Albanian community were not carried out as promised. He expressed particular frustration that the Albanian language does not yet have the same official status as Montenegrin and is not used in official documents or local administration in cities where Albanians are in the majority.

However, this participant did not reject the draft law, and stated that he agrees that it should be adopted.

Having agreed that the draft law should be passed as soon as possible, the participants also discussed a timeline for finalizing the draft and moving it through parliamentary procedure. A senior Albanian leader proposed sending the draft law to the working group in the Ministry for the Protection of Minority rights the following week, and introducing the new text to parliament during the second half of November. The participants agreed to ask the government to complete all necessary work so that the law could be adopted by the end of the year.

The text of the communiqué issued by the participants and the list of participants are attached.