

Lidija Pejović

## Conference Note: *SEER Journal* Anniversary Symposium

The European Integration of the Western Balkans

Note: This is the full text of the remarks delivered in Sofia on Tuesday 8 May 2018, at our 20<sup>th</sup> Anniversary Symposium, by Lidija Pejović, a member of the Executive Board of Unija Slobodnih Sindikata Crne Gore – the Union of Free Trade Unions of Montenegro.

### Introduction

‘I am pleased to have this opportunity to greet you on behalf of Unija Slobodnih Sindikata Crne Gore and on my personal behalf, as well as to share with you information and challenges related to the pre-accession process of Montenegro to the European Union.

### Montenegro and the EU

‘Membership of the European Union is a strategic goal of Montenegro. According to research studies that have been conducted continuously since 2013 in relation to public perception on and communication of the European integration process, citizens’ support for this process remains at a very high level (above 63 per cent) which is, we will agree, very important. The main reasons for such a level of support for Montenegro’s accession to the EU, citizens mainly list the following: stability; better quality of life; and travel possibilities. On the other hand, those who do not support the accession process see as the main reasons for this the crisis in the EU and the refugee crisis.

‘Before turning more specifically to the current results of the pre-accession process – which is certainly the most important public policy process in Montenegro – I believe it is worthwhile to make a brief review of events in relations between Montenegro and the European Union.

### Process review

‘Relations between Montenegro and the EU within the Stabilisation and Association Process were established in July 2001. The European perspective of the western Balkan countries was confirmed at the Thessaloniki Summit in 2003 and permanent dialogue, as a form of regular consultation between Montenegro and the EU, was established in July of the same year. After the referendum on independence of Montenegro and the declaration of independence in the Montenegrin Parliament, the EU Council stated that it would further develop relations with Montenegro as an independent and sovereign state. This was followed by EU member states’ bilateral recognition of independent Montenegro.

‘On 15 December 2008, Montenegro applied for membership of the European Union and, on 9 September 2009, the then Prime Minister submitted answers to the questionnaire of Olli Rehn, the EU Commissioner for Enlargement, in Brussels.

‘Following ratification in all EU member states, the Stabilisation and Association Agreement with Montenegro entered into force on 1 May 2010. The confirmation process lasted two years and seven months from the date of signing.

‘On 9 November 2010, the European Commission published its Opinion on Montenegro’s readiness for membership. It stated that the Commission believed that EU accession negotiations should be opened with Montenegro as soon as it achieved the necessary degree of compliance with the membership criteria, especially in relation to the Copenhagen political criteria that required the stability of institutions guaranteeing the rule of law. Based on a positive Opinion, the European Council, at its session held on 17 December 2010, decided to grant Montenegro the status of candidate for EU membership.

‘By signing the Stabilisation and Association Agreement, Montenegro assumed the obligation to harmonise Montenegrin legislation with the EU *acquis*. In order successfully to respond to the request as it was set by the EU, the government adopted Montenegro’s Accession Programme to the European Union for the period 2014-2018. This Programme is a multi-year strategic document that should respond to the needs of the negotiation process.

‘Accession negotiations with Montenegro were opened on 29 June 2012. Today, after almost six years, 27 negotiating chapters have been opened, including the chapters on the rule of law (23 – Judiciary and Fundamental Rights; and 24 – Justice, Freedom and Security); while three chapters have been provisionally closed (25 – Science and Research; 26 – Education and Culture; and 30 – External Relations).

‘Diplomatic relations between Montenegro and the European Union are guided by the EU Mission to Montenegro in Brussels, working at full capacity since 2006, and by the EU Delegation to Montenegro in Podgorica, which started its work in November 2007.

## View of USSCG

‘According to the European Commission’s annual progress reports, it is always emphasised that Montenegro has made progress on its path to the EU, but insufficiently so when it comes to media freedom, to the fight against corruption and to the environment.

‘Unija Slobodnih Sindikata Crne Gore believes that Montenegro still faces huge challenges when it comes to meeting the criteria of the rule of law. As a representative trade union confederation, we consider it particularly important to meet all the criteria and to achieve democratic and substantive reforms in Chapter 19 (Social Policy and Employment). Above all, we think that change in the legislative framework in the field of labour, employment and social policy, and its harmonisation with European legislation, cannot be a goal itself, and that results in practice must be visible and equal to the legislative framework. It is necessary to ensure adequate implementation of the law, to eliminate the selective application of the law and to stop the

practice of frequent amendments to the law so that workers and citizens can enjoy legal security. In particular, we emphasise our concerns about the frequent violation of the rights of employees, as well as anti-union discrimination that is omnipresent in Montenegro, which we consider unacceptable given that we are striving to join the European Union. In this regard, USSCG points out that, without comprehensive reforms and the adoption of real democratic standards, the process of Montenegro's accession to the European Union will not be worthwhile.

'It is especially important that, in this process, Montenegro is guided by the principle of quality rather than quantity; that is, the quality of the implemented reforms must take priority over the speed of the process itself. It often seems to us that this is not the case and that the deadlines set out in action plans are too short; that the processes of amending national laws are often ended without achieving compromises and best solutions which, later on, results in a revision of those same laws.

'In this way, we question the true readiness of society for all that this process brings. It seems that the process itself pays more attention to what the European Union wants, depending on who the donor is, often forgetting the neighbours. It is important to point out that Montenegro is in a lead position in this process compared to other countries of the western Balkans because we did not have the kind of problems and challenges that other countries have had during recent history. This gave Montenegro the opportunity to enter the process of EU accession and to stay in and implement the technical obligations – i.e. to open and provisionally close negotiating chapters. However, in USSCG we think that the European Commission should take a different attitude towards Montenegro and that now is the right time for a different and stricter attitude towards the country because this kind of rhetoric does not encourage the political will to make reforms.

'It is important to point out that this process has opened up a range of opportunities for social partners and the entire civil sector, primarily through participation in the working groups set up to advise on the negotiation process, which has made the process itself more transparent. Unija Slobodnih Sindikata Crne Gore, as a pro-European trade union, monitors Montenegro's integration process in the EU on a daily basis and seeks to play a more active role in the process. Thus, our representatives have been appointed members of twelve of the working groups to prepare negotiations on the following chapters: Chapter 2 – Freedom of Movement of Workers; Chapter 5 – Public Procurement; Chapter 8 – Competition Policy; Chapter 10 – Information Society and Media; Chapter 14 – Transport Policy; Chapter 17 – Economic and Monetary Policy; Chapter 19 – Social Policy and Employment; Chapter 20 – Enterprise and Industrial Policy; Chapter 25 – Science and Research; Chapter 26 – Education and Culture; Chapter 27 – Environment and Climate Change; Chapter 33 – Financial and Budgetary Provisions.

'However, we consider that the participation of the social partners and representatives of non-governmental organisations in these working groups is insufficiently valued and that there is a huge space in which their participation could be real, and not only formal. In addition, in this process which must be one for all citizens, and not a process exclusively involving the government, frequently the social partners have to submit their initiatives and opinions to DG Enlargement in Brussels as the

only way to force the government in Montenegro to take them into consideration. This is, you will agree, unacceptable.

‘We also participate in the work of the European Economic and Social Committee through the Joint Consultative Committee, which was constituted in October 2012 and which aims to enable civil society organisations to monitor the progress of Montenegro towards membership of the European Union. Also, USSCG, with the support of the European Trade Union Confederation, has established a working group that monitors the integration process and informs the ETUC on a monthly basis.

## Conclusion

‘Ultimately, it is important to emphasise that, on 5 June 2017, Montenegro entered NATO, fulfilling a number of criteria that, at the same time, puts Montenegro closer to entering the European Union. According to the European Commission’s Strategy for ‘A credible enlargement perspective for and enhanced EU engagement with the Western Balkans’, Montenegro has gained a clear timeframe for accession in 2025. This year is taken as a guide to all social actors in Montenegro. In USSCG, however, we believe that only a clear commitment to realising the full rule of law and a real fight against corruption, while fulfilling all other criteria, as well as reaching the constitutional postulate that Montenegro is a state of social justice, can define the real deadline for our full integration into the community of developed European societies.